

Crater Lake



Charter Academy

SCHOOL POLICIES

SECTION G: PERSONNEL

Community**ED**

Crater Lake Charter Academy

Charter Board Policy: GAB

Adoption: August 18, 2014

JOB DESCRIPTIONS

1. To describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation;
2. To describe attendance standards;
3. To help applicants determine the qualifications needed to fill a position;
4. To help the public charter school administrator determine which candidates to recommend for appointment; and
5. To assist the administrator in the evaluation of the employee's performance of position responsibilities.

"Essential functions" as used in this policy means the fundamental job duties of the employment position. A job function may be considered essential for any of several reasons, including, but not limited to, the following:

1. The function may be essential because the reason the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for his or her expertise or ability to perform the particular function.

"Attendance standards" as used in this policy means the regular work hours of the position, including leave and vacation provisions available through policy and/or collective bargaining agreements and any special attendance needs of the position as determined by the public charter school.

Job descriptions will be developed under the supervision of the administrator for each position in the public charter school. Each job description shall be dated. As job descriptions are reviewed and/or revised new dates will be affixed.

Job descriptions will be coded and retained in a document titled Job Descriptions for the Crater Lake Charter Academy. The document will be available for inspection by any public charter school employee or patron. Each employee shall receive a copy of his or her job description.

Initial or revised job descriptions will be approved by the administrator and will be presented to the Board for a resolution rescinding those that have been replaced and accepting new ones.

END OF POLICY

Legal Reference(s):

ORS 338.115 (2)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006). The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

ACA - Americans with Disabilities Act

Crater Lake Charter Academy

Charter Board Policy: GBA

Adoption: August 18, 2014

EQUAL EMPLOYMENT OPPORTUNITY

Equal employment opportunity and treatment shall be practiced by the public charter school regardless of race, color, religion, sex, sexual orientation¹, national origin, marital status, age, veterans' status², genetic information and disability if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The public charter school administrator will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. The public charter school administrator will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the public charter school alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

The public charter school administrator will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 174.100 ORS 192.630 ORS 243.672 ORS 326.051 ORS 332.505 ORS 338.115 ORS 342.934 ORS 408.225 ORS 408.230 ORS 408.235 ORS 659.850 ORS 659.870 ORS 659A.003
ORS 659A.006 ORS 659A.009 ORS 659A.029 ORS 659A.030 ORS 659A.109 ORS 659A.142 ORS 659A.145 ORS 659A.233 ORS 659A.236 ORS 659A.309 ORS 659A.321 ORS 659A.409 ORS 659A.805
OAR 581-021-0045 OAR 581-022-1720 OAR 839-003-0000 OAR 839-006-0435 OAR 839-006-0440 OAR 839-006-0445 OAR 839-006-0450 OAR 839-006-0455 OAR 839-006-0460 OAR 839-006-0465

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).

1 Sexual orientation means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated within the individual's sex at birth.

2 The public charter school grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006). *Wygant v. Jackson Bd. of Educ.*, 476 U.S. 267 (1989).

Americans with Disabilities Act Amendments act of 2008.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

Cross Reference(s):

AC - Nondiscrimination

ACA - Americans with Disabilities Act

Crater Lake Charter Academy

Charter Board Policy: GBC

Adoption: August 18, 2014

STAFF ETHICS

I. Conflict of Interest

No public charter school employee will use his or her public charter school position to obtain personal financial benefit or avoidance of financial detriment or financial gain or avoidance of financial detriment for relatives, household member or for any business with which the employee, household member or relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the public charter school employee. Public charter school employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as staff members. This means that:

1. Employees will not use their position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be public charter school property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No public charter school employee may serve as a Board or budget committee member for the sponsoring district;
5. An employee will not perform any duties related to an outside job during his or her regular working hours or during the additional time that he or she needs to fulfill the position's responsibilities; nor will an employee use any public charter school facilities, equipment or materials in performing outside work;
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If an employee has a potential or actual conflict of interest, the employee must notify his or her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict.

In order to avoid both potential and actual conflicts of interests, public charter school employees must abide by the following rules when an employee's relative or member of the household is seeking and/or holds a position with the public charter school:

1. A public charter school employee may not appoint, employ, promote, discharge, fire or demote or advocate for such an employment decision for a relative or a member of the household, unless he or she complies with the conflict of interest requirements of ORS Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;
2. A public charter school employee may not participate as a public official in any interview,

discussion or debate regarding the appointment, employment, promotion, discharge, firing or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation or perform other acts that are part of the normal job functions of the employee;

3. More than one member of an employee's family may be hired as a regular public charter school employee. In accordance with Oregon law, however, the public charter school may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family. Employees who are members of the same family may not be assigned to work in the same building except by the public charter school administrator's approval.

In the conflict of interest context, a "member of the household" means any person who resides with the employee and "relative" means:

1. The employee's spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
2. The spouse of the employee's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.

II. Gifts

Public charter school employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the public charter school employee. All gift-related provisions apply to the employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee and to the employee's relatives or members of their household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver.

1. "Gift" means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.
- 1 The term spouse includes domestic partner.
2. "Relative" means:
 - a. The employee's spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
 - b. The spouse of the employee's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.
3. "Member of the household" means any person who resides with the employee.

Determining the Source of Gifts

Employees should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the public charter school employee. If the giver does not have a legislative or administrative interest, the ethics rules on gifts do not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A “legislative or administrative interest” means an economic interest, distinct from that of the general public, in any action subject to the official decision of an employee.

A decision means an act that commits the public charter school to a particular course of action within the employee’s scope of authority and that is connected to the source of the gift’s economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor’s actions would be considered a “decision.”

Determining the Value of Gifts

The fair market value of the merchandise, goods or services received will be used to determine benefit or value.

“Fair market value” is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payor of the employee’s admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee’s meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:

- a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;

- b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or

- c. The source calculates the actual amount spent on the employee.

3. Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.
4. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Employees may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The employee is acting in their official capacity for a ceremonial purpose. Entertainment is ceremonial when an employee appears at an entertainment event for a "ceremonial purpose" at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees:

1. Gifts from "relatives" and "members of the household" are permitted in an unlimited amount; they are not considered gifts under the ethics rules;
2. Informational or program material, publications, or subscriptions related to the recipient's performance of official duties;
3. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:
 - a. Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee's official capacity, for certain limited purposes:
 - (1) Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (a) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the public charter school; AND
 - i) The giver is a unit of a:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR

c) Nonprofit corporation.

(b) The employee is representing the public charter school:

i) On an officially sanctioned trade-promotion or fact-finding mission; OR

ii) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the administrator.

(2) The purpose of this exception is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the public charter school.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;

5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(6)(b)(I)(i);

6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement;

7. A gift received by the employee as part of the usual or customary practice of the employee’s private business, employment or position as a volunteer that bears no relationship to the employee’s charter school position;

8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or relative or member of the household of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token, or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation, or expertise of the employee.

END OF POLICY

Legal Reference(s):

ORS 244.010 to -244.400

ORS 332.016

OR. ETHICS COMM’N, OR. GOV’T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Crater Lake Charter Academy

Charter Board Policy: GBCA

Adoption: August 18, 2014

STAFF RELIGIOUS DRESS

All staff when on duty shall be allowed to wear religious attire, in accordance with the employee's sincerely-held religious beliefs, while maintaining religious neutrality and refraining from endorsing religion in the educational environment.

The public charter school retains the authority to specify religious dress guidelines for staff that will prevent such matters from having an adverse impact on the educational process.

The administrator may develop guidelines to implement this policy.

END OF POLICY

Legal Reference(s):

ORS 243.650(7) ORS 327.109 ORS 338.115(2) ORS 339.351 ORS 659.850 ORS 659A.030

OR. CONST., art. I, § 5. U.S. CONST. amend. I.

Crater Lake Charter Academy

Charter Board Policy: GBDA

Adoption: August 18, 2014

MOTHER FRIENDLY WORKPLACE

The public charter school recognizes that a normal and important role for mothers is to have the option and ability to provide for their child by breast-feeding or expressing milk in the workplace. The Board directs the public charter school administrator to take measures and develop regulations to ensure that all public charter school employees shall be provided with an adequate location for the expression of milk or breast-feeding.

The public charter school administrator shall see that the public charter school makes a reasonable effort to provide a room or other location in close proximity to work areas, other than a restroom, where an employee can breast-feed her child or express milk in privacy. This policy directs the public charter school administrator to include the following in the development of a regulation to ensure the provisions for employees required by this policy:

1. The advice of a school nurse or health professional in determining the most reasonable facility accommodation;
2. The plan shall include an accessible, private room with a lock that would allow a mother:
 - a. To breast-feed a child brought in during a lunch or other break period; or
 - b. To pump breast milk to be stored for later use.
3. The room shall include:
 - a. Electrical outlets for electric pumps;
 - b. Sanitation facilities including a sink close by for hand washing and the rinsing of containers; and
 - c. A sign up sheet and a sign posting the room as "private during use."

A reasonable effort will be made to provide a flexible work schedule in consideration of the requirements of the staff member's responsibility.

The public charter school shall provide the employee a 30-minute rest period to breast-feed or express milk during each 4-hour work period, or the major part of a 4-hour work period, to be taken by the employee approximately in the middle of the work period. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the public charter school.

END OF POLICY

Legal Reference(s):

ORS 243.650

ORS 338.115

ORS 653.077

ORS 653.256

OAR 839-020-005

Crater Lake Charter Academy

Charter Board Policy: GBEBA

Adoption: August 18, 2014

STAFF - HIV, AIDS AND HBV

The public charter school will strictly adhere in its policies and procedures, to the Oregon Revised Statutes and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS or HBV1. The public charter school recognizes a staff member has no obligation under any circumstance to report his or her condition to the public charter school and the staff member has a right to continue working.

If the staff member reports his or her condition to the public charter school, strict adherence to written guidelines outlined by the staff member shall be followed.

These guidelines shall identify who may have the information, who will give the information, how the information will be given, and where and when the information will be given. All such information will be held in confidence in accordance with Oregon Revised Statutes.

When informed of the infection, and with written, signed permission from the staff member, the public charter school will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the staff member's condition.

Accommodations for a staff member infected with HIV, AIDS or HBV shall be the same as with any other illness.

The public charter school shall also develop policies and/or procedures for rumor control, infection control and public relations/media.

END OF POLICY

Legal Reference(s):

ORS 243.650 ORS 338.115(j) ORS 342.850(7) ORS 433.008

ORS 433.045 ORS 433.260

OAR 333-012-0270

OAR 333-017-0000 OAR 333-018-0000 OAR 333-018-0005 OAR 581-022-0705

1HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

Crater Lake Charter Academy

Charter Board Policy: GBEC

Adoption: August 18, 2014

DRUG-FREE WORKPLACE

(Required if public charter school is their own fiscal agent for federal grant funds) The public charter school shall provide a drug-free workplace.

1. Definitions

- a. "Controlled substance": A controlled substance shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance.
- b. "Alcohol": Alcohol shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
- c. "Conviction": A finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- d. "Criminal drug statute": A federal or state criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol.
- e. "Drug-free workplace": A site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

2. Purpose

The purpose of this policy is to promote safety, health and efficiency by prohibiting, in the workplace, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

3. Applicability

This policy applies to all employees, including, but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

4. Prohibitions

An employee shall not, in the workplace, unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol.

5. No public charter school employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee's public charter school duties; or knowingly endorse or suggest the use of such drugs.

6. Compliance with Policy¹

An employee shall, as a condition of employment, abide by the provisions of this policy.

7. Sanctions and Remedies¹

- a. The public charter school, upon determining that an employee has engaged in the unlawful manufacture, distribution, dispensation or possession of a controlled substance or alcohol or upon having reasonable suspicion, under section 8. of this policy, of an employee unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take action with regard to the employee determined to be appropriate which may include transfer, granting of leave with or without pay or suspension with or without pay.

b. Within 30 days of an employee's criminal drug statute conviction for a violation occurring in the workplace, the public charter school shall:

(1) Take action, with regard to the employee, determined to be appropriate which may include discipline up to and including termination; and/or

(2) Require satisfactory participation by the employee in a drug-abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

8. Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based upon any of the following:

a. Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech or difficulty walking);

b. Direct observation of use in the workplace;

c. The opinion of a medical professional;

d. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by the employer;

e. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

9. Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

10. Leave for Participation in Abuse Assistance or Rehabilitation Program

The public charter school shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

1Public charter schools directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.

11. Establishment of Drug-Free Awareness Program

The public charter school shall establish a drug-free awareness program to inform employees of the:

a. Dangers of drug abuse in the workplace;

b. Existence of, and content of this policy for maintaining a drug-free workplace;

c. Availability of drug-counseling, rehabilitation and employee assistance programs; and

d. Penalties that may be imposed for drug abuse violations occurring in the workplace.

12. Notification by Employee of Conviction¹

An employee shall, as a condition of employment, notify the public charter school of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

13. Notification by Crater Lake Charter Academy of Employee Conviction

The public charter school shall notify the appropriate federal granting or contracting agency of an

employee's criminal drug statute conviction for a violation occurring in the workplace no later than 10 days after receiving notice of such conviction.

14. Provision of Copy of Policy to Employees

The public charter school shall provide to each employee a copy of this policy.

END OF POLICY

Legal Reference(s):

ORS 243.650 ORS 336.222 ORS 338.115 ORS Chapter 475

ORS 657.176 ORS 809.260

OAR 584-020-0040(5)(e)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2006); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600 - 85.645 (2006).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006). Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

Crater Lake Charter Academy

Charter Board Policy: GBED

Adoption: September 15, 2014

MEDICAL EXAMINATIONS/DRUG TESTING

The public charter school may require medical examinations after an employment offer has been made to a job applicant and before the applicant begins his or her employment duties. Any such requirement will ensure that all entering employees in the same job category will complete a medical examination regardless of disability.

Offers of employment may be made contingent on medical examination results.

Medical examinations will be conducted by a health care professional selected by the public charter school. Public charter school-required medical examination expenses will be paid by the public charter school.

The successful applicant must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The public charter school may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy certain employment criteria under the following conditions:

1. The exclusionary criteria are job related and consistent with business necessity;
2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;
3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;
4. The requested or necessary accommodation would impose an undue hardship on the public charter school, unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitutes an undue hardship or of personally providing the accommodation.

Offers of employment for certain positions shall be contingent upon successful passage of a public charter school-required drug test. The public charter school will require drug tests for safety-sensitive positions (e.g., bus drivers, heavy machinery operators) and positions in which the person is responsible for students' safety and security.¹ The public charter school will designate when and where such testing will be conducted. The cost of the drug test shall be paid by the candidate and reimbursed by the public charter school upon receipt of negative drug test results. The public charter school will not reimburse individuals who test positive for drugs. The offer of employment will be withdrawn from candidates who test positive for drugs.

Information the public charter school receives regarding medical examinations and drug testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

END OF POLICY

Legal Reference(s):

ORS 338.115(2) ORS 657.176

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006). Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2006). *Lanier v. City of Woodburn*, 518 F.3d. 1147 (9th Cir. 2008). Americans with Disabilities Act Amendments Act of 2008.

¹Based on *Lanier* - "Safety sensitive" may also include positions that have heavy student contact and in loco parentis

responsibility (e.g., teachers, administrators, paraprofessionals).

Crater Lake Charter Academy

Charter Board Policy: GBK/JFCG/KGC

Adoption: September 15, 2014

TOBACCO-FREE ENVIRONMENT

It is the public charter school's obligation to protect the health, welfare and safety of students. In light of scientific evidence that the use of tobacco is hazardous to health, and to be consistent with public charter school's curriculum and Oregon law, student possession, use, distribution or sale of tobacco in any form on public charter school's premises, at public charter school-sponsored activities, on or off public charter school's premises, in public charter school-owned, rented or leased vehicles or otherwise, while the student is under the jurisdiction of the public charter school is prohibited at all times.

For the purpose of this policy "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew, snuff, in any form, nicotine or nicotine delivering devices, chemicals or devices that produce the physical effect of nicotine substances or any other tobacco substitute (e.g., e-cigarettes). This does not include FDA-approved nicotine replacement therapy products used for the purpose of cessation.

Tobacco use, distribution or sale by staff and all others is also prohibited on public charter school premises in any building, facility, or vehicle owned, leased, rented or chartered by the public charter school and at all public charter school-sponsored activities at all times.

Violation of this policy will lead to appropriate disciplinary action up to and including expulsion for students. When considering disciplinary action for a child with disabilities, the public charter school must follow the requirements of Board policy JGDA/JGEA - Discipline of Students with Disabilities, including those involving functional behavioral assessment, change of placement, manifestation determination, and an interim alternative educational setting. Community or school service may be required. A referral to law enforcement may be made. Parents will be notified of all violations involving their student and subsequent action taken by the public charter school. Information about cessation support and/or tobacco education programs and how students can access these programs will be provided. At the discretion of the public charter school administrator, attendance and completion of such programs, or successful completion of a behavior modification plan, may be allowed as a substitute for, or as part of student discipline.

Violation of this policy by nonstudents may result in the individual's removal from public charter school property. The public charter school reserves the right to restrict access to public charter school property by individuals who are repeat offenders.

END OF POLICY

Legal Reference(s):

ORS 336.222 ORS 336.227 ORS 338.115(j) ORS 339.240 ORS 339.250

ORS 433.835 - 433.990

OAR 581-021-0050 to -0075 OAR 581-022-0413

OAR 581-021-0110

OAR 581-053-0230(9)(s) OAR 581-053-0330(1)(m) OAR 581-053-0430(12) OAR 581-053-0531(11) OAR 581-053-0630

Pro-Children Act of 1994, 20 U.S.C. 55 6081-6084 (2006).

Cross Reference(s):

JFCG/KGC/GBK - Tobacco-Free Environment KGC/GBK/JFCG - Tobacco-Free Environment

Crater Lake Charter Academy

Charter Board Policy: GBED

Adoption: September 15, 2014

MEDICAL EXAMINATIONS/DRUG TESTING

The public charter school may require medical examinations after an employment offer has been made to a job applicant and before the applicant begins his or her employment duties. Any such requirement will ensure that all entering employees in the same job category will complete a medical examination regardless of disability.

Offers of employment may be made contingent on medical examination results.

Medical examinations will be conducted by a health care professional selected by the public charter school. Public charter school-required medical examination expenses will be paid by the public charter school.

The successful applicant must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The public charter school may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy certain employment criteria under the following conditions:

1. The exclusionary criteria are job related and consistent with business necessity;
2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;
3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;
4. The requested or necessary accommodation would impose an undue hardship on the public charter school, unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitutes an undue hardship or of personally providing the accommodation.

Offers of employment for certain positions shall be contingent upon successful passage of a public charter school-required drug test. The public charter school will require drug tests for safety-sensitive positions (e.g., bus drivers, heavy machinery operators) and positions in which the person is responsible for students' safety and security.¹ The public charter school will designate when and where such testing will be conducted. The cost of the drug test shall be paid by the candidate and reimbursed by the public charter school upon receipt of negative drug test results. The public charter school will not reimburse individuals who test positive for drugs. The offer of employment will be withdrawn from candidates who test positive for drugs.

Information the public charter school receives regarding medical examinations and drug testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

END OF POLICY

Legal Reference(s):

ORS 338.115(2) ORS 657.176

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006). Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2006). Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008). Americans with Disabilities Act Amendments Act of 2008.

¹Based on Lanier - "Safety sensitive" may also include positions that have heavy student contact and in loco parentis

responsibility (e.g., teachers, administrators, paraprofessionals).

Crater Lake Charter Academy

Charter Board Policy: GBN/JBA

Adoption: September 15, 2014

SEXUAL HARASSMENT

The public charter school board is committed to the elimination of sexual harassment in public charter schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff or third parties by other students, staff, public charter board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school's control at interschool athletic competitions or other public charter school events. "Public charter school" includes public charter school facilities, public charter school premises and nonpublic charter school property if the student or employee is at any public charter school-sponsored, public charter school-approved or public charter school-related activity or function, such as field trips or athletic events where students are under the control of the public charter school or where the employee is engaged in public charter school business. The prohibition also includes off duty conduct which is incompatible with public charter school job responsibilities.

Sexual harassment of students, staff or third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff;
3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with an employee's ability to perform his/her job; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students or staff.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature, displaying or distributing of sexually explicit drawings, pictures and written materials, sexual gestures or obscene jokes, touching oneself sexually or talking about one's sexuality in front of others or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee or third party who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the public charter school administrator or compliance officer who has overall responsibility for all investigations. A student may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate public charter school administrator. The student and the student's parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the educational assignments or study environment of a student complainant or any terms or conditions of employment or work environment of the staff complainant. There shall be no retaliation by the public charter school against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the public charter school board that appropriate, corrective action will be taken by the public charter school to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the public charter school administrator or public charter school board.

Additionally, the public charter school may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The public charter school administrator shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available to all students, parents of students and staff. The public charter school's policy shall be posted in the public charter school. Such posting shall be by a sign of at least 8 1/2" by 11".

The public charter school administrator will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

ORS 243.706 ORS 338.115 ORS 342.700 ORS 342.704 ORS 342.708 ORS 342.850
ORS 342.865 ORS 659.850 ORS 659A.006 ORS 659A.029 ORS 659A.030
OAR 581-021-0038 OAR 584-020-0040 OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Cross Reference(s):

GBNA - Hazing/Harassment/Intimidation/Menacing/Cyberbullying - Staff

JBA/GBN - Sexual Harassment

JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Teen Dating Violence - Student

Crater Lake Charter Academy

Charter Board Policy: GBNA

Adoption: September 15, 2014

HAZING/HARASSMENT/INTIMIDATION/MENACING/CYBERBULLYING - STAFF

The Board is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing and acts of cyberbullying of students, staff or third parties by students, staff or third parties toward staff are strictly prohibited and shall not be tolerated in the public charter school. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited.

Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the public charter school administrator or Board. Students found in violation of this policy will be subject to discipline up to and including expulsion.

Individuals may also be referred to law enforcement officials. Licensed staff will be reported to Teacher Standards and Practices Commission, as provided by OAR 584-020-0041.

The public charter school administrator is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure notice of this policy is provided to students, staff and third parties.

END OF POLICY

Legal Reference(s):

ORS 163.190 ORS 166.065

ORS 163.197(2) ORS 166.155 to -166.165

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

ORS 338.115 ORS 659A.030

Cross Reference(s):

GBN/JBA - Sexual Harassment JFCM - Threats of Violence

Crater Lake Charter Academy

Charter Board Policy: GCAB

Adoption: September 15, 2014

PERSONAL ELECTRONIC DEVICES AND SOCIAL MEDIA - STAFF

Staff possession or use of personal electronic devices on public charter school property, in public charter school facilities during the work day and while the staff is on duty in attendance at public charter school-sponsored activities, may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the administrator. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

A “personal electronic device” is a device, not issued by the public charter school, is capable of electronically communicating, sending, receiving, storing, recording, reproducing and/or displaying information and data.

Personal electronic devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with work assignment. Devices which have the capability to take photographs or record video or audio shall not be used for such purposes while on public charter school property or while a staff member is on duty in public charter school-sponsored activities, unless as expressly authorized by the administrator or designee for a use directly related to and consistent with the employee's assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities during on duty time. The public charter school will not be liable for loss or damage to personal electronic devices brought to public charter school property and public charter school-sponsored activities.

Staff members, while on duty and off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or public charter school business.¹ Staff may not post images of school facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school. Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices regarding nonschool-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff should use public charter school e-mail using mailing lists to a group of students rather than individual students. Texting students during work hours is discouraged. Texting students while off duty is strongly discouraged.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with administrator or designee approval.

Staff is subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites, public websites and blogs, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal. A “disruption” for purposes of this policy includes but is not limited to, one or more parent threatens to remove their children from a particular class or particular school, actual withdrawal of a student or students from a particular class or particular school, and/or a threatened or actual negative impact on the learning environment. The taking, disseminating, transferring or sharing of obscene, pornographic or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring or sharing obscene, pornographic or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

Licensed staff are subject at all times to the Standards of Competent and Ethical Performance for

Teachers.

The administrator shall ensure that this policy is available to all employees.

END OF POLICY

Legal Reference(s):

ORS 167.057 ORS 163.432 ORS 163.433 ORS 163.684 ORS 163.686 ORS 163.687
ORS 163.688 ORS 163.689 ORS 163.693 ORS 163.700 ORS 326.011
ORS 326.051 ORS 336.840 ORS 338.115(2)
[OAR 584-020-0000 to -0035]

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

Cross Reference(s):

JHFF - Reporting Requirements Regarding Sexual Conduct with Students

¹Nothing in this policy is intended in any form to limit the right of employees to engage in protected labor activities via the use of social media.

Crater Lake Charter Academy

Charter Board Policy: GCBDA/GDBDA

Adoption: September 15, 2014

FAMILY MEDICAL LEAVE

The charter school will comply with all provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act of 2009, and other applicable provisions of Board policies regarding family medical leave.

In order for an employee to be eligible for the benefits under federal law, he/she must have been employed by the district for at least 12 months and have worked at least 1250 hours during the past 12-month period.

In order to be eligible under state law, an employee must work an average of 25 hours per week and have been employed at least 180 days prior to the first day of the family medical leave of absence. However, for parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

Federal and state leave entitlements generally run concurrently.

The director will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

Legal Reference(s):

ORS 332.507

ORS 342.545

ORS 659A.150 - 659A.186

OAR 839-009-0200 to-0320

HB 2744 (2009)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2008).

National Defense Authorization Act of 2008, Public Law 110-181, § 585(a).

National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, § 565.

Crater Lake Charter Academy

Charter Board Policy: GCBDC/GDBDC

Adoption: September 15, 2014

DOMESTIC VIOLENCE/HARASSMENT/SEXUAL ASSAULT/STALKING LEAVE

1. "Covered employer" means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.
2. "Eligible employee" means an employee who is a victim of domestic violence, harassment, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.
3. "Protective order" means an order authorized by ORS 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 124.040 or 163.730 to 163.750 or any other order that restrains an individual from contact with an eligible employee of the employee's minor child or dependent.
4. "Victim of domestic violence" means an individual who has been a victim of abuse as defined by ORS 107.705; or an individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
5. "Victim of harassment" means an individual against whom harassment has been committed as described in ORS 166.805 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
6. "Victim of sexual assault" means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
7. "Victim of stalking" means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 695A.805; or an individual who has obtained a court's stalking protective order or a temporary court's stalking protective order under ORS 30.866.
8. "Victim services provider" means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.

Domestic Violence/Harassment/Sexual Assault/Stalking Leave - GCBDC/GDBDC 1-3

A public charter school (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependant, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependant;
3. To obtain or assist a minor child or dependant in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking;
4. To obtain services from victims services provider for the eligible employee or the employee's minor child or dependant;
5. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child/dependant.

The public charter school may limit the amount of leave, if the employee's leave creates an undo hardship on the public charter school.

The public charter school shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the public charter school reasonable advanced notice of their intent to take leave unless giving advance notice is not feasible.

The public charter school may require the employee to provide certification that:

1. The employee or minor child/dependent is a victim of domestic violence, harassment, sexual assault or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

Sufficient certification includes:

1. A copy of a police report indicating the employee or child/dependent was a victim of domestic violence, harassment, sexual assault or stalking;
2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault or stalking;

Domestic Violence/Harassment/Sexual Assault/Stalking Leave - GCBDC/GDBDC 2-3

3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, members of the clergy or victim services provider that the employee/child/dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault or stalking.

All records and information kept by the public charter school regarding the employee's leave, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use any paid accrued vacation leave or may use any other paid leave that is offered by the public charter school in lieu of vacation leave. The employee may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available.

END OF POLICY

Legal Reference(s):

ORS 192.502(38) ORS 659A.270 to-659A.290

Crater Lake Charter Academy

Charter Board Policy: GCDA/GDDA

Adoption: September 15, 2014

CRIMINAL RECORDS CHECKS/FINGERPRINTING

In a continuing effort to further ensure the safety and welfare of students and staff, the public charter school shall require criminal records checks and fingerprinting of all full-time and part-time employees. Others having direct, unsupervised contact with students shall also have criminal records checks and fingerprinting, as required by law.

“Direct, unsupervised contact” means contact with students that provides the person opportunity and probability for personal communication or touch.

In addition to the employees, such checks shall be required of the following:

1. All public charter school contractors and/or their employees, whether employed part-time or full-time;
2. All contractors and/or their employees who provide early childhood special education or early intervention services in accordance with rules established by the Employment Department;
3. Any community college faculty member providing instruction at the site of an early childhood education program or at a school site as part of an early education program.

An individual who has failed to disclose the presence of criminal convictions, that would not otherwise prevent his or her employment with the public charter school as provided by law, may be employed or contracted with, by the public charter school. The public charter school's use of criminal history must be relevant to the specific requirements of the position, services or employment.

The public charter school shall begin the employment of an individual or terms of a public charter school contractor on a probationary basis, pending the return and disposition of criminal records checks and/or fingerprinting.

The public charter school administrator shall develop administrative regulations as necessary to meet the requirements of law.

END OF POLICY

Legal Reference(s):

[ORS 181.555](#) [ORS 326.603](#) [ORS 326.607](#) [ORS 336.631](#) [ORS 338.115\(e\)](#)

[ORS 342.127](#)

[ORS 342.143](#)

[ORS 342.223 to-342.232](#)

[OAR 414-061-0010](#) [OAR 581-021-0500](#) [OAR 581-022-1730](#) [OAR 584-036-0062](#)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2012).