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**SOUTHERN
EDUCATIONAL
SERVICES
COOPERATIVE**



MISSION

To provide high quality, cost effective, life-long education programs and services to students, schools, school systems and communities.

VISION

To serve the educational needs of the total community.

Southern Educational Services Cooperative

Policies and Procedures

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INTRODUCTION

**SOUTHERN
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020 Welcome new employee!


On behalf of your colleagues, welcome to the SESC family and we wish you every success.

We believe that each employee contributes directly to the growth and success of SESC's, and we hope you will take pride in being a member of the SESC team. No employee will be penalized, formally or informally, for making a suggestion, identifying a problem, or voicing a complaint in a reasonable, business-like manner.

This manual was developed to describe some of the expectations of SESC employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the manual for it will answer many questions about employment with SESC. All SESC employees are asked to sign an **Employee Acknowledgement Form** (See Appendix 1) indicating your agreement to become familiar with the contents of this manual.

The individual policies within this manual and/or the entire manual may change from time to time on an as needed basis. In addition, new policies may be added as necessary.

We hope your experience with West Virginia SESC's will be challenging, enjoyable, and rewarding.



Once again, welcome!



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040 Introductory Statement

This manual is designed to acquaint you with SESCOs and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the manual.

No policy manual can anticipate every circumstance or question. At their sole and absolute discretion, SESCOs reserves the right to revise, supplement, or rescind any policies or portion of the policy manual from time to time as deemed appropriate. Employees will be notified of changes to the manual as they occur. The only exception to any changes is the employment-at-will policy permitting you or SESCO to end the working relationship at any time, for any reason, or for no reason.

Disregarding or failing to comply with the letter, spirit and intent of any of the standards established by the SESCO Policies and Procedures Manual can lead to disciplinary action, up to and including termination of employment. In addition, violation of some policies may also have legal consequences.







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060 Clientele Relations

The students, teachers, administrators, members of the community and all of those we serve, in short, our clientele, are SESC's most valuable assets. Every employee represents SESC to those individuals, organizations and the public. The way we do our jobs presents an image of all SESCOs. Those we serve judge all of us by how they are treated with each employee contact. Therefore, one of our first priorities is to assist any client or potential client. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give our clientele.

Our personal contact with the public, our manners on the telephone, and the communications we send to clients are a reflection not only of ourselves, but also of the professionalism of SESCOs. Positive SESC-Client relations not only enhance the public's perception of SESCOs, but also result in greater client loyalty and support.



EMPLOYMENT

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101 Nature of Employment

Effective Date:

Revision Date:

Employment with the SESC is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause or notice. Similarly, the SESC may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the SESC and any of its employees. The provisions of the manual have been developed at the discretion of the SESC and, except for its policy of employment-at-will, may be amended or cancelled at any time, at the sole discretion of the aforementioned entity.

All employees are required to sign an Employee Acknowledgement Form (Appendix __) insuring compliance with this policy as a condition of employment.

102 Employee Relations

Effective Date:

Revision Date:

The Southern Educational Services Cooperative believe the working conditions, wages, and benefits offered to its employees are competitive with those offered by other employers in this area and in this profession. If employees have concerns about working conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor or the Chief Administrator

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103 Equal Employment Opportunity

Effective Date:

Revision Date:

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at SESC's will be based on (in no particular order) merit (including past performance), qualifications, and abilities. SESC's do not discriminate in employment opportunities, employment practices or participation in any of their services and/or programs on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

SESC's will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship for the SESC. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, the executive director or the SESC compliance officer. Employees can raise concerns and make reports without fear of reprisal.

104 Business Ethics and Conduct

Effective Date:

Revision Date:

The successful business operation and reputation of SESC's is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

While the consistent achievement of all students is the main goal of SESC's, our continued success is dependent upon the trust level of our clientele and we are dedicated to preserving that trust. Employees owe a duty to SESC's, their clients, and shareholders to act in a way that will merit continued trust and confidence.

SESC's will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. All SESC employees are expected to adhere to the requirements of the West Virginia Governmental Ethics Act (Appendix 4).

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SESC employees are prohibited from using their official positions or SESC resources to engage in political activities or to support candidates for public office. In order to protect employees from political pressure in the performance of their jobs, certain types of political activities are prohibited. Contact the executive director for clarification on any particular questions or for additional information regarding political activities.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and/or the executive director for advice and consultation.

105 Hiring of Relatives

Effective Date:

Revision Date:

SESCs, in general, will avoid hiring relatives of current SESC employees. When necessary, guidance from the WV Ethics Commission will be sought.

106 Employee Medical Examinations

Effective Date:

Revision Date:

To ensure that employees are able to perform their duties safely, medical examinations may be required for certain positions.

After an offer has been made to an applicant a medical examination may be performed at SESC expense by a health professional of SESC's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Current employees may be required to take medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at SESC's expense.

Information concerning an employee's medical condition and/or history will be kept confidential. Access to this information will be limited to those who have a legitimate need to know.



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107 Immigration Law Compliance

Effective Date:

Revision Date:

SESCs are committed to employing only United States citizens and aliens who are authorized to work in the United States and do not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the **Employment Eligibility Verification Form I-9** (Appendix 5) and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with SESC within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the executive director. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.




108 Conflicts of Interest

Effective Date:

Revision Date:

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which SESC wishes to operate. The purpose of this policy is to provide general direction so employees can seek further clarification on issues related to the subject of acceptable standards of operation. All employees are expected to adhere to the requirements of the **WV Governmental Ethics Act** (Appendix 4). Contact the executive director for more information or questions about conflicts of interest.



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110 Outside Employment

Effective Date:

Revision Date:

Employees may hold outside jobs as long as they meet the performance standards of their job with the SESC. However, if the SESC determines that an employee's outside work interferes with performance or the ability to meet the requirements of the SESC as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the SESC. Outside employment that constitutes a conflict of interest is prohibited.

112 Non-Disclosure

Effective Date:

Revision Date:

The protection of confidential information is vital to the interests and the success of SESCOs and those served by the SESCOs. Such confidential information includes, but is not limited to, the following examples:

- * proprietary information
- * school/school system information and data
- * student information and data
- * employee information and data
- * compensation data
- * computer processes
- * computer programs and codes
- * financial information
- * new materials research
- * pending projects and proposals
- * research and development strategies
- * technological data

All employees are required to sign an Employee Acknowledgement Form (Appendix 1) insuring compliance with this policy as a condition of employment .

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114 Disability Accommodation

Effective Date:

Revision Date:

The Southern Educational Services Cooperative is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

This policy is neither exhaustive nor exclusive. The SESC is committed to taking all actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

116 Position Vacancy

Effective Date:

Revision Date:

Upon the recommendation of the SESC executive director, notices of regular full-time and regular part-time job openings are posted/advertised in one or more of the following ways: at the SESC job site and/or on the SESC Web Site; at local board of education offices and/or on their web sites; and/or newspaper classified ads. Normally a posting will remain open for no less than five (5) working days. The posting for all jobs shall be in a consistent format - **Notice of Position Vacancy** (Appendix 6). Employees and perspective employees should remember that a **Notice of Position Vacancy** does not necessarily address every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary.

To apply for an open position, all applicants must follow the instructions on the **Notice of Position Vacancy**. Misrepresentation or falsification of any information required during the application and interview process may result in denial of employment.

Employees who have a current written warning on file or a current written plan of improvement on file or are on probation/suspension are not eligible to apply for posted positions. An applicant's supervisor may be contacted to verify merits (including past performance), qualifications, abilities and attendance. Any staffing limitations or other circumstance that might affect a prospective transfer may also be considered and discussed.



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181 Job Descriptions

Effective Date:

Revision Date:


The executive director of each SESC shall write, or cause to be written, job descriptions as appropriate and necessary for employment positions at SESC. All Job Descriptions shall be in a consistent format (Appendix 7).

Job descriptions do not necessarily address every task or duty that might be assigned; additional responsibilities may be assigned as necessary. Questions or concerns about any job description should be directed to the executive director.

182 Degree, Certification, Experience


Effective Date:

Revision Date:



All personnel shall hold the appropriate degree, certification or licensure as identified in the **Notice of Position Vacancy** and/or **Job Description** for the position for which they are applying. All persons who are hired into a position requiring a specific degree, certification and/or licensure must maintain that degree, certification and/or licensure while employed in that same position.

One year of experience for pay purposes may be credited for each year the employee has served with a local board of education, a state department of education, an institution of higher education, another education service agency and/or other experience deemed appropriate by the executive director.



**EMPLOYMENT STATUS
& RECORDS**

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201 Employment Categories

Effective Date:

Revision Date:

Definitions of employment classifications are established so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and SESC.

Each employee will belong to one of the following employment categories:

REGULAR FULL-TIME employees are those who are regularly scheduled to work SESC's full-time schedule. Generally, they are eligible for SESC's benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are regularly scheduled to work less than the full-time work schedule as described by specific job descriptions. Regular part-time employees are eligible for some benefits sponsored by SESC, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME HOURLY employees are those who are normally scheduled to work as needed as described by specific job descriptions. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of SESC's other benefit programs.

CONTRACTED SERVICE providers are those who are contracted to temporarily supplement the work force, or to assist in the completion of a specific project. Assignments in this category are of a limited duration and any alteration of the contract is contingent upon the mutual agreement of the SESC and the contractor. Contracted service providers are ineligible for any of SESC benefit programs.

202 Access to Personnel Files

Effective Date:

Revision Date:

The SESC maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, and other employment records.

Personnel files are the property of the SESC, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the SESC who have a legitimate reason to review information in a file are allowed to do so. An access record (Appendix __) which shall include the date the file was accessed, the name of the specific file accessed, the reason the file was accessed and the signature of the person who accessed the file shall be maintained.

Employees who wish to review their own file should contact the Chief Administrator. With reasonable advance notice, employees may review their own personnel files in SESC's offices and in the presence of the Chief Administrator or his/her designee.



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203 Employment Reference Checks

Effective Date:

Revision Date:

To ensure that individuals who join SESC are well qualified and have a strong potential to be productive and successful, it is the policy of SESC to check the employment references of all applicants.

In addition to checking references, all prospective employees shall be subject to a fingerprint check for both a state and national criminal history record check. Information contained in such report(s) may be used as a basis for the denial of employment.

The executive director may respond to reference check inquiries. Responses to such inquiries will be limited to factual information that can be substantiated by SESC's records.

All employees are required to sign an Employee Acknowledgement Form (Appendix 1) insuring compliance with this policy as a condition of employment.



204 Personnel Data Changes

Effective Date:

Revision Date:

It is the responsibility of each employee to promptly notify SESC of changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, beneficiaries, educational accomplishments, and other personal information should be accurate and current at all times. If any personnel data has changed, the employee must notify the appropriate SESC personnel in writing using the appropriate SESC form (Appendix 9).

SESC employees must maintain and keep current Emergency Notification Information which may be used in case of emergencies requiring the notification of family and/or others as identified. (Appendix 10)





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208 Employment Applications

Effective Date:

Revision Date:


Any misrepresentations, falsifications, or material omissions obtained during the application and interview process may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment. (See Appendix 11)

209 Performance Evaluation

Effective Date:

Revision Date:

Periodic formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Evaluations may also be used as a basis for promotion, transfer, and/or dismissal of personnel.



Personnel evaluations may be conducted at any time by the appropriate SESC personnel.

See Appendix 12.





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212 Salary Administration

Effective Date:

Revision Date:

Compensation may be determined by several factors. It is the policy of the Southern Educational Services Cooperative to utilize the same salary schedule as that of the SESC fiscal agent (Raleigh County Schools). The SESC periodically reviews its salary administration program and restructures it as necessary. SESC employees are urged to remember that wages, benefits and other forms of compensation are often determined by the SESC council and SESC fiscal agents.



**EMPLOYEE BENEFIT
PROGRAMS**

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301 Employee Benefits

Effective Date:

Revision Date:

Benefit eligibility is dependent upon a variety of factors, including employee classification. The benefit packages are the same as those available through the SESC's fiscal agent (Raleigh County Schools). Some benefit programs require contributions from the employee.

The Southern Educational Services Cooperative reserves the right to modify or eliminate any employee benefit(s) based upon the action of: 1) the West Virginia Legislature; 2) the West Virginia Board of Education; 3) the SESC Council; and/or 4) the SESC fiscal agent.

In addition to the employee benefit programs provided for all SESC employees as listed in Section 3 of the SESC Policies and Procedures Manual, SESC employees have the option to participate in optical and dental benefit programs as provided through the SESC fiscal agent, Raleigh County Schools.

DENTAL INSURANCE PLAN

Employees of SESC may participate in the dental insurance plan. The benefits provided under the program are the same as those provided to Raleigh County Schools employees. Information can be obtained by contacting the administrative office of Raleigh County Schools.

OPTICAL REIMBURSEMENT PLAN

The following reimbursement will be paid for active employees and their dependents.

Total Reimbursement maximum \$350.00

If you do not need an exam, you may file a claim for the full reimbursement amount on glasses or contact lenses. Claims may be submitted for employees and their dependents every other fiscal year based on date of claim.

NOTE: Employee eligibility is determined in the fiscal year of the employees original hire date. Employees of the SESC which were previously employed by RESA but were hired by the SESC on July 1, 2018, year of eligibility for optical benefits will be determined by the original employment date of the employee with RESA. Employees originally hired by RESA on an even fiscal year, will have eligibility in even years with the SESC. Employees originally hired by RESA I on an odd fiscal year will have eligibility on an odd fiscal year with the SESC.

Effective Date: This plan becomes effective for new employees the first day of the month following their date of employment.

Termination Date: The coverage will terminate the last day of the month of termination.

Eligible Dependents: The term eligible dependents includes the following:

1. Spouse if legally married,
2. Employee's natural children,
3. Legally adopted children,
4. Stepchild residing in the employee's home,
5. Children beyond age 19 if attending college full time up to age 26 with verification, and
6. Children who are incapable of self-support because of mental retardation or a physical handicap for which coverage began prior to age 19.

If two employees in either the SESC or another Local LEA that provides optical benefits are married to each other, only one may file claims for dependents.

To obtain this reimbursement, employees must (a) complete the "SESC Request for Optical Reimbursement" form available in on the SESC web site and (b) attach an original itemized statement with a paid receipt from the provider(s) of the service(s).

303 Release Time

Effective Date:

Revision Date:

A regular full-time employee eligible for release days is defined as an employee who is employed for a 240 day contract. Release time may be taken after one month of employment or any time thereafter, but may not be taken for periods of less than one-half day at a time. All requests for release time must be made on the SESC "Release Day Request Form" for such use and approved by the Chief Administrator. Release time requests will be approved when the employee's absence does not interfere with the employee's normal work duties.

Regular full-time employees of the SESC, employed for 240 days, are entitled to release time determined by job duties and responsibilities during the fiscal year. No release days can be carried to the next fiscal year. Any release days not used will be forfeited. Release time is defined as days for which you are not contracted to work.

The SESC provides up to 21 release days per year which are prorated for employees that do not work a full 240 days because their employment date begins after the start of a fiscal year.

305 Holidays

Effective Date:

Revision Date:

The following days are designated as legal paid holidays: Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, New Years Day, Martin Luther King Day, Memorial Day, West Virginia Day, and any day on which a primary election, general election, or special election is held throughout the State.

When any holiday falls within the employment term, it shall be considered as a day of the employment term and full-time regular employees shall receive pay for same. When any of the above designated holidays, except a special election, falls on Saturday, the holiday will be observed on the preceding Friday. When any such designated holiday falls on Sunday, the holiday will be observed on the following Monday.

Where the scope and conditions of grants require program closure, employees may be required to take release time. Where programs are required to remain open during designated holidays, employees may be required to observe the holiday on an alternate day as approved by the immediate supervisor or Chief Administrator.



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306 Workers' Compensation Insurance



Effective Date:

Revision Date:

As directed under the provisions of West Virginia statute, the SESC provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment.

Employees who sustain any work-related injuries or illnesses shall inform the Chief Administrator immediately. It is the responsibility of the Chief Administrator to investigate a work related injury and issue a report of the findings using the appropriate Workers' Compensation form(s).

Neither the SESC nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the SESC.



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307 Sick Leave Benefits

Effective Date:

Revision Date:

At the beginning of the employment term, certain employees are entitled annually to leave for illness, bereavement, personal leave, and other identified reasons for each employment month in the employee's employment term. Unused leave shall accumulate according to current West Virginia statute and may be transferable. Eligible employee classifications include:

- * Regular full-time
- * Regular part-time

An employee who is absent from assigned duties due to any cause authorized by SESC shall be paid the full salary, based on the employee's regular daily rate of pay, but not to exceed the total amount of leave to which such employee is entitled.

Three days of such earned leave shall be termed "Personal Leave" and may be taken without regard to the cause for the absence. See **Personal Leaves and Absences Without Pay for more information.**

If an employee should use leave which the employee has not yet accumulated on a monthly basis and subsequently leave the employment of SESC the employee shall be required to reimburse SESC for the salary or wages paid to him/her for such unaccumulated leave.

Employees who are unable to report to work for any reason must follow the guidelines and complete the necessary leave request form(s) provided in Appendix __ before payment of leave benefits may occur. Leave benefits will be calculated based on the employee's regular daily rate of pay at the time of absence and will not include any special forms of compensation.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Leave benefits may be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or SESC-provided disability insurance programs. Unless forbidden by law the combination of any such disability payments and sick leave benefits cannot exceed the employee's normal earnings.

In accordance with current West Virginia statute, unused sick leave benefits will be allowed to accumulate. Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence.

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Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment. If an employee resigns or leaves a position with SESC for any reason, all accumulated leave shall be forfeited unless the employee transfers to another entity willing to accept the transfer of such leave. Likewise, SESC may grant accumulated leave to new employees who have been actively employed by a county, regional, state or other eligible agency before being employed by SESC.

An employee who uses all available and appropriate forms of leave, paid and unpaid, and is not yet able to return to work may be placed on leave of absence until able to return to work. Refer to *Personal Leave and Absences Without Pay* for more information.

309 Bereavement Leave

Effective Date:

Revision Date:

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor or Chief Administrator immediately. The appropriate form (Appendix __) should be submitted as early as reasonably possible.

Bereavement leave days are included in those days identified in **Personal Leaves and Absences Without Pay** section of this manual. Employees in the following classifications are eligible for bereavement leave:

- * Regular full-time
- * Regular part-time

311 Jury Duty

Effective Date:

Revision Date:

An employee shall be compensated for each day of jury service the difference between that allowed for such jury service, exclusive of travel allowance, and the employee's regular daily rate of pay. It shall be the responsibility of the employee to obtain a certificate from the clerk of the court where such jury service is rendered indicating the date(s) of service and the daily allowance. Jury duty pay will be calculated on the employee's regular daily rate of pay. Employee classifications that qualify for paid jury duty leave are:

- * Regular full-time
- * Regular part-time

Employees must submit a copy of the jury duty summons to their supervisor immediately after it is received along with the appropriate leave form (Appendix __) so the necessary arrangements can be made to accommodate their absence. The employee is expected to report for work whenever the court schedule permits.

Either SESC or the employee may request an excuse from jury duty if, in SESC's judgment, the employee's absence would create serious operational difficulties.

SESC will continue to provide all regular employee benefits for the full term of the jury duty absence.

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312 Witness Duty

Effective Date:

Revision Date:

An employee shall be excused from work on those days which he/she is absent in response to a subpoena which requires attendance as a witness in any court or administrative proceeding as a direct result of their employment at SESC. The employee shall be compensated for each day of absence in connection with such a subpoena the difference between the witness fee allowed by the tribunal, exclusive of travel allowance, and the employee's regular daily rate of pay. It shall be the responsibility of the employee to obtain a certificate from the clerk of the court where such witness duty is rendered indicating the date(s) of the service and the daily allowance.

Employee classifications that qualify for such paid witness duty leave are:

*Regular full-time

*Regular part-time

Employees who are absent because they are defendants in criminal proceedings or who are parties to proceedings unrelated to SESC business shall not be compensated for the days they are absent unless they take some other form of available leave such as personal leave or release time.

Employees must submit a copy of the subpoena to their supervisor immediately after it is received along with the appropriate leave form (Appendix __) so the necessary arrangements can be made to accommodate their absence. The employee is expected to report for work whenever the court schedule permits.

In accordance with WV Code §18A-5-3a. **Answering witness subpoenas**, any employee who is subpoenaed to appear as a witness but not as a defendant in any criminal proceeding in any court of law may make such appearance without any loss of pay. The SESC shall pay such employee the difference between the witness fee, exclusive of travel allowances, payable for such appearance by the court and the amount of salary due to the person for the time such employee is absent from his employment by reason of answering such subpoena.

313 Benefits Continuation (COBRA)

Effective Date:

Revision Date:

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the SESC's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the SESC's group rates plus an administration fee.

Southern Educational Services Cooperative

Policies and Procedures

316 Health Insurance

Effective Date:

Revision Date:

Through the West Virginia Public Employee Benefit Programs, SESC provides health insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan:

- * Regular full-time
- * Regular part-time

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between SESC and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to **Policy 313 - Benefits Continuation** for more information.

317 Life Insurance

Effective Date:

Revision Date:

Through the West Virginia Public Employee Benefit Programs, SESC provides a basic life insurance plan for eligible employees. Additional supplemental and/or dependent life insurance coverage may also be purchased.

Employees in the following employment classifications are eligible to participate in the life insurance plan:

- * Regular full-time
- * Regular part-time

Eligible employees may participate in the life insurance plan(s) subject to all terms and conditions of the agreement between SESC and the insurance carrier.

Contact the executive director for more information about life insurance benefits.

381 Liability Insurance

Effective Date:

Revision Date:

The council of the SESC and/or the West Virginia Board of Education may enter into a contract with a reputable private insurance firm or a state identified/appointed insurance firm or a state agency insurance provider for the purpose of purchasing liability insurance. The premium of the policy decided upon may be paid through SESC funds.

**TIMEKEEPING/
PAYROLL**

**SOUTHERN
EDUCATIONAL
SERVICES
COOPERATIVE**

Southern Educational Services Cooperative

Policies and Procedures

401 Timekeeping

Effective Date:

Revision Date:

Employees shall accurately monitor the time they work. Where necessary, time for employees shall be recorded on the appropriate payroll records as determined by the SESC. All employees paid from more than one program budget must maintain records indicating the amount of time worked in each program.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then sign the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

403 Paydays

Effective Date:

Revision Date:

All employees are paid and payments are distributed in accordance with the procedures and schedules adopted by the SESC Council and/or in coordination with SESC fiscal agent. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

SESC employees must work in concert with its fiscal agent (Raleigh County Schools) to complete the appropriate form(s) for authorization of direct deposit of and/or payroll deductions from employees' pay.

All SESC employees are required to complete an Authorization for Direct Deposit.

The SESC offers programs and benefits beyond those required by law (**Policy 301 - Employee Benefits**). Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

405 Employment Termination

Effective Date:

Revision Date:

Termination of employment is an inevitable part of personnel activity within any organization. Since employment with the SESC is based on mutual consent, both the employee and the SESC have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid in accordance with applicable state law. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified of benefits that may be continued and of the terms, conditions, and limitations of such continuance.



Southern Educational Services Cooperative

Policies and Procedures

410 Pay Deductions and Setoffs

Effective Date:

Revision Date:

The law requires that the SESC make certain deductions from every employee's compensation. The SESC offers programs and benefits beyond those required by law and eligible employees may voluntarily authorize deductions from their paychecks to cover the cost of participation in these programs (Appendix __).

Pay setoffs are pay deductions taken by the SESC, usually to help pay off a debt or an obligation to the SESC or others.



**WORK CONDITIONS
& HOURS**

**SOUTHERN
EDUCATIONAL
SERVICES
COOPERATIVE**

501 Safety

Effective Date:

Revision Date:

The SESC may provide information and/or training about workplace safety and health. The SESC has identified a safety committee liaison as appointed by the Chief Administrator to help monitor safety programs and to facilitate effective communication about workplace safety and health issues.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. In the case of accidents that result in injury, employees should immediately notify the Chief Administrator.

Accident/Illness Report Form

SESC employees must contact their West Virginia Worker's Compensation Insurance provider and/or the West Virginia Board of Risk and Insurance Management to obtain the appropriate and most current Accident/Illness Report forms. Please see the Chief Administrator for details and to complete the required forms.

Safety Committee

The SESC will appoint one employee to be a member of the Raleigh County Schools Safety Committee. The Safety/Loss Control Committee is an important part of safety and loss control efforts. Committee membership is a voluntary service to the SESC. All SESC employees are directed to fully support the efforts of the Safety/Loss Control Committee. The goals for the Safety/Loss Control Committee are to involve employees in safety and loss control management, lower the frequency and severity of accidents and injuries, and maintain a safe environment for employees and visitors.

The SESC liaison will be the main contact for loss control and safety activities. The member of the Safety/Loss Control Committee, appointed by the Chief Administrator, will serve a one year term with membership rotated on an annual basis to ensure continuity. The duties of the Safety/Loss Control liaison are to review the procedure for reporting hazardous conditions or activities and taking corrective action, periodically inspecting facilities to see that they are in compliance with established loss control policies and standards and to identify and correct hazardous conditions, review and revise checklists to guide and document inspections, coordinate evacuation or shelter drills, determine loss control of safety training needs and develop a plan of action to ensure that safety training is accomplished, and ensure that first aid kits and personal protective equipment needs are met.

The SESC liaison of the Safety/Loss Control Committee will report committee activities and findings to the SESC Chief Administrator. The Safety/Loss Control Committee will meet quarterly and all committee records will be maintained for twenty-four months.

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502 Work Schedules

Effective Date:

Revision Date:

SESC Employee Schedules

The regular work day schedule is approved by the Chief Administrator. The regular work day will be 8:00AM to 4:30PM and contain seven and one half working hours with a one hour lunch period (of which 30 minutes is paid by the employer).

Staffing needs and operational demands may necessitate variations in work schedules and may include evening and weekend work hours. Variations in the employee work schedule will be noted on the employee work calendar or, in the case of an immediate change, can be approved by communication with the immediate supervisor or Chief Administrator.

Overtime hours for service personnel, for hours that exceed a 40 hour work schedule per week, must be approved in advance, by the Chief Administrator. Professional employees are not eligible for overtime pay.

Professional employees may receive compensation time of equal hours for work required during weekend as approved by the immediate supervisor or the Chief Administrator.

On days when, due to inclement weather, there is a delay of school or no school in the school district where the employee is assigned, SESC employees may report to work one hour later than their normal starting time. The Chief Administrator at his or her discretion may modify or cancel the work day when there is an employee safety concern. |

Southern Educational Services Cooperative

Policies and Procedures

WORKING CONDITIONS/ OVERTIME REGULATIONS

The purpose of this policy is to insure that the Southern Educational Services Cooperative, hereinafter referred to as the SESC, complies with the overtime provisions of the Fair Labor Standards Act (FLSSA), regulations of the U.S. Department of Labor, Wage and Hour Division, and the applicable statutes and regulations related to the compensation of full-time and part-time employees:

GENERAL

- A. All employees of the SESC are expected to work a forty-hour workweek each week. See also Work Schedules and Modifications for more information.
- B. The length of the work day for exempt and non-exempt employees will be a minimum of eight hours and will continue until professional responsibilities are completed.
- C. The length of the normal work day for **fulltime non-exempt** (service) employees will be a minimum of eight hours. The length of the normal work day for **half-time non-exempt** employees will be three and one-half hours. The schedule for all **non-exempt** employees will be consistent with the Fair Labor Standards Act, West Virginia statutes, and provisions of this policy.
- D. The classifications of all **non-exempt** employees of the SESC are those service personnel class titles outlined in West Virginia State Code, Section 18A-4-8 and shall include any additions or deletions as amended by the West Virginia Legislature.
- E. **Non-exempt** employees are not permitted to volunteer to perform services for or on behalf of the SESC if the volunteer duties involve the same type of duties as a part of their regular duties for the SESC.
- F. Any employee using his/her own vehicle for SESC business must have prior approval before the SESC will reimburse the employee for expenses incurred. Where prior permission has been received, the SESC will reimburse mileage expenses at the rate currently approved the SESC. Please see the travel policy for more information regarding travel reimbursement.
- G. Activities in which employees of the SESC engage on their own time is their own business; however, employees are not to accept employment from any other employer which may conflict with their effectiveness as SESC employees.

Southern Educational Services Cooperative

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II. WORKWEEK

- A. For purposes of the Fair Labor Standards Act, the workweek for all employees of the SESC is defined as beginning at 12:00 a.m. Sunday and ending 11:59 p.m. Saturday.
- B. Working hours for all **non-exempt** employees of the SESC under the Fair Labor Standards Act will conform to federal and state regulations.

III. ATTENDANCE EXPECTATIONS

- A. All employees are expected to be present during their scheduled working hours. Absence without appropriate notification, chronic absences, habitual tardiness, or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action.
- B. **Non-exempt** employees who have not been granted prior approval by their immediate supervisor to work overtime may not arrive at their workstations earlier than their scheduled starting time and must leave their workstations at their scheduled ending time. Failure to comply with this requirement will result in disciplinary action.

IV. TIME AND ATTENDANCE REPORTS

Exempt and Non-exempt employees are required to utilize the SESC-approved time-keeping system during the employee's employment term, reflecting the actual starting and ending times for each day worked and the total time worked. The immediate supervisor is responsible for verifying time and attendance of all employees under his/her supervision.

V. OVERTIME AND COMPENSATORY TIME

- A. The SESC discourages overtime work by **non-exempt** employees unless absolutely necessary.
- B. A **non-exempt** employee shall not work overtime without the written approval of his/her supervisor and/or the Chief Administrator. The request for overtime approval must be submitted in writing using the appropriate form. In an emergency situation, verbal approval may be granted, however, a written request must be submitted within 24 hours following the verbal approval. (Attachment __)
- C. Supervisory personnel must monitor overtime use on a weekly basis to ensure all overtime worked is necessary.
- D. In computing the 40-hour workweek for overtime purposes, only actual hours worked will be counted. Time for paid or unpaid leave, including personal, sick, or military leave, release, time off without pay, jury duty, or other absences from work, whether approved or unapproved, and days canceled due to inclement weather (snow days) will not be counted as hours worked.

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- E. Any **non-exempt** personnel required to work on any scheduled holiday shall be paid at a rate of one and one-half times the employee's usual hourly rate.
- F. A **non-exempt** employee whose regular work week is scheduled from Monday through Friday and agrees to perform any work assignments on a Saturday or Sunday is to be paid for all hours worked. If the hours worked are beyond 40 hours for the week then the employee is to be compensated at a rate of one and a half times their normal rate of pay.
- G. **Non-exempt** employees of the SESC are not allowed to use compensatory time in lieu of overtime compensation.

VI. COMPUTATION OF OVERTIME PAY

- A. Overtime compensation will be paid for actual hours worked in excess of 40 during a given work-week, as defined in Section II.
- B. In computing the total number of overtime hours worked, time worked will be rounded to the nearest fifteen-minute increment. For example, one hour and 5 minutes will be rounded to one hour (1.0) and one hour and 10 minutes will be rounded to 1 hour and 15 minutes (1 and $\frac{1}{4}$ hour).
- C. Overtime compensation will be paid at the rate of one and one-half times the employee's regular rate of pay for each hour worked in excess of 40 during a given workweek. Generally, the regular rate will include all compensation earned by the employee during the workweek divided by the total number of hours worked.

VII. VIOLATIONS

- A. Any exempt or non-exempt employee who violates any provision of the SESC's overtime policy, or any regulations or procedures related thereto, shall be subject to disciplinary action up to and including termination.



Southern Educational Services Cooperative
Policies and Procedures

504 Use of Phone and Mail Systems

Effective Date:

Revision Date:

The personal use of SESC telephone and/or fax for both outgoing and incoming calls, including local calls, is discouraged. Employees may be required to reimburse SESC for any charges resulting from their personal use of these systems.

The use of SESC paid postage for personal correspondence is not permitted.





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505 Tobacco

Effective Date:
Revision Date:

The use of tobacco products is prohibited by all persons on SESC premises and within SESC owned vehicles. Personnel are further prohibited from using tobacco products in the presence of students while engaging in any activities involving students.

508 Use of Equipment and Vehicles

Effective Date:
Revision Date:



When using SESC property, employees are expected to exercise care, see that required maintenance is performed, and follow all operating instructions, safety standards, and guidelines. The appropriate personnel must be notified immediately if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. The Chief Administrator can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

510 Emergency Closings


Effective Date:
Revision Date:

If the SESC facility must close due to an emergency the final decision for such closing will be made by the Chief Administrator. When the SESC closes due to an emergency the Chief Administrator will notify the appropriate personnel.

When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid unless otherwise noted.

In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Using the appropriate form (Appendix __) employees may request available paid leave time such as unused release time benefits (**Policy 303 Release Time**) or personal leave benefits (**Policy 603 - Personal Leave**).

Employees in essential operations may be asked to work on a day when operations are officially closed.



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512 Business Travel Expenses

Effective Date:

Revision Date:

The following regulations govern reimbursement for travel costs and other expenses for authorized persons traveling on business for the Southern Educational Services Cooperative. These regulations are designed to insure fairness in the application and administration of travel expense reimbursement. An employee traveling on business is expected to exercise the same care to insure expenses incurred are as prudent as an individual traveling for personal reasons. Travel on business should be conducted at a minimum cost for achieving the success of the mission. All expenditures shall be within the budgetary allowances for the department for which the trip is taken. It shall be the responsibility of all directors to insure compliance with these regulations and to verify that expenses are reasonable and necessary.

Transportation

Reimbursement for the use of an employee's personal vehicle in connection with SESC business will be at the current IRS mileage allowance rate.

Lodging: (Receipt required)

All individuals traveling on SESC business will be reimbursed in an amount equal to the actual cost of lodging. In cases of double occupancy by two county employees, each shall be reimbursed only 50 % of the total room charge on their respective expense reports. If a spouse or child travels with a SESC employee, reimbursement will be limited to the single room rate.

III. Meal Allowances: (No receipt required)

Reimbursement for in-state meals is limited to the authorized daily rate as established by the U.S. General Services Administration (GSA), www.gsa.gov. All in-state meals will be reimbursed at the standard rate, excluding incidentals, without regard to the location. Reimbursement for out-of-state meals is limited to the authorized daily rates, excluding incidentals, as established by the U.S. GSA.

On the first and last day of travel of an overnight trip, the allowable reimbursement will be 75% of the GSA per diem rate. Departure or arrival times are not considered.

In the event meal costs are being reimbursed to the SESC by another state agency at a rate higher than the SESC daily allocation, the employee will not be allowed to claim the higher daily allocation.

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Meal expenses will be reimbursed only when the employee is away from home overnight, except for the following:

- (1) When an employee must travel out of their county work location and return the same day, then 75% of the GSA standard per diem rate will be reimbursed for in-state travel.
- (2) When an employee must travel out-of- state and return the same day, then 75% of the GSA per diem rate will be reimbursed based on the location the employee traveled to.

When meals are provided in registration fees, the employee should indicate on their expense report what meals were provided and adjust the per diem allowance according to the standard GSA rate for meals provided in-state or the GSA local rate for meals provided out-of-state. The employee shall not receive any additional allowance for lodging or food that has been included in the registration fees.

When a banquet for a statewide meeting is held in the county and requires the employee to pay for such meal, the cost of the meal will be reimbursed. GSA per diem rates would not apply.

If a meal is provided during a conference, meeting, etc., the daily per diem rate shall be reduced according to the standard GSA rate for meals provided in-state or the GSA local rate for meals provided out-of-state. For example: an employee travels to a conference at the Stonewall Resort. Lunch is provided free-of-charge on the day of travel. Assuming the GSA standard per diem rate is \$41.00, the employee would be eligible to claim 75% of \$7.00 for breakfast and 75% of \$23.00 for dinner. The employee is not entitled to claim the \$11.00 for lunch, as it has been provided.

IV. Incidental Expenses: (Receipt required)

Registration fees: (Receipt required)

All other related expenses incurred during the course of traveling for the SESC, such as tolls (in excess of \$10.00 daily), parking fees (in excess of \$10.00 daily), taxi service, rental car, air fare, etc. must be supported by valid receipts.

V. General:

All travel requests must be approved by the employee immediate supervisor and Chief Administrator of the SESC.

Out-of-state trips must be approved by the Southern Educational Services Cooperative Council.





Southern Educational Services Cooperative

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VI. Expense Reports:

The Southern Educational Services Cooperative travel expense report form will be used for all settlement of and reimbursement for travel expenses. The report must show a detailed account of expenses incurred by day and summarized by expense categories as listed on the form. Itemized receipts must accompany this report for all charges except meals, parking fees (less than \$10.00 daily) and WV turnpike fees. The purpose of any travel will be defined on the report and such purpose will be sufficient to allow for a review of the necessity of such travel. All expense reports must be signed by the employee and approved by the immediate supervisor and Chief Administrator. Approval indicates that expenses submitted for reimbursement have been reviewed and found to comply with SESC policies regarding authorized travel expenses.

Employees shall be responsible for submitting all travel expenses and related documentation based upon a completed calendar month. Approved expense reports are due by the 5th of following month. No travel advances will be authorized by the SESC.



Southern Educational Services Cooperative

514 Visitors in the Workplace

Effective Date:

Revision Date:

Visitors at SESC's are a common sight due to training and professional development activities, enrollment in classes, testing and various other activities occurring in SESC facilities. However, to provide for the safety and security of employees and the facilities at the SESC, only authorized visitors are allowed in the workplace.

Because of safety, distraction and security reasons, family members, friends and pets of employees are discouraged from visiting frequently.

When an unidentified visitor is observed on SESC premises, employees should offer assistance. If the visitor is unauthorized, unresponsive, confrontational or suspicious in any manner, do not try to confront the visitor alone. Seek the assistance of other SESC employees or, if necessary, call local law enforcement agencies.



Southern Educational Services Cooperative

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516 Computer and Email Usage

Effective Date:

Revision Date:

All SESC employees must comply with West Virginia Board of Education **Policy 2460 - Safety and Acceptable Use of the Internet by Students and Educators** (Appendix 24) and eligible SESC employees must complete the West Virginia Department of Education application for **Educator Internet Email Account** (Appendix 24) and receive approval prior to being given Internet and Email access through SESC.

Computers, computer files, the email system, and software furnished to employees are SESC property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email usage may be monitored.

SESCs purchase and license the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, SESC and/or SESC employees do not have the right to reproduce such software for use on more than one computer.



517 Internet Usage

Effective Date:


Revision Date:

All SESC employees must comply with West Virginia Board of Education **Policy 2460 - Safety and Acceptable Use of the Internet by Students and Educators** (Appendix 24) and eligible SESC employees must complete the West Virginia Department of Education application for **Educator Internet Email Account** (Appendix 24) and receive approval prior to being given Internet and email access through SESC.

All Internet data that is composed, transmitted, or received via SESC computer communications systems is considered to be part of the official records of SESC and, as such, is subject to disclosure to SESC personnel, the SESC regional council, law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of SESC. As such, SESC reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through their online connections and stored in their computer systems.

All access to SESC systems and data by former employees is strictly prohibited.





Southern Educational Services Cooperative

Policies and Procedures

518 Workplace Monitoring

Effective Date:

Revision Date:

Workplace monitoring may be conducted by SESCOs to ensure quality control, employee safety, security, and customer satisfaction. Telephone and computer usage and files may be monitored or accessed. SESCOs may conduct video surveillance of non-private workplace areas.


Employees can request access to information gathered through workplace monitoring that may impact employment decisions. Access will be granted unless there is a legitimate business or legal reason to protect confidentiality or an ongoing investigation. Every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

522 Workplace Violence Prevention

Effective Date:

Revision Date:


SESCOs are committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, SESCOs have adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.



All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from SESCO premises without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible (See Appendix 25). This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, be as specific and detailed as possible. Suspicious individuals or activities should also be reported as soon as possible. Do not place yourself in peril. If you see or hear a commotion or disturbance, do not try to intercede.



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SESCs will investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. Incidents will be documented using the appropriate form (Appendix 25). To the degree possible, the identity of the individual making a report will be kept confidential. In order to maintain workplace safety and the integrity of its investigation, SESC may suspend employees, either with or without pay, pending investigation.

Employees responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to disciplinary action up to and including termination of employment.

Employees are encouraged to bring disputes/differences with other employees to the attention of supervisors or the executive director before the situation escalates. SESC is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

All SESC employees are required to sign an Employee Acknowledgement Form (Appendix 1) insuring compliance with this policy as a condition of employment.

526 Cell Phone Usage

Effective Date:

Revision Date:

SESCs may provide cellular communication devices to designated employees as a business tool. The use of these devices is intended for business-related purposes only. Invoices will be monitored regularly.

Employees are prohibited from using communication devices while driving and should safely pull off the road and come to a complete stop before dialing, texting or talking on these devices.

The use of personal communication devices should be limited so as not to interfere with job performance.

**PERSONAL LEAVE
AND ABSENCES
WITHOUT PAY**

**SOUTHERN
EDUCATIONAL
SERVICES
COOPERATIVE**

**PERSONAL LEAVES AND
ABSENCES WITHOUT PAY**

I. GENERAL.

- A. Employees who have a continuing contract (with specific exceptions delineated) may be considered for an unpaid leave of absence. Requests for such leaves of absence must be submitted in writing to the Chief Administrator at least ten working days in advance of the commencement of such leave when possible.
- B. All leaves of absence must be approved by the Southern Educational Services Cooperative Council. An employee on an approved leave of absence who decides to resign rather than return to his/her position must give written notice of at least 10 days prior to the end of the leave when possible.
- C. Any employee returning from an approved leave of absence (for any reason), when such leave of absence extends for a period of one year or less, shall be reemployed by the Southern Educational Services Cooperative with the right to be restored to the same assignment of position or duties and benefits held prior to the approved leave of absence, PROVIDED such position exists.
- D. Should an employee return from an approved leave of absence extending for more than one year, reemployment to the same position or duties held prior to the approved leave of absence shall not be guaranteed.
- E. Employees returning from approved leaves of absence shall retain all seniority, rights and privileges which had accrued at the time of the approved leave of absence and shall have all rights and privileges generally accorded employees at the time of reemployment.
- F. Leaves of absence for personnel shall be granted by the Southern Educational Services Cooperative for the following reasons with the following stipulations and requirements.

II. MEDICAL LEAVE.

(NOTE: Employees using accumulated personal leave shall follow the procedures outlined in Southern Educational Services Cooperative Policy, Personal Leaves for Illness and Other Causes.)

- A. An employee who exhausts all sick leave as a result of injury or illness and continues such absence beyond exhaustion of such leave shall request a medical leave of absence except as prohibited by code. The employee's immediate supervisor shall have authority to approve such requests which extend up to ten days cumulative or less per contract year. The SESC Council must approve such requests extending beyond ten days. All such requests must be accompanied by the employee's attending physician's statement. Prior to returning to work, such employee shall submit a written release from the attending physician for the employee to return to full duties.
- B. If such medical leave of absence extends beyond 30 days, the employee must submit the appropriate personal leave form with the attending physician's statement to the Chief Administrator every 30-calendar days.
- C. The maximum medical leave of absence, which the SESC will approve, is one calendar year. Should an employee be unable to return to work after the expiration of the approved medical leave, his/her employment with the SESC may be terminated.

- D. Under such approved medical leave of absence, PEIA insurance benefits shall continue for the duration of the approved leave of absence. For employees whose leaves of absence extend for one year or less, the employee shall pay his/her proportionate share and the SESC shall pay its employer's contribution. In the event an employee is granted a medical leave of absence extending beyond one year, the employee must pay the entire premium amount (employee's as well as employer's share) for any period of time extending beyond one year.
- E. The provisions of this section of the policy shall be deemed to grant employees those rights afforded under the Federal Family and Medical Leave Act. Employees cannot claim additional rights through this Act.
- F. Upon approval, the provisions of this section shall be effective for all employees (probationary and continuing contract status) including those currently on a medical leave of absence.

III. MILITARY

- A. (WV Code §15-1F-1) - Any employee who is a member of the national guard or any military reserve unit of the United States armed services, shall be entitled to leave of absence from their respective offices or employments **without loss of pay**, status or efficiency rating, on the days during which they shall be engaged in drills, parades or other duty, during business hours ordered by proper authority, or for field training or active service of the state, for a maximum of 30 days in any one calendar year. An employee who is ordered or called to active duty by the President of the United States shall be entitled to an additional leave of absence from their respective offices or employments **without loss of pay**, status or efficiency rating for a maximum of 30 days.
- B. The term "without loss of pay" means that the employee shall continue to receive his/her normal salary or compensation, notwithstanding the fact he/she may have received other compensation from federal or state sources during the same period.
- C. An employee who is deemed eligible to take Military Caregiver Leave may take up to 26 work weeks of such leave during a single 12-month period, however, the 26-week limit shall include any other family medical leave taken during the same 12-month period.
- D. Employees returning from Military Leave of less than 30 days should return to work on the first regularly scheduled workday after release from the military.
- E. Employees returning from Military Leave lasting from 31 to 180 days must notify the Chief Administrator of their intention to return to work within 10 business days after completing active service.
- F. Employees on approved Military Leave greater than 30 days but less than 180 school days who wish to retain insurance coverage shall be required to pay the employee share of the insurance premium by the fifth day of the month.
- G. Employees on approved Military Leave greater than 180 school days who wish to retain insurance coverage shall be required to pay the total insurance premium by the fifth day of the month.
- H. Employees on approved Military Leave up to and including one year will be entitled to return to the position they held when the leave started unless they were affected by a reduction in force or transfer under the provisions of WV Code §18A-2-2.

- I. Employees on approved Military Leave for greater than one year will be entitled to a position appropriate to their certification(s) or classifications(s) they hold which becomes available after their release date unless they were affected by a reduction in force or transfer under the provisions of WV Code §18A-2-2.
- J. The Southern Educational Services Cooperative also adopts as part of this policy the provisions of the Uniformed Services Employment & Reemployment Act of 1994 (USERRA), including subsequent changes to this Act as may be enacted by the United States Congress.

IV. MATERNITY/INFANT BONDING LEAVE.

- A. (WV Code §18A-2-2a) – The Southern Educational Services Cooperative shall approve a leave of absence for any employee who requests an extended leave of absence without pay for any period of time not exceeding one year for the purpose of pregnancy, childbirth or adoptive or infant bonding. An employee shall not be required to use accumulated annual leave or sick leave prior to taking an extended leave of absence.
- B. An employee granted a leave of absence for the purposes of this section shall be entitled to continue PEIA insurance benefits for a maximum of twelve weeks by paying his/her proportionate share. The Southern Educational Services Cooperative shall pay its employer's contribution. The employee must pay the entire premium amount (employee's as well as employer's share) for any period of time extending beyond the twelve-week period.
- C. The Southern Educational Services Cooperative shall approve such leave of absence without pay for any period of time not exceeding one year for the purpose of pregnancy, childbirth or adoptive or infant bonding.
- D. Any extended leave of absence approved under this section shall run concurrently to any leave entitlements under the Family Medical Leave Act or Parental Leave Act to which the requesting employee may be entitled.

V. PARENTAL LEAVE ACT.

- A. (WV Code §21-5D et seq.) – Any employee who has been employed for at least twelve consecutive work weeks shall be entitled to a total of twelve weeks of unpaid family leave following the exhaustion of all of his/her annual and personal leave during any twelve-month period because of the birth of a son or daughter of an employee; because of the placement of a son or daughter with the employee for adoption; or in order to care for the employee's son, daughter, spouse, parent, or dependent who has a serious health condition.
- B. The Southern Educational Services Cooperative adopts as part of this section of the policy Article 5D, of Chapter 21 of Code including any subsequent to this statute adopted by the West Virginia Legislature.
- C. An employee granted a leave of absence for the purposes of this section shall be entitled to continue PEIA insurance benefits for a maximum of twelve weeks by paying his/her proportionate share. The Southern Educational Services Cooperative shall pay its employer's contribution.

VI. FAMILY AND MEDICAL LEAVE ACT OF 1993.

The rights and privileges granted to employees of the Southern Educational Services Cooperative under this policy cover those rights afforded employees under the Federal Family and Medical Leave Act.

VII. EMPLOYEES COVERED UNDER WORKERS' COMPENSATION BENEFITS

Any employee who has received Total Temporary Disability (TTD) benefits under the West Virginia Workers' Compensation Fund and whose case is closed for the payment of TTD benefits; is expected to return to work or declare themselves unable to return to work. The Chief Administrator shall notify such employee of his/her expected return date, generally thirty days from the date of the county's letter to the employee. Any employee failing to report to work by the deadline shall have his/her employment with the Southern Educational Services Cooperative terminated.

VIII. SEVERABILITY

If any provision of this policy or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Legal Source: WV Code Sections §§18A-2-2a, 18A-2-2, 18-2-11, and 15 -IF-I; Uniformed Services Employment & Reemployment Rights Act of 1994; Federal Family and Medical Leave Act of 1993; West Virginia State Board of Education Policy 5530

PERSONAL LEAVE FOR ILLNESS & OTHER CAUSES

Policy Statement:

All full time employees of the Southern Educational Services Cooperative (SESC) shall be entitled to one and one-half days of personal leave for each employment month or major fraction thereof in the employee's employment term which begins on/or after July 1 of each fiscal year. If an employee should use personal leave which the employee has not yet accumulated on a monthly basis and subsequently leave the employment of the SESC, the employee shall be required to reimburse the SESC for the salary or wage paid to him/her for such unaccumulated leave.

The SESC may establish reasonable rules for reporting and verification of absences for cause; and if any error in reporting absences should occur, it shall have the authority to make necessary salary adjustments in the next pay after the employee has returned to duty or in the final pay if the absence should occur during the last month of the employment term.

I. Policy Definitions:

- A. "**Personal incapacitation**" is defined as the inability to pursue an occupation or perform services for wages due to physical or mental impairment that exists for a limited time.
- B. "**Immediate Family**" includes the employee's spouse, son, daughter, father, mother, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step parent, step child; and in addition, any other relative residing in the employee's household.
- C. "**Serious Health Condition**" means a physical or mental illness, injury or impairment which involves inpatient care in a hospital, hospice or residential health care facility or continuing treatment, health care or continuing supervision by a health care provider.
- D. "**Certification**" means a statement from a health care provider stating the employee's spouse, child, parent or dependent has a serious health condition and the medical facts, commencement and, probable duration of the serious health condition. (WV Code §21-5D-5)

II. Policy Provisions:

A. EX DAYS: (Doctor's Excuse and/or statement of certification required)

1. Personal incapacitation on the part of the employee
2. Family Leave Act - (WV CODE §21-5D-4)
 - a. Birth of a son or daughter of the employee.
 - b. The placement of a son or daughter with the employee for adoption.
 - c. To care for the employee's son, daughter, spouse, parent or dependent who has a serious health condition (certification required).

B. N/E Days: (Without Doctor's Excuse)

1. Employees are eligible for a total of five (5) days per year of personal leave for personal incapacitation of the **employee only** due to accident or illness with verification and approval of the immediate supervisor/principal. No more than two (2) consecutive days may be taken at one time.

C. D/F Days: (Death in Family)

1. Immediate Family – 3 days
2. Any other relative – 1 day
3. An extension of two (2) additional days may be granted if immediate supervisor/Chief Administrator believes extenuating circumstances exist. (EX: when out of state travel is required).

D. WC Days: (Without Cause)

1. All full time employees will be allowed three (3) days of leave without regard to the cause for the absence. Advance notice of twenty-four (24) hours must be given (except in the case of sudden and unexpected circumstances) to the employee's immediate supervisor/Chief Administrator as the case may be.
2. Without Cause Days may be accumulated up to a total of fifteen (15) days.

E. F/I DAYS: (Family Illness)

1. Employees will also be entitled to a maximum of two (2) days to take a member of his/her immediate family for medical treatment. Employees must submit the proper leave form to the immediate supervisor/Chief Administrator, along with a statement from a health care provider stating they accompanied an immediate family member for medical treatment.

F. WORKERS' COMPENSATION/SICK LEAVE BENEFITS

1. Any employee eligible for Workers' Compensation benefits must elect to receive personal leave or Workers' Compensation benefits. Such employees may not be compensated from both sources.
2. An employee electing to receive Workers' Compensation Benefits will have his/her sick leave balance adjusted to reflect the difference between Workers' Compensation benefits due him/her and any Southern Educational Services Cooperative wages received prior to the receipt of Workers' Compensation benefits.
3. Such employees are responsible for relinquishing Workers' Compensation TTD payments to the Southern Educational Services Cooperative prior to any sick leave adjustment.

G. Conversion of Personal Leave Days

If an employee exhausts all personal leave days designated as "EX" and must be absent from work due to personal incapacitation, the Payroll Department will automatically convert personal leave days remaining in the other designated categories to cover the excused absence. This same procedure will apply in the event an employee experiences multiple events covered under the "Death in the Family" provisions of this policy. If the employee does not have a sufficient balance of personal leave days to make such conversion, the employee shall be docked pay for the appropriate number of employment days for such absence. The absence must be accompanied by the appropriate documentation as outlined in this policy. An employee with an extended absence that exceeds the total amount of leave to which the employee is entitled must follow the procedures outlined in Southern Educational Services Cooperative Policy Personal Leaves and Absences Without Pay.

H. Documentation

All employees' requests for personal leave for the above stated policy must be maintained on the proper leave request form and approved by the employee's immediate supervisor/Chief Administrator. Personal leave request forms and supporting documentation (doctor's excuses & family leave certifications) must be maintained at the employee's work location in support of the *Individual Personal Leave Summary* and be available for inspection by the Chief Administrator and/or fiscal agent. Failure to provide appropriate documentation will be considered as neglect of duty.

Personal leave summaries and supporting leave request forms should be maintained for the previous fiscal year. All personal leave data requests beyond the above stated retention period may be disposed of in the proper manner.

I. Failure to Report to Work

The Southern Educational Services Cooperative expects all employees to be present every day, but understands that unforeseen circumstances may cause an employee to be absent from work for a period of time that exceeds the total amount of leave to which the employee is entitled. Such employee must follow the procedures outlined in Southern Educational Services Cooperative Policy Personal Leaves and Absences Without Pay. The designation "Absent Without Pay" is not an option for employee absence excuses; it is a designation for payroll accounting purposes only. Under no circumstance may an employee elect to designate an absence as "Absent Without Pay" and no employee absence will be designated as "Absent Without Pay" unless his/her personal leave balance is exhausted.

An employee who fails to report to work for three consecutive days and fails to notify his/her immediate supervisor or the Chief Administrator of the absence and the reasons thereof may receive disciplinary action up to and including termination.

III. Severability:

If any provision of this policy or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Legal References: WV Code, Sections §18A-4-10a; 21-5D-4; 21-5D-5

**EMPLOYEE CONDUCT
& DISCIPLINARY
ACTION**

**SOUTHERN
EDUCATIONAL
SERVICES
COOPERATIVE**

List of Appendices with Policy Reference

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EMPLOYEE ACKNOWLEDGEMENT FORM

The SESC policies and procedures manual describes important information about SESC, and I understand that I should consult the executive director regarding any questions not answered in the manual.

I have entered into my employment relationship with SESC voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or SESC can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to SESC's policy of employment-at-will. I understand that revised information may supersede, modify, or eliminate existing policies.

I acknowledge that the policies and procedures manual is not a contract of employment and I understand that it is my responsibility to read and comply with the policies contained in this manual and any revisions made to it.

I hereby affix my signature below to certify that I have read, reviewed, understand and agree to abide by all the policies included in the SESC Policies and Procedures Manual.

EMPLOYEE'S NAME (print):

EMPLOYEE'S SIGNATURE: _____



DATE:

Southern Educational Services Cooperative Members

SESC 1

- McDowell
- Mercer
- Monroe
- Raleigh*
- Summers
- Wyoming

SESC 4

- Braxton
 - Fayette
 - Greenbrier
 - Nicholas*
 - Pocahontas
 - Webster
- 
- 



A Guide to the West Virginia Ethics Act

(WV Code 6B-1-1, et. Seq.)



WEST VIRGINIA ETHICS COMMISSION

210 Brooks Street, Suite 300

Charleston, West Virginia 25301

(304) 558-0664 (866) 558-0664 FAX (304) 558-2169

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“ Government is a trust, and the officers of the
government are trustees; and both the trust and
the trustees are created for the benefit of the people. “

Henry Clay 1829

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INTRODUCTION

The West Virginia Ethics Commission was established in July 1989 to administer the West Virginia Governmental Ethics Act, which was passed in a Special Session of the West Virginia Legislature in January 1989. (WV Code 6B-1-1, et. Seq.)

The Commission is an independent, bi-partisan board consisting of twelve citizen members, appointed by the Governor, and confirmed by the West Virginia State Senate. Commissioners serve staggered five-year terms,

The Commission holds monthly meetings that are open to the public. The date, time, place and agenda of each meeting are made available on the Commission's Web site: www.wvethicscommission.org

The Ethics Commission administers the Ethics Act by educating public servants covered by the Act, providing information to the public, interpreting and applying the provisions in the Act, and enforcing the requirements of the Act through an investigation and complaint process.

In addition to administering the Ethics Act, the Commission's staff answers questions from governing bodies and their members and the Commission provides advisory opinions on the meaning and application of the Open Meetings Act or *Sunshine Law* through its Committee on Open Governmental Meetings.

The WV Ethics Commission's Committee on Standards of Conduct for Administrative Law Judges answers questions from ALJs and provides advisory opinions to them relating to the Rules on Standards of Conduct. It also enforces the Code through an administrative procedure for adjudicating complaints filed against ALJs.

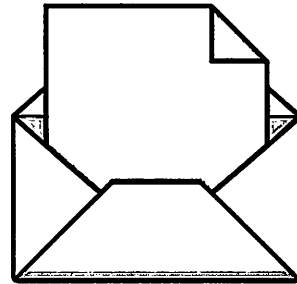
The Ethics Commission also administers the registration and reporting requirements for lobbyists as well as collecting financial disclosure reports which certain public servants are required to file annually.



Advisory Opinions

In response to written requests from affected persons inquiring about their own conduct, the Ethics Commission issues advisory opinions relating to the application of the standards of conduct in the Ethics Act including conflicts of interest, financial disclosure and lobbying. A person subject to the Act may request an opinion regarding a proposed future course of action. An opinion issued by the Commission provides the employee or official, and any other similarly situated public servant who relies on an opinion in good faith, immunity from the sanctions in the Act, as well as an absolute defense to criminal prosecution under the Act. Precedential Advisory Opinions rendered by the Commission from 2005 to the present are available on the Commission's web site.

Since 1989, the Commission has issued hundreds of written advisory opinions interpreting and applying the Ethics Act. These precedents allow the Commission's staff to handle most inquiries over the telephone. Persons seeking guidance on complying with the Act may also submit inquiries via fax, E-mail or regular mail. Questions will only be submitted to the Commission for a formal advisory opinion where there is no precedent covering the inquiry, or the requester expressly indicates that he or she wishes the question to be addressed by the full Commission.



Finally, the Ethics Commission is authorized to issue written advisory opinions to county board of education members, members-elect and candidates for election to the board whether they may hold certain other positions and serve on a county board in accordance with the provisions of W. Va. Code § 18-5-1a.

ALL Public Servants are Subject to the Ethics Act

The code of conduct established by the **Ethics Act** applies to all public servants including public employees, elected public officials, and appointed public officials, whether full-



time or part-time, in the legislative, judicial, and executive branches of state, county and municipal government, including all boards, commissions and agencies.



MINIMUM ETHICAL STANDARDS ESTABLISHED BY THE ACT

The basic principle underlying the standards or code of conduct created by the Ethics Act is that those in public service should use their positions for the public's benefit and not for their own private gain or the private gain of another.

Private Gain

For example:

Do not use your agency's supplies or equipment for personal projects or activities.

Public employees and full-time appointed officials should not work on personal projects or activities during work hours for which they are paid by their employer.

Do not use subordinates to work on your personal projects or activities during work hours or compel them to do so on their own time.

The Act prohibits any misuse of public resources which is more than *de minimis*, that is, which involves more than a trifling or insignificant amount of time, funds, supplies or equipment.



VOTING

Under a provision which was added to the Ethics Act in 2008, a public official may not vote on a matter in which he or she, or an immediate family member, has a financial interest.

Similarly, public officials may not vote on matters involving a business with which the public official or an immediate family member is associated.

Public officials or their immediate family members are considered to be associated with a business if either the public official or an immediate family member is a director, officer, owner, employee, compensated agent, or owns five per cent or more of the total outstanding stock of any class from that business.

The Act defines immediate family to include the spouse with whom an individual is living as husband and wife, as well as any dependent children, dependent grandchildren or dependent parents.

The voting rules also prohibit a public official from voting on a personnel matter involving the public official's spouse or relative. The Act defines *relative* as a husband or wife, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law.

The rule further prohibits voting to appropriate public funds or award a contract to a nonprofit corporation if the public official or an immediate family member is employed by the nonprofit. Another provision prohibits a public official who is employed by a financial institution, and whose primary responsibilities with the institution include consumer and commercial lending, from voting on a matter which involves a customer of the financial institution. This prohibition only applies if the amount of the loan or loans to the customer exceeds

Public officials may not vote on matters involving a business with which the public official or an immediate family member is associated”

fifteen thousand dollars in a calendar year, and the public official was directly involved in approving a loan to that customer within the past twelve months, or is currently considering such a loan.

Public officials may vote on a matter involving a spouse, immediate family member, relative, or business with which they are associated, if they are affected by the matter as a member of a profession, occupation, class of persons or class of businesses. The law defines a class as consisting of not less than five similarly situated persons or businesses.

A public official may also vote on a matter affecting a publicly traded company so long as: (1) the public official and dependent family members individually or jointly own no more than five per cent of the company's issued stock; and (2) the value of the stocks individually or jointly owned is less than ten thousand dollars; and (3) prior to casting a vote, the public official discloses his or her interest in the publicly traded company.



Whenever a public official is prohibited from voting under the Act, the public official must fully disclose his or her interests, and physically remove himself or herself from the room during the discussion and vote on the matter from which they are disqualified. Ordinarily, the member's recusal should be documented in the meeting minutes.

These voting rules do not apply to Members of the Legislature. Legislative voting is governed by a separate provision in the Act which permits voting by Legislators after obtaining a ruling from the presiding officer in their chamber regarding any potential conflict situation.

GIFTS

You may not **solicit** a gift unless it is for a charitable purpose from which you and your immediate family members derive no direct personal benefit. The Commission determines whether a purpose is charitable on a case-by-case basis. However, charities which benefit the

poor and disadvantaged, which provide for the cure or treatment of a particular illness or disease, or benefit the public generally through cultural and educational programs such as museums and libraries, have previously been determined to qualify as charitable.

The Ethics Act's prohibition against solicitation of gifts does not apply to solicitation of political contributions. However, W. Va. Code § 3-8-12(h) dealing with regulation and control of elections provides "No person shall solicit any [political] contribution from any non-elective salaried employee of the state government or of any of its subdivisions."



You may not solicit a subordinate for any gift - not even a gift for a charitable purpose.

You may **not accept gifts** from lobbyists, or from "interested persons ", unless the gift fits into one of the following **exceptions**:

- ◆ meals and beverages
- ◆ unsolicited gifts of a value of \$25 or less
- ◆ ceremonial gifts or awards of insignificant value
- ◆ reasonable expenses incurred in appearing at a speaking engagement
- ◆ reasonable honoraria, where permitted by Commission's rules
- ◆ free tickets to political, charitable, or cultural events customarily given as a courtesy to the office
- ◆ purely private and personal gifts
- ◆ lawful political contributions

Additional guidance on accepting and soliciting gifts may be obtained in the Commission's Legislative Rule on gifts, Title 158, Series 7, and the Commission's gift guidelines. These documents may be found and downloaded from the Commission's website.

"Interested persons" are those who do or seek to do business with, are regulated by, or are otherwise financially interested in the activities of your governmental agency.

Selling to Subordinates

Although they may choose to buy from you, you may not personally solicit (in person, by phone, or personal letter) private business from subordinates you direct, supervise or control. Sales solicitations directed to the public at large or for property of a kind you are not regularly engaged in selling are permitted.

Private Interests in Public Contracts, Purchases & Sales

The Ethics Act includes a prohibition against elected public officials and full-time public employees, whether appointed or employed, having a financial interest in any contract, purchase or sale over which their public position gives them control, unless the total value of such contracts, purchases or sales does not exceed \$1000 in a calendar year. Even then, the public official may not be involved in influencing the award of the contract

This prohibition also extends to contracts in which the public servant's spouse, dependent parents, or dependent children have a financial interest, as well as to any business with which the public servant or his or her immediate family members are associated. This \$1000 exception does not apply to county officials who are governed by more stringent limitations in W. Va. Code §61-10-15.

For purposes of this prohibition, public servants and their immediate family members are *associated* with a business if any one of them is a director or officer in the business, or if they hold stock in the business which constitutes 5 per cent or more of the total outstanding stock of any one class.

This provision applies only to (1) those **contracts** your job gives you authority to award or control and (2) those **purchases and sales** you are authorized to make or direct others to make. The Commission can **grant your agency** a hardship exemption from this provision of the Ethics Act.

Part-time appointed officials (but not those county officials subject to W. Va. Code § 61-10-15) are not subject to the prohibition provided they recuse themselves from considering and acting on such matters, consistent with the rules on voting.

Licensing and Rate-Making Proceedings

You may not take official action on a license or rate-making matter affecting an entity in which you, or the members of your immediate family, own or control more than a 10 per cent interest. In addition, **UNLESS** you file a prior written public disclosure with your agency, you may not take official action on a license or rate-making matter affecting a person to whom such an entity has sold goods or services totaling more than \$1,000 during the preceding year.

Employment, Moonlighting or Changing Jobs

The Ethics Act prohibits full-time public servants from seeking or accepting employment from persons or businesses that they or their subordinates regulate. The Act also prohibits full-time public servants from seeking or accepting employment from vendors if the public servant, or his or her subordinates, exercise authority or control over a public contract with that vendor. It does not apply to members of the Legislature.



Public Servants may request an exemption from the Ethics Commission to seek employment with vendors or regulated persons with whom they or a subordinate exercise control at present or in the past twelve months.

Dual Compensation

No public servant may receive compensation from two sources in state, county or municipal government for working the same hours, except under certain limited circumstances. Persons who are allowed to make up time missed with a governmental employer to perform the duties of another governmental position are required to maintain specific time records. Their governmental employer is required to submit these records to the Ethics Commission quarterly.

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702 Use of Alcohol and Controlled Substances

Effective Date:

Revision Date:

While on SESC premises and while conducting business-related activities off SESC premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or controlled substances. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Employees with controlled substance or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid leave to participate in a rehabilitation or treatment program if available. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all SESC and WVBE policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the SESC any undue hardship.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify SESC of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

All employees are required to sign an Employee Acknowledgement Form (Appendix 1) insuring compliance with this policy as a condition of employment.

703 Sexual and Other Unlawful Harassment

Effective Date:

Revision Date:

SESCs are committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- * Unwanted sexual advances




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- * Offering employment benefits in exchange for sexual favors
- * Making or threatening reprisals after a negative response to sexual advances
- * Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters
- * Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes
- * Verbal sexual advances or propositions
- * Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations
- * Physical conduct that includes touching, assaulting, or impeding or blocking movements

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.



If you experience any type of unlawful harassment in the workplace, report it immediately to your supervisor using the appropriate form (Appendix 25). If the supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the executive director or any other member of management. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of harassment will be investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

All employees are required to sign an Employee Acknowledgement Form (Appendix 1) insuring compliance with this policy as a condition of employment.



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704 Attendance and Punctuality

Effective Date:

Revision Date:

SESCs expect employees to be reliable and to be punctual in reporting for scheduled work. Poor attendance and excessive tardiness are disruptive and place a burden on other employees and the SESC. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible.

705 Personal Appearance

Effective Date:

Revision Date:

During business hours or when representing SESC, employees are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with customers or visitors in person.

If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you may not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

706 Return of Property

Effective Date:

Revision Date:

Employees are responsible for all SESC property, materials, or written information issued to them or in their possession or control.

Employees must return all SESC property immediately upon request or upon termination of employment. Where permitted by applicable laws, SESC may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. A SESC may also take all action deemed appropriate to recover or protect its property.

Southern Educational Services Cooperative

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708 Resignation

Effective Date:

Revision Date:

Resignation is a voluntary act initiated by the employee to terminate employment with the SESC. Although advance notice is not required, SESC's request at least two weeks' written resignation notice from all employees.

710 Security Inspections

Effective Date:

Revision Date:

SESCs wish to maintain a work environment that is free of controlled substances, alcohol, firearms, explosives, or other improper materials. To this end, SESC's prohibit the possession, transfer, sale, or use of such materials on its premises. SESC's require the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the SESC. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the SESC at any time, either with or without prior notice.

712 Solicitation

Effective Date:

Revision Date:

In an effort to ensure a productive and harmonious work environment, persons not employed by SESC's may not solicit or distribute literature in the workplace at any time for any purpose.

SESC's recognize that employees may have interests in events and organizations outside the workplace. Employees may not solicit or distribute literature concerning these activities during work time. (Work time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)

In addition, the posting of written solicitations on SESC bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- * Affirmative Action statement
- * Employee announcements
- * Internal memoranda
- * Job openings
- * Organization announcements



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- * Workers' compensation insurance information
- * State disability insurance/unemployment insurance information

Only approved messages may be posted.

714 Controlled Substance and Alcohol Testing

Effective Date:
Revision Date:

Using or being under the influence of controlled substances and/or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, job applicants and employees may be tested to determine the illicit or illegal use of controlled substances and/or alcohol. Refusal to submit to such testing may result in disciplinary action, up to and including termination of employment.




718 Problem Resolution

Effective Date:
Revision Date:

If a situation occurs which causes an employee(s) to believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to express their concern verbally to their immediate supervisor. The employee and the immediate supervisor shall meet to discuss and make a good-will effort to address the concern and/or resolve the problem. If the employee and the immediate supervisor are unable to reach mutual agreement concerning the problem they must then meet with the executive director to discuss and make a good-will effort to address and resolve the problem.

If the employee and SESC personnel are unable to reach an agreement, the employee may follow the guidelines and grievance procedures established by the West Virginia Public Employees Grievance Board (Appendix 26).



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