

*Regional Education  
Service Agencies*

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**RESA**

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A powerful engine for education

**EMPLOYEE HANDBOOK**

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## **FOREWORD**

This employee handbook has been prepared to provide you with general information concerning your rights, responsibilities, and benefits as an employee. It is also designed to help you understand how the Regional Education Service Agencies (RESAs) conduct business.

As a RESA employee, you join an outstanding staff that demonstrates high capabilities and a strong commitment to the delivery of a high quality education program for the students and citizens of West Virginia.

RESA employees are ultimately employees of the West Virginia Board of Education (WVBE). Your professional and personal demeanor reflects upon our great state and the public's trust. The WVBE expects you to demonstrate the highest standards of dedication and ethical conduct in the performance of your duties.

Mike Green  
President, West Virginia Board of Education

# YOUR EMPLOYEE HANDBOOK

This Employee Handbook has been prepared to outline the consistent personnel policies of the eight RESAs. Maintaining this handbook is an on-going process that requires frequent updating. Employees will be notified whenever revisions are made to the handbook. Specifically, the purposes of the handbook follow:

- Provide employees with information concerning their benefits, rights, and responsibilities
- Establish guidelines/procedures for day-to-day administration of personnel matters
- Ensure fairness and consistency in personnel making
- Ensure each RESA recruits, selects, and retains the best personnel, i.e., those with high capabilities and a commitment to the mission and goals of the West Virginia Board of Education
- Provide a climate and culture of high expectations which fosters optimal staff performance and high morale
- Meet both RESA and employee needs in providing leadership and service for high quality educational programming in West Virginia

This Employee Handbook is not intended as a detailed statement of all applicable personnel statutes, regulations, and policies. Employees may request further information from their supervisor or the WVBE staff when questions arise and more specific information is desired. In the case of any inconsistency between the content of this handbook and applicable statutes, regulations, or policies, the latter shall prevail.

This handbook does not constitute a contract for employment and no representative or employee of the state is authorized to enter into any such employment contract or other agreement. The employment relationship of each employee is “at-will.” “At-will” means that it is for no definite period and is terminable at any time at the will of the WVBE through its own act, or at the recommendation of a regional council or Executive Director, with or without notice, cause, or compensation.

References throughout this handbook to the “State Board,” “Board” or “WVBE” should be interpreted at all times as the West Virginia Board of Education; references to the “RESAs” should be interpreted at all times as the Regional Education Service Agencies; and any references to any “Directors” should be interpreted as Executive Directors.

The West Virginia Board of Education and West Virginia Regional Education Service Agencies do not discriminate on the basis of gender, race, color, religion, national origin, ancestry, age, disability, or other legally protected classification in its programs, activities, or employment practices. For inquiries, please contact the Executive Director of your RESA or Mary Catherine Funk, Title IX Coordinator, at: West Virginia Board of Education, 1900 Kanawha Blvd., East, Building 6, Suite 617, Charleston, WV 25305, [mcfunk@k12.wv.us](mailto:mcfunk@k12.wv.us), or by phone at (304) 558-3660.

# West Virginia Regional Education Service Agencies Policies and Procedures

## I. Employment

### Employment Relationship

RESA employees are non-contractual at-will employees. At-will employees are subject to termination by the WVBE at any time, with or without notice, cause, or compensation. The employment relationship between the RESA and the employee may be terminated by either party. Reasons for termination by the RESA include, but are not limited to, immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea of nolo contendere (do not wish to contend) to a felony charge, misuse of funds or property, violations of law or WVBE policies, lack of need, or a loss of funding.

Employees are urged to bring any concerns about working conditions, staffing issues, or otherwise to their direct supervisors.

### Equal Employment Opportunity

It is the policy of the RESAs to afford equal opportunity for employment without regard to gender, race, color, religion, national origin, ancestry, age, disability, protected activity (i.e., opposition to prohibited discrimination or participation in the complaint process), or status explicitly defined as protected under applicable State and federal law. This policy of nondiscrimination prevails throughout every aspect of the employment relationship including recruitment, selection, placement, training, promotions, transfers, pay, benefits, discipline, and other terms and conditions of employment.

### Accommodating Employees with Disabilities

RESAs will make reasonable accommodation(s) to the known physical or mental impairment(s) of a qualified individual with a disability, when necessary, to enable the qualified individual with a disability to perform the essential functions of the job. An individual with a disability has the responsibility to request an accommodation. Information concerning reasonable accommodations for disabilities may be obtained at <http://www.ada.gov/>.

### Harassment

Employees shall conduct themselves in a professional and collegial manner. RESAs strictly prohibit racial, sexual and religious/ethnic harassment and violence in accordance with WVBE Policy 4373, Expected Behavior in Safe and Supportive Schools obtained at <http://wvde.state.wv.us/policies/p4373-new.pdf>. Each RESA executive director must identify mechanisms to report the alleged acts immediately to an appropriate designated official. Any employee may report such behavior directly to WVBE staff, the state superintendent, the West Virginia Human Rights Commission, or to a law enforcement agency.

RESAs will not tolerate any form of discrimination or harassment that creates an intimidating, hostile, or offensive work environment, nor any act done to cause fear of bodily harm in another. If you believe you have been subjected to discrimination or harassment on the job, you have the right to file a complaint with the West Virginia Human Rights Commission, and/or the Equal Employment Opportunity Office.

## Business Ethics and Conduct

RESAs 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 RESA employees are expected to adhere to the requirements of the West Virginia Governmental Ethics Act located at <http://www.ethics.wv.gov/ethicsact/Pages/Overview.aspx>.

Employees and elected officials are expected to take every reasonable step to differentiate between their activities as individuals and their official positions as employees or elected officials. No person shall, in any room or school building, solicit in any manner any contribution for any party or political purpose from any employee. No officer or employee of the RESA who has charge or control of any school building, office, or room shall allow any person to enter the same to solicit or receive any political assessments from or to any RESA employee.

## Employee Physical Examinations

To ensure that employees are qualified to perform the essential functions of the position offered, physical examinations may be required for certain positions.

After an offer has been made to an applicant a physical examination may be performed at RESA expense by a health professional of that RESAs choice. The offer of employment is contingent upon successful passage of the exam evidencing the candidate's ability to perform the essential functions of the job .

## Non-Disclosure

The protection of confidential information is vital to the interests and the success of RESAs and those served by the RESAs. 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

## Employment Categories

RESAs categorize employees in four categories. Job titles within these categories are subject to change at the discretion and approval of the WVBE.

**REGULAR FULL-TIME** employees are those who are regularly scheduled to work RESA's full-time schedule. Generally, they are eligible for RESA'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 fulltime work schedule as described by specific job descriptions. Regular part-time employees are eligible for some benefits sponsored by RESA, 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 RESA'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 RESA and the contractor. Contracted service providers are ineligible for any of RESA's benefit programs.

## Background Check

All newly hired RESA employees are required to have a criminal background check through the state criminal identification bureau. The fingerprinting for this background check will be completed through an entity selected by each RESA. The employee may be responsible for all costs associated with this requirement.

## Tuberculosis Test

All employees who work in county school settings are required to have a current negative tuberculin skin test at the time of employment, as confirmed by the local health department or the employee's physician. Additional tests may be required by the Commissioner of the Bureau of Public Health if medically indicated. Positive reactors and people with a previous positive skin test must be referred to a physician for evaluation and treatment. Employees who evidence tuberculosis shall not be actively employed until the local health officer, in consultation with the Commissioner, approves a return to work.

## Certification

Employees are responsible for maintaining appropriate certification to fulfill all position responsibilities. It is advisable to complete the required renewal credit at least one year prior to the year in which the certificate expires. Certification generally expires on June 30<sup>th</sup> of the designated year. Questions regarding certification can be directed to the West Virginia Department of Education's Office of Professional Preparation.

## II. Employment Process and Related Policies

### Position Vacancy

Notices of regular full-time and regular part-time job openings are posted/advertised in one or more of the following ways: at the RESA job site and/or on the RESA Web Site; at the West Virginia Department of Education (WVDE) and/or on the WVDE 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. 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.

Upon the recommendation of the RESA executive director and the State Superintendent of Schools, the West Virginia Board of Education (WVBE) will consider the approval of all regular full-time and regular part-time staff after a majority of the members of the Regional Council, by vote, verify that such employment is necessary for the effective provision of services as set forth in **WVBE Policy 3233 - Establishment and Operation of RESAs** ([http://wvde.state.wv.us/policies/p3233\\_ne.pdf](http://wvde.state.wv.us/policies/p3233_ne.pdf)).

### Outside Employment

Outside employment is not prohibited as long as it does not conflict with the employee's primary employment. Any outside employment must not present a conflict of interest or prevent the employee from performing his or her assigned duties and must be during off duty hours. Employees may not hold any public office while employed by a RESA.

RESA employees may not serve as a paid consultant/employee for county school districts outside their RESA employment agreements. Employees who serve as consultants for other agencies or firms and receive compensation shall use annual leave for the days involved. Employees shall also provide respective Executive Directors advanced written notice of consultant agreements.

### Employment of Family Members

The WVBE discourages the employment of immediate family members of RESA personnel, particularly those at the supervisory level. Employment may be permissible if the family members are assigned to separate divisions or the member is not directly supervised by the other family member.

## Personnel File

Necessary job-related and personal information about each employee is retained in the official personnel file maintained at each RESA. Contents include basic employee identification, completed employment applications and other hiring related documents, position announcements, certification and training records, notices of salary adjustments and benefit coverage information, performance evaluations, disciplinary records and other relevant job-related information or documents deemed essential by the Executive Director. Personnel files of current and former employees are kept fifty (50) years.

Employees have the right to inspect information contained in their personnel files. Individuals will be given access to their files only in the presence of an authorized RESA official and at a mutually convenient time and place. Personnel files may not be removed from the RESA outside the required release to the WVBE Legal Counsel for discipline or litigation purposes. At the request of the employee, the RESA will provide copies of documents on file. The personnel file is accessible to a supervisor for administrative or employment purposes. Individuals who review personnel files shall date and sign the inside left cover of the file.

It is essential that the employees assist in keeping his/her file current by providing certificates of completed education and training and other pertinent information. Employees shall promptly notify their supervisors and the Executive Director in writing of changes in address, telephone number, name, tax exemption, insurance beneficiary, number of dependents, certification status or other pertinent information.

If there are questions regarding information contained in an employee's personnel file, the employee should bring the matter to the attention of the Executive Director. The Executive Director will consider the employee's objection and correct or remove erroneous or improper information. If the RESA decides to retain the disputed information in the file, the employee is entitled to attach a written objection to that item, making the objection a part of the permanent file.

No information in a personnel file will be disclosed to anyone outside the WVBE without written consent from the employee or former employee specifically authorizing the release of the information unless required to do so by law. The WVBE through each RESA reserves the right, however, to verify basic information, such as employment status and job title, without notification to the individual involved, and to cooperate with law enforcement, public safety or medical officials who have a valid need to ascertain limited, specific information about an individual. RESA 7 will also provide employment references, upon request, pursuant to W. Va. Code § 55-7-18a.

## Performance Expectations & Employee Code of Conduct

RESA employees are bound by State Board of Education Policy 5902 (<http://wvde.state.wv.us/policies/p5902.pdf>) : Employee Code of Conduct, which is applicable to all West Virginia school employees. RESA 7 requires that employees shall:

- exhibit professional behavior by showing positive examples of preparedness, communication, fairness, punctuality, attendance, language and appearance
- contribute, cooperate and participate in creating an environment in which all are accepted
- contribute to a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and/or violence and free from bias and discrimination
- contribute to a culture of caring through understanding and support

- demonstrate responsible citizenship by maintaining a high standard of conduct, self-control and moral/ethical behavior, and
- comply with all Federal and West Virginia laws, policies, regulations and procedures

## Performance Evaluations

Employees receive an annual written job performance evaluation by their supervisors in accordance with WVBE procedures. Evaluations are based upon annual goal(s) accomplishment(s) and assessment of performance. Supervisors shall review the completed evaluation form with the employee. The employee acknowledges the review by signing the evaluation form, even when in disagreement. An addendum may be attached to the evaluation. Signed evaluation forms shall be submitted to the Executive Director by June 30 of each year.

If the employee's annual evaluation is unsatisfactory in any area, an improvement plan shall be implemented; however, any time an employee's performance is unsatisfactory prior to the annual evaluation, an improvement plan may be implemented.

The evaluation and improvement plan process shall not be construed as altering the at-will employment of RESA employees.

### **III. Work and Salary Schedules**

#### **Salary Administration**

Compensation may be determined by several factors including, but not limited to, the salary schedule of the specific RESA, the salary schedule of RESA fiscal agents and other local education agencies, job analysis and evaluation, as well as the essential duties and responsibilities of the job. RESA periodically reviews its salary administration program and restructures it as necessary. RESA employees are urged to remember that wages, benefits and other forms of compensation are often determined by RESA regional councils, RESA fiscal agents, the West Virginia Board of Education and the West Virginia Legislature.

#### **Timekeeping**

Employees shall accurately monitor the time they work. 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 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.

#### **Paydays**

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

#### **Pay Deductions and Setoffs**

The law requires that RESAs make certain deductions from every employee's compensation. RESAs offer 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.

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

#### **Work Schedules**

RESA employees will be advised of their work hours. Staffing needs and operational demands may necessitate variations in starting and ending times, variations in the total hours that may be scheduled each day and week, as well as which days it may be necessary to work during any specific week.

## **IV. Employee Benefit Programs**

### Employee Benefits

Benefit eligibility is dependent upon a variety of factors, including employee classification, the specific RESA at which you are employed and the benefit packages which may be available through the RESA's fiscal agent. Therefore, benefit packages are not the same at every RESA.

Some benefit programs require contributions from the employee. RESAs reserve 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 RESA Council; and/or 4) the RESA fiscal agent.

### Holidays

Employees are granted paid time off in observance of approved holidays of the respective RESA or associated fiscal agent.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid absence (such as annual or sick leave), holiday pay will be provided instead of the leave benefit that would otherwise have applied.

If eligible employees work on a recognized holiday, they may receive compensation based on a prior arrangement between the employee and his/her immediate supervisor and approved by the executive director.

### Early Release

Employees on approved leave that occurs on an unscheduled early release day are not entitled to the early release benefit.

### Leave Expectations

It is the responsibility of the supervisor to monitor employee absences. Abuse of leave benefits will lead to strict control, including but not limited to, being required to produce a physician's statement for all absences. If an employee's attendance record suggests a problem, the executive director/immediate supervisor shall hold a conference with the employee to identify and resolve the problem.

### Annual Leave

*Annual leave only applies to RESA Executive Directors.* Only regular full-time and part-time employees are eligible to earn annual leave, earned according to total length of verified state employment, county board of education employment and employment in other educational positions, including educational experience outside of West Virginia.

### *Requesting Annual Leave*

Annual leave cannot be taken before it is earned. Employees are required to request annual leave in advance of when it is to be taken and must have prior approval of the supervisor before taking leave. Employees should give all supervisors notice of a request for annual leave equal to the amount of annual leave time requested. For example, if an employee requests five days of annual leave, the request should be made to the supervisor at least five workdays prior to the commencement of the leave period. If annual leave is not approved, the supervisor must notify the employee immediately upon receiving the leave request. Annual leave can be charged as determined by the individual RESA's fiscal agent in accordance with its payroll system.

### *Payment of Annual Leave Balance on Separation from Employment*

Employees who separate from employment for any reason are paid for their balance of annual leave subsequent to their separation and may choose one of the following options for payment of the annual leave balance.

- An employee may elect to be paid the balance of leave not to exceed 40 days in semi-monthly payroll installments until all the leave is exhausted.
- An employee may elect to be paid for the balance of leave in a lump sum not to exceed 40 days. The lump sum payment will be paid at the time that would have been the employee's next scheduled pay day, subsequent to the date of separation.

### *Transfer of Annual Leave*

When an employee transfers to another state agency, all accumulated annual leave is transferred.

## Out-of-Calendar Leave

An Out-of-Calendar (OC) day is a nonpaid day outside of an employee's term of employment.

The RESA 7 work calendar for all Regular Employees is based on a 261 working day calendar. Employees will receive a specific number of Out-of-Calendar days based on the specific term of employment.

Employees may use up to two OC days without prior approval from the Executive Director. When an employee is planning to use 3 or more consecutive days of OC during one occurrence a request for approval must be submitted to the Executive Director two weeks prior to the requested time of leave. Each request will be approved or denied based on a number of factors including needs of the organization and staffing requirements.

Out-of-Calendar days may not be carried over from year to year. All days not used in the current fiscal year will be forfeited by the employee.

No compensation in any form shall be recognized for unused OC Days upon termination of employment.

Out-of-Calendar days used in conjunction with sick leave will require approval of the Executive Director

## Sick Leave Benefits

An employee who is absent from assigned duties due to any cause authorized by RESA 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.

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

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. 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 RESA 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, RESA 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 RESA.

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. Being placed on a leave of absence in no way guarantees the employee a position upon becoming able to return to work. When able to return to work they may be placed in a job if one is available for which they are qualified. When an employee is placed on a leave of absence his/her job becomes open to be filled permanently and the employee no longer accrues benefits of any kind nor continues to draw pay.

Each RESA in conjunction with its fiscal agent will establish protocols for sick leave.

## Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. This leave is per occurrence and the employee may use sick or personal days for this leave. Bereavement leave shall not exceed five days without approval of the Executive Director..

RESA defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

## Jury Duty

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 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 RESA or the employee may request an excuse from jury duty if, in RESA's judgment, the employee's absence would create serious operational difficulties. RESA will continue to provide all regular employee benefits for the full term of the jury duty absence.

### Witness Duty

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 RESA. 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 RESA 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 vacation/release time.

### Benefits Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under RESA'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 RESA's group rates plus an administration fee.

### Health Insurance

Through the West Virginia Public Employee Benefit Programs, RESA 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 RESA 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).

## Life Insurance

Through the West Virginia Public Employee Benefit Programs, RESA 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 RESA and the insurance carrier. Contact the executive director for more information about life insurance benefits.

## Liability Insurance

The regional council of each RESA 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 RESA funds.

## Workers' Compensation Insurance

As directed under the provisions of West Virginia statute, RESAs provide 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.

Using the appropriate form, employees who sustain any work-related injuries or illnesses should inform their supervisor immediately. It is the responsibility of the supervisor to investigate a work related injury and issue a report of the findings using the appropriate Workers' Compensation form(s).

Neither RESA 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 RESAs.

## **V. Administrative Procedures**

### Health and Safety

Employees are expected to follow safety instructions and to comply with procedures established to prevent accidents. An employee is responsible for immediately reporting health and safety concerns to his or her immediate supervisor.

### Appearance

RESA employees serve as role models for the education profession throughout the State of West Virginia. In addition, employees are responsible for representing the State Board of Education in a professional manner regarding dress, grooming and conduct.

Employees are expected to use good judgment in determining appropriate attire. Clothing should be professional and reflect a high standard of personal hygiene. Clothing that alludes to obscenity, violence, sex or advertises alcohol, tobacco or an illegal substance is prohibited.

The immediate supervisor and job function will determine what is deemed to be appropriate attire, taking into consideration contact and interaction with RESA employees, the public, educational community and state agencies. Deviation from professional dress should be considered the exception rather than the norm and requires prior approval of the executive director/immediate supervisor. Specific questions regarding personal attire should be directed to the executive director or immediate supervisor.

### Attendance and Punctuality

RESAs expect regular attendance from all employees. Supervisors shall ensure that the work of the office and organization is able to continue when considering all leave requests. Employees are required to be on time and ready to work at the beginning of their scheduled work periods.

The executive director/immediate supervisor is responsible for verifying the attendance records of all employees under her or his supervision at the end of each month. If an employee's attendance record suggests a problem the executive director/immediate supervisor shall hold a conference with the employee to identify and resolve the problem. Employees with attendance problems are subject to unsatisfactory personnel evaluations and/or disciplinary action including possible termination.

### Job Abandonment

Excepting extenuating circumstances approved by the Executive Director, employees absent from work without notifying the immediate supervisor are subject to termination for job abandonment. In addition, excepting extenuating circumstances approved for medical/personal leave, employees who have had their paychecks reduced by six or more days in a fiscal year may be terminated for job abandonment.

### Alcohol and Drugs in the Workplace/Tobacco Control

State Board of Education Policy 4373 (<http://wvde.state.wv.us/policies/p4373-new.pdf>) requires RESAs to ensure that its workplaces are free of alcohol, illegal drugs and controlled substances by prohibiting the use, possession, purchase, distribution, sale or presence in the body system, without medical authorization. This is applicable while employees are engaged in any work-related activity which includes performance of RESA business during regularly scheduled work days and meal breaks having a connection with the job or agency. The unlawful possession, use, manufacture, distribution or dispensation of alcohol, illegal drugs or a controlled substance; the reporting to work under the influence of illegal drugs, alcohol or a controlled substance without medical authorization; the presence of a non-medically prescribed controlled substance, illegal drugs or alcohol in the body system; or possession of drug paraphernalia are all prohibited in the workplace.

Employees will not be disciplined for voluntarily seeking assistance for a substance abuse problem. However, any employee charged with use, possession and/or distribution of alcohol, illegal drugs or a controlled substance at the work site and/or on state property will be subject to legal and/or administrative disciplinary procedures.

Policy 4373 (<http://wvde.state.wv.us/policies/p4373-new.pdf>) restricts the use of any tobacco product at any time by any person in any building or other property owned or operated by RESA 7 or by a county board of education or Regional Education Service Agency. This policy includes private buildings, automobiles or other vehicles used for school activities and Department functions when students and staff are present.

Employees are prohibited from smoking within fifteen feet adjacent of any entrance, exit, operable window or ventilation intake of a State-owned or leased office building.

### Telephone Calls/Technology Use

All RESA telephones are for conducting the business of the organization. RESAs recognize that employees may have an occasional need to make or receive a personal call. These calls shall be held

to a minimum. If an employee must make a personal long distance call while at work, a personal calling card/credit card, cell phone or collect call shall be used.

Personal cell phone use in the work place should be minimal. Personal business should be conducted during breaks or lunch. Ringers should be set on vibrate or silence during the work day as a professional courtesy.

Technology is fast-evolving. All RESA owned technology including @k12.wv.us email addresses are for the exclusive use of employees in conducting business. These accounts should not be construed as private. Employees should not use personal email accounts to conduct work business. RESAs may develop their own social media and email policies to align with technology in use at each RESA.

## Relationships with Media

News releases regarding activities local to the RESA shall be developed by the responsible office and approved by the Executive Director. RESA employees should not contact the media directly about newsworthy matters without first discussing them with the respective Executive Directors. Executive Directors who receive media inquiries affecting more than one RESA should work in conjunction with WVBE staff before responding to such inquiries.

Staff members receiving calls from the media must be prepared to be responsible for information provided or should refer the caller to the Executive Director. Staff members contacted while they are conducting meetings or workshops in the counties are expected to respond to those inquiries within their scope of work. Such information should be factual and consistent with the policies of the WVBE.

## Reporting Abuse or Neglect of Children

Pursuant to W. Va. Code § 49-6A-2(a), when any teacher or other school personnel has reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect, such person shall immediately notify the person in charge of the school. The employee shall also report the circumstances to the West Virginia Department of Human Services. The person in charge of the school or its designee (e.g. counselor) may also supplement the report. Please also notify the respective county health department.

## Employee Grievance Procedures

In certain situations, RESA employees may avail themselves of a grievance procedure established in W. Va. Code 6C-2-1, et seq. Forms for filing grievances are available through the West Virginia Public Employees' Grievance Board, [www.pegb.wv.gov](http://www.pegb.wv.gov).

## **VI. Leaves of Absence**

### **Unpaid Medical Leave**

RESA provides unpaid medical leaves of absence to eligible employees who are temporarily unable to work due to a serious health condition or disability. For purposes of this policy, serious health conditions or disabilities include inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; and temporary disabilities associated with pregnancy, childbirth, and related medical conditions. Employees in the following employment classifications are eligible to request Unpaid Medical Leave as described in this policy:

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

Eligible employees may request unpaid medical leave only after having completed 365 calendar days of service. Exceptions to the service requirement will be considered to accommodate disabilities. Eligible employees should make requests for unpaid medical leave at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

A health care provider's statement must be submitted verifying the need for unpaid medical leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to RESA. Employees returning from unpaid medical leave must submit a health care provider's verification of their fitness to return to work.

Eligible employees are normally granted leave for the period of the disability, up to a maximum of 12 weeks within any 12 month period. Any combination of unpaid medical leave and unpaid family leave and other accrued paid and unpaid leave may not exceed this maximum limit. Employees will be required to first use all other accrued paid and unpaid leave time before taking unpaid medical leave.

Employees who sustain work-related injuries are eligible for an unpaid medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disabilities. Subject to the terms, conditions, and limitations of the applicable plans, RESA will continue to provide health insurance benefits for the full period of the approved medical leave.

Benefit accruals, such as vacation/release time, sick leave, and holiday benefits, will continue during the approved unpaid medical leave period. So that an employee's return to work can be properly scheduled, an employee on unpaid medical leave is requested to provide RESA with at least two weeks advance notice of the date the employee intends to return to work. When an unpaid medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified if one is available. If an employee fails to return to work on the agreed upon return date, RESA will assume that the employee has resigned.

### Unpaid Family Leave

RESA provides unpaid family leaves of absence to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Employees in the following employment classifications are eligible to request family leave as described in this policy:

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

Eligible employees may request unpaid family leave only after having completed 365 calendar days of service. Eligible employees should make requests for unpaid family leave at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable event

Employees requesting unpaid family leave related to the serious health condition of a child, spouse, or parent must submit a health care provider's statement verifying the need for unpaid family leave to provide care, its beginning and expected ending dates, and the estimated time required. Eligible employees may request up to a maximum of 12 weeks of unpaid family leave within any 12 month period. Any combination of unpaid family leave and unpaid medical leave and all other accrued paid and unpaid leave may not exceed this maximum limit. Employees will be required to first use all other accrued paid and unpaid leave time before taking unpaid family leave. Married employee couples may be restricted to a combined total of 12 weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

Subject to the terms, conditions, and limitations of the applicable plans, RESA will continue to provide health insurance benefits for the full period of the approved family leave.

Benefit accruals, such as vacation/release time, sick leave, and holiday benefits will continue during the approved unpaid family leave period.

So that an employee's return to work can be properly scheduled, an employee on unpaid family leave is requested to provide RESA with at least two weeks advance notice of the date the employee intends to return to work. When unpaid family leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified if one is available. If an employee fails to return to work on the agreed upon return date, RESA will assume that the employee has resigned.

## Military Leave

Military Leave may be taken under the terms and conditions of applicable state and federal law.

## Pregnancy-Related Absences

RESAs will not discriminate against any employee who requests an excused absence due to medical restrictions associated with pregnancy. Such leave requests will be evaluated according to the medical leave policy provisions outlined in this manual and all applicable federal and state laws.

Requests for time off associated with pregnancy and/or childbirth, such as bonding and child care, not related to medical disabilities for those conditions will be considered in the same manner as other requests for unpaid family or personal leave.

## **VII. Separation**

A separation from employment occurs when an employee (1) resigns, (2) retires, (3) is laid off because of lack of work or shortage of funds, (4) is terminated from a limited term appointment, (5) transfers from one state agency to another or (6) is dismissed.

All employees who leave the employment of the RESA must complete an exit interview. During the exit interview, the employee is required to return all assigned RESA property, including but not limited to employee picture ID card, building access card, parking access card and placard, building and office key(s), telephone and credit card(s) and all RESA equipment. Failure to receive clearance of RESA property results in a delay in processing the employee's final paycheck.

Employees may contact the Executive Director, Public Employees Insurance Agency and the Retirement System for more complete information concerning benefits on separation.

## Resignation

Employees who plan to resign are asked to give two weeks written notice prior to their last day of work. The notice should state the reason for the resignation. This written notice of the resignation must be submitted to the Executive Director to forward to the WVBE, with a copy to the immediate supervisor. Employees who resign are entitled to payment for accrued annual leave not to exceed 40 days.

## Retirement

Employees who retire are entitled to be paid for all accrued annual leave not to exceed 40 days. Employees may elect not to receive payment for accrued annual leave and may apply this balance as

well as any accrued sick leave balance toward extended insurance coverage or to acquire additional credited service in the retirement system.

Eligible retirees may elect medical insurance coverage for themselves and their eligible dependents and optional life insurance for themselves; however, participation is NOT automatically continued at the time of retirement. The retiree must complete new enrollment cards to continue coverage.

## Dismissal

Dismissed employees are entitled to be paid for all accrued annual leave not to exceed 40 days. All accumulated sick leave is cancelled as of the effective date of the dismissal or last day worked during the separation from employment notice period.

## Death

Upon the death of an employee, a balance of accrued annual leave not to exceed 40 days is paid in a lump sum to the estate of the deceased employee. Annuity benefits may be available through the Retirement System to the beneficiary. (Contact the Retirement System.)

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA), the surviving legal spouse and eligible dependents of a deceased employee who was a PEIA participant may elect to continue medical coverage at their own expense.

## **Employee Acknowledgement Form**

\_\_\_\_\_ have read and understand the contents of this  
(Name)  
Employee Handbook. I further understand it does not constitute a contract for employment, and  
acknowledge that I understand I am an at-will employee. Further, I understand the contents of  
this handbook can change, and I will be timely apprised of any changes.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Executive Director Signature \_\_\_\_\_