



## SECTION V: EMPLOYEES

## POLICY 5160

### FAMILY AND MEDICAL LEAVE / BA MEDICAL LEAVE

#### FAMILY AND MEDICAL LEAVE

It is the policy of the District to comply fully with the requirements of the Family and Medical Leave Act of 1993 (FMLA) and all its related revisions, including the National Defense Authorization Act (NDAA), collectively referred to in this policy as “FMLA.” The District is a covered employer and, accordingly, will provide up to 12 workweeks of unpaid leave to eligible employees. This leave must run concurrently with any paid leave the eligible employee has available. Eligible employees may also be entitled to 14 additional workweeks of leave (26 workweeks total) for servicemember family leave.

Any employee utilizing FMLA leave is required to cooperate in matters of scheduling, providing prompt notice of the need to use leave and availability for return to work, completing paperwork, etc.

This policy is not intended to create any leave obligations for the District in addition to those provided under the FMLA. In the event any conflict exists between this policy and the FMLA, the FMLA will be the final authority.

#### Definitions

“Eligible employees” are those employees who:

- have been employed for at least one year by the District; and
- worked at least 1,250 hours during the previous 12-month period; and
- have requested leave for a reason covered by the FMLA; and
- there are at least 50 employees within a 75-mile radius.

Full-time instructional employees are deemed to have met the 1,250 hours of employment requirement if they worked full-time during the prior year.

- A “child” means a biological, adopted, foster or step child, a legal ward, an individual with an in loco parentis relationship with the employee or military member, and adult children who are physically or mentally incapable of self-care.
- A “serious health condition” is one that requires either in-patient care or continuing treatment by a health care provider. This includes conditions or illnesses affecting health to the extent that in-patient care is required, or absences are necessary on a recurring basis or for more than just a few days. A “serious health condition” does not include short-term conditions for which treatment and recovery are very brief as such conditions would normally be covered by the District’s sick leave policies.
- A “year” means a rolling 12-month period measured backward from the date an employee



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uses any leave.

- A “workweek” means the employee’s usual or normal schedule (hours / days per week) prior to the start of FMLA leave.
- A “covered military member” (for purposes of active duty leave) is an individual serving in the Regular Armed Forces or the National Guard and Reserves and who has been called to active duty. Veterans receiving treatment or therapy, or those who are recuperating and were discharged or released for any reason other than dishonorable discharge within the 5 years preceding the employee’s request for leave are also included in this definition.
- A “covered military member” (for purposes of servicemember family leave) is an individual serving in the Regular Armed Forces or the National Guard and Reserves who is undergoing treatment or therapy for a serious injury or illness incurred or exacerbated while on active duty.
- A “serious injury or illness” is an injury or illness incurred (or exacerbated) by the servicemember in the line of duty in the Armed Forces or National Guard and Reserves which:
  - may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or
  - resulted in the member receiving a VA Service Related Disability Rating of 50% or more; or
  - substantially impairs the veterans’ ability to be gainful employed; or
  - resulted in the member’s enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

### **Reasons for Leave**

All eligible employees who meet FMLA requirements may be granted leave as provided in this policy and required by law for the following reasons:

1. for the birth of a child and to care for such child, or placement for adoption or foster care of a child;
  - If both parents are employed by the District, the combined amount of FMLA leave cannot exceed 12 workweeks
2. to care for a spouse, child or parent with a serious health condition;



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3. for a serious health condition of the employee that makes the employee unable to perform his or her job functions;
4. for covered active duty leave with one or more of the following exigencies:
  - Short-notice deployment: employees can take up to 7 calendar days leave to address issues that arise from servicemembers' call or order to active duty seven calendar days or less prior to the date of deployment;
  - Military events and related activities: employees can take leave to attend official ceremonies, programs, or events sponsored by the military that are related to servicemembers' active duty or call to active duty or attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to servicemembers' active duty or call to active duty;
  - Childcare and school activities: employees can take leave to arrange alternative childcare, provide childcare on an urgent, immediate need (but not every day) basis, enroll in or transfer a child to a new school or day care facility, or attend meetings with school or day care staff (such as parent-teacher conferences) due to servicemembers' active duty or call to active duty;
  - Financial and legal arrangements: employees can take leave to make or update financial or legal arrangements to address servicemembers' absence while on active duty or call to active duty, such as executing powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, or obtaining military identification cards and to act as the servicemembers' representative before governmental agencies to obtain, arrange, or appeal military service benefits while servicemembers are on active duty or called to active duty and for 90 days following termination of active duty status;
  - Counseling: employees can take leave to attend counseling that is provided by someone other than a healthcare provider for servicemembers or their children for needs arising from servicemembers' active duty or call to active duty;
  - Rest and recuperation: employees can take up to 15 days leave to spend time with servicemembers on short-term, temporary rest and recuperation leave during a period of deployment;
  - Post-deployment activities: employees can take leave to attend arrival ceremonies, reintegration briefings and events and other official ceremony or program sponsored by the military that occurs within 90 days following termination of servicemembers' active duty status or to address issues arising



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from servicemembers' death while on active duty, including meeting and recovering the body and making funeral arrangements; and

- Additional activities: employees can take leave to address any other events that arise from servicemembers' active duty or call to active duty when the district and employee agree that such leave qualifies as an exigency and agree upon the timing and duration of the leave.
5. for servicemember family caregiver leave, provided that the leave (when combined with other forms of FMLA leave) does not exceed 26 workweeks during a 12-month period;
  6. for parental care leave to care for (including making arrangements for care, patient transfer and meetings with staff at a care facility) a parent-in-law who is unable to care for him/herself while the servicemember is on active duty.

#### **Application for Leave**

Employees who wish to utilize FMLA leave must submit an application for leave (with all required supporting documentation) on the forms available through the Human Resources department (the District will utilize all required forms as provided by the US Department of Labor. The forms are available at <http://www.dol.gov/whd/fmla/index.htm#Forms>). The District requests that, when practical, FMLA requests be submitted at least 30 days prior to the use of the leave. In emergency circumstances, the District may provisionally place an employee on FMLA leave if conditions appear to warrant such action. The employee is ultimately responsible for completing the necessary paperwork to finalize the use of FMLA leave at least 15 days in advance.

#### **Medical Documentation (for Leave Related to a Serious Medical Condition)**

In addition to all medical documentation required pursuant to the FMLA, the District may, in its sole discretion and at its own expense, require a second opinion related to the need for FMLA leave. If the first and second opinions differ regarding the need for FMLA leave, the District and the employee shall mutually agree upon a provider to conduct a third opinion of the employee's need for leave. The cost of this third opinion will be paid for by the employer.

The District may also require supplemental certifications of the employee's continuing need for leave. These certifications may not be more than one time per month unless the employee requests an extension of leave, changes circumstances regarding the illness or injury, or the District receives information that casts doubt on the validity of an existing certification.

In the event an employee wishes to request an extension of leave, such request must be promptly submitted to the Human Resources department with supporting documentation from the health care

provider regarding the reason for the extension. The extension is only available as long as the employee does not exceed the maximum leave permitted by the FMLA.



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#### **Right to Conduct Surveillance**

In an effort to combat misuse of leave permitted by the FMLA, an employee may be surveilled to determine if the employee is not using the FMLA leave for the purpose for which it was granted. The District may conduct non-workplace (off-site) surveillance of an employee based on an honest belief or suspicion that the employee is misusing the FMLA leave granted. If the employee is found to be misusing the FMLA leave, the employee will be subject to all disciplinary action allowed by law, including but not limited to dismissal or nonrenewal. Circumstances which may give rise to an honest belief or suspicion of FMLA leave misuse include, but are not limited to, an employee providing inconsistent reasons for the FMLA leave, an employee engaging in a suspicious pattern of absences over a short period of time, verifiable information from co-workers evidencing misuse by an employee and significant changes in the frequency or duration of an employee's absences.

#### **Intermittent Leave or Leave on a Reduced Leave Schedule**

Eligible employees may request to use their available leave on an intermittent basis by following the same application and certification process as described above and under the following conditions:

- intermittent leave in connection with the arrival of a new child must be approved by the District;
- employees must coordinate the intermittent leave with their supervisor to attempt to reduce the negative impact of the leave on school operations;
- the District reserves the right to transfer the employee to a position better suited to intermittent leave;
- if an instructional employee will be absent more than 20% of the total working days in the period in which the leave will be used, the District may require the employee to either:
  - take leave for a "particular duration" or time which is not greater than the duration of the planned treatment, or
  - be transferred to an alternative position.

#### **Leave Taken Near the End of an Academic Term**

If an instructional employee begins any type of covered leave more than 5 weeks before the end of a semester, and if the leave will last at least 3 weeks and the employee would otherwise return to work during the 3 weeks before the end of the semester, the District may require the employee to continue taking leave until the end of the semester.

If an instructional employee takes leave (for a reason other than the employee's own serious health



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condition) which commences during the 5 weeks before the end of the semester, and if the leave will last more than 2 weeks and the employee would otherwise return to work during the last 2 weeks of the semester, the District may require the employee to continue taking leave until the end of the semester.

If an instructional employee takes leave (for a reason other than the employee's own serious health condition) which begins during the last 3 weeks of the semester, and if the leave will last more than 5 working days, the District may require the employee to take leave until the end of the semester.

#### **The Effect of Leave on Benefits**

During a period of FMLA leave, an employee will be retained on the District's medical insurance plan under the same conditions that applied before leave began, including making any payments the employee previously made. An employee's failure to timely pay his/her share of the medical premium may result in loss of coverage. The employee is required to pay all of the premiums for any other type of insurance coverage which may exist.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the District for payment of health insurance premiums during the FMLA leave, unless the reason for the failure to return to work are due to circumstances beyond the employee's control.

Employees do not accrue or lose any seniority or employment benefits during a period of FMLA leave.

#### **Return to Work**

Employees must update the Human Resources department regarding the intent to return to work, including providing all necessary releases and paperwork, at least 5 business days in advance of the expected return date.

Although the District cannot guarantee that an employee will be returned to his/her original position, employees will generally be restored to an equivalent position and employment conditions upon return from FMLA leave. Highly-compensated employees are those individuals who are salaried and are among the highest paid 10% of the employees employed within 75 miles of the employee's worksite. A highly-compensated employee may not be returned to work if it is necessary to prevent substantial and grievous economic injury to the operations of the District. The District will make all

determinations regarding job duties upon an employee's return from FMLA leave.

#### **Failure to Return from Leave**

Employees who fail to return to work when scheduled (absent an approved extension) are subject to immediate termination for cause, subject to applicable due process hearing rights.



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#### BA MEDICAL LEAVE

~~The District will offer BA Medical Leave for support employees whose position does not meet the 1,250 hours in a 12-month period. This will allow for consistent and fair leave for all employees. BA Medical provides job/position protection for up to 12 workweeks (60 working days) of unpaid leave. This leave must run concurrently with any paid leave the eligible employee has available.~~

#### Definitions

~~“Eligible employees” are those employees who:~~

- ~~• have been employed for at least one year by the District; and~~
- ~~• have not missed more than fifteen (15) work days, in the prior school year~~

#### Reasons for Leave

- ~~• Serious health condition of the employee that makes the employee unable to perform his or her job functions~~
- ~~• Birth of a child and to care for such child, or placement for adoption or foster care of a child— If both parents are employed by the District, the combined amount of BA Medical and/or FMLA leave cannot exceed 12 workweeks~~
- ~~• Care for a spouse, child, or parent with a serious health condition~~

~~Child may include biological, adopted, foster, or step child, a legal ward, and individual with an in loco parentis relationship with the employee.~~

~~Serious health condition is one that requires either in-patient care or continuing treatment by a health care provider. This includes conditions or illnesses affecting health to the extent that in-patient care is required, or absences are necessary on a recurring basis or for more than just a few days.~~

~~Year is defined as rolling 12-month period measured backward from the date the employee uses any leave.~~

#### AUTHORIZED MEDICAL LEAVE ~~SICK LEAVE ALTERNATIVES~~

~~Employees that do not meet the eligibility requirements for FMLA or BA Medical leave have the following leave options: may use authorized medical leave as follows:~~

#### Employee

- Employees unable to perform all their essential job duties due to illness or injury may request leave for ~~60~~ 30 working days or the number of work days equal to their paid leave available, whichever is longer
- Medical certification from a physician or practitioner must be provided to Human Resources



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- ~~Employee position is not protected during this time~~

#### Employee Family Member

- Employee may request days to care for the serious illness or injury of an immediate family member if paid leave is available
- Immediate family is defined as spouse, parent, sibling, child (this includes foster child), grandparent, or grandchild and corresponding in-laws and corresponding step relatives
- Medical certification from a physician or practitioner must be provided to Human Resources

Employees that have been a member of the Sick Leave Sharing Bank for a year may request to use days from the bank once they have exhausted their own sick leave. ~~exhausted any of the leave options may qualify for Sick Leave Sharing Bank.~~ For guidelines refer to Board Policy 5310.

Employees that have exhausted FMLA and/or authorized medical leave may continue to use any available paid leave. ~~any of the leave options may use additional work days equal to their paid leave available.~~

#### Return to Work

Although the District cannot guarantee that an employee will be returned to his/her original position, employees will generally be restored to an equivalent position and employment conditions upon return from authorized medical leave.

Employees that have exhausted all leave options, are expected to return to work. If an employee is unable to return to work or medically unable to perform the duties of their job, a meeting will be scheduled with Human Resources to discuss next steps.

Source: *Broken Arrow Board of Education policy adoption, July 13, 2009.*  
*Broken Arrow Board of Education policy revised, July 10, 2017.*  
*Broken Arrow Board of Education policy revised, November 12, 2018.*  
*Broken Arrow Board of Education policy revised, May 13, 2019.*  
*Broken Arrow Board of Education policy revised, October 11, 2021.*  
*Broken Arrow Board of Education policy revised, November 7, 2022.*  
*Broken Arrow Board of Education policy revised, July 17, 2023.*





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### **SUSPENSION, DEMOTION, TERMINATION OR NON-REEMPLOYMENT OF SUPPORT EMPLOYEES**

#### Definitions

1. "Support Employee" shall mean an employee of the School District who provides those services, not performed by professional educators or licensed teachers, which are necessary for the efficient and satisfactory functioning of the School District.
2. "Full-time Support Employee" shall mean a support employee who regularly works the standard period of labor which is generally understood to constitute full-time employment for the type of services performed by the employee and who is employed by the School District for a minimum of 172 days per year.
3. "Suspension without pay" shall mean the temporary denial of a support employee's right to work and receive any pay and other benefits during the term of the suspension. "Suspension without pay" may be as a disciplinary measure as provided in *Procedures for Suspensions Without Pay, Terminations and Demotions* below, or as a suspension pending investigation as provided in paragraph *Procedures for Suspensions Without Pay, Terminations and Demotions* below. If a final decision is made under the procedures stated below that a suspension without pay was improper, the support employee shall receive full pay and other benefits for the period of suspension.
4. "Suspension with pay" may occur in those situations in which the superintendent or his designee, or a supervisor of the support employee perceives a significant hazard in keeping the support employee on the job, in which event the support employee may be asked to immediately leave the School District's premises and the support employee is temporarily relieved of his duties pending a hearing under paragraph 4, below.
5. "Demotion" shall mean a reduction in pay during the term of the support employee's contract. "Demotion" shall not mean a change in job description or work assignment or duties.
6. "Termination" shall mean the discharge of the support employee from his/her employment with the School District during the term of his/her contract and does not include the cessation of employment upon expiration of the support employee's contract.
7. "Non-reemployment" shall mean the failure to offer a support employee a new contract for the next successive school year after the contract under which the support employee is presently employed has expired.

#### Policy on Suspension, Demotion, Termination or Non-reemployment of Full-Time Support Employees

A full-time support employee who has been employed by the School District for more than one year shall be suspended, demoted, terminated or non-reemployed during the term of his/her contract only for cause as provided in this policy. In addition to the definition of cause stated in section 3 of this



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Policy, "cause" shall also specifically include lack of funds or lack of work. Any support employee who has been employed by the School District for less than one year (12 months) is not entitled to invoke the procedures of this policy and such employee's contract can be terminated at any time without cause.

#### Cause for Suspension, Demotion, Termination or Non-reemployment

1. A support employee may be suspended, demoted, terminated or non-reemployed during the term of his/her contract for any of the following:
  - Violation of any rule, regulation or requirement issued by the Office of the Superintendent or Board of Education of the School District; or
  - Conduct not otherwise specified in the above rules, regulations or requirements which constitutes insubordination, neglect of duty, incompetency in job performance, dishonesty, or causing or allowing damage, destruction or theft of school property.
2. The rules, regulations and requirements referred to above shall be posted in a prominent place at each work location or otherwise communicated in writing to all support employees. The rules, regulations and requirements, which may be revised from time to time, shall state that violation of the rules, regulations and requirements may result in suspension, demotion, termination or non-reemployment during the term of his/her contract.

#### Procedures for Suspensions Without Pay, Terminations and Demotions

1. Any full-time support employee is subject to disciplinary action in the form of a suspension without pay, demotion or termination. Prior to instituting any such disciplinary action, the full-time support employee shall receive the following hearing rights:
  - The superintendent of schools or his designee shall orally advise the support employee of the cause or basis for the proposed disciplinary action;
  - The superintendent of schools or his designee shall explain to the support employee the evidence against the support employee;
  - The superintendent of schools or his designee shall allow the support employee an opportunity to present his side of the matter.
2. After the support employee is afforded the above hearing rights, the superintendent of schools or his designee may take any of the following actions:
  - Suspension without pay for ten (10) working days or less as a disciplinary measure;
  - Suspension without pay pending investigation as to whether cause exists for the termination of the support employee;
  - Demotion of the support employee;
  - Termination of the support employee;
  - Conclude that no disciplinary action is appropriate.
3. If a support employee is suspended without pay pending an investigation as to whether termination is appropriate, then, within five (5) working days after the effective date of the



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suspension without pay, such investigation must be completed and the superintendent or his duly authorized designee shall afford the support employee a second hearing with the same hearing rights as set forth in paragraph 4.a., above. After the second hearing, the support employee shall either be reinstated, with back pay and other benefits, suspended without pay further as a disciplinary measure (not to exceed a total of 10 working days including the initial days of suspension without pay), demoted or terminated.

4. The support employee shall have the right to appeal to the Board of Education a suspension without pay as a disciplinary measure, a demotion or a termination as set forth in the Procedures for Appeal to the Board of Education in section below.

#### Procedures for Non-reemployment

Prior to being non-reemployed, a full-time support employee who has been employed by the School District for more than one (1) year shall be entitled to the following hearing rights:

1. The board of education or the superintendent of schools or his designee shall advise the support employee, in writing, of the board's intention to consider and act on the non-reemployment of the support employee for the subsequent fiscal year;
2. The written notification shall set out the cause(s) for such action;
3. The support employee shall have the right to contest his non-reemployment before the Board of Education as set forth in the Procedures for Appeal to the Board of Education in section below.

#### Procedures for Appeal to the Board of Education

1. After any suspension without pay as a disciplinary measure, or prior to the effective date of any demotion, termination during the term of his/her contract or non-reemployment, the support employee shall receive notice of his/her right to a hearing before the Board of Education as herein provided.
2. All notices shall be sent to the support employee by certified mail at the address of the support employee shown on the school records. If the support employee refuses to accept the notice or fails or refuses to pick up the notice after being notified by the post office to do so, then the support employee shall be deemed to have received the notice on the date that the notice was postmarked. The notice shall contain the information provided in the form attached hereto. The postmark shall be used to determine the timeliness of the notice.
3. A support employee who has been notified in writing of his/her suspension without pay as a disciplinary measure, demotion or termination during the term of his/her contract or non-reemployment may notify the Clerk of the Board of Education of the School District within ten (10) working days of the postmark on the notice if the support employee desires a hearing before the Board of Education. If the support employee fails to notify the Clerk of the Board of



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Education of the School District in writing within ten (10) working days of the postmark on the notice that the support employee requests a hearing, the support employee shall be deemed to have waived the right to a hearing and the suspension without pay as a disciplinary measure, demotion or termination action shall be final and, in the case of a non-reemployment, the board may take final action to non-reemploy the employee without further notice or hearing rights.

#### **4. Hearing before Board of Education:**

- Upon timely notice as set forth above, the support employee shall be entitled to a hearing before the Board of Education. The hearing shall be conducted at the next, or next succeeding, regularly scheduled meeting of the Board of Education if the request for the hearing was received at least ten (10) days prior to the next, or next succeeding, regularly scheduled Board of Education meeting. At the request of the support employee or at the discretion of the Board of Education, the Board of Education shall call a special meeting to conduct the requested hearing, which special meeting shall be held no earlier than ten (10) days no later than thirty (30) days after receipt of the support employee's request.
- At the hearing before the Board of Education, the support employee shall be entitled to be represented by counsel, to cross-examine witnesses presented by the School District, to present witnesses on his/her behalf and to present any relevant evidence or statement which the support employee desires to offer. The hearing shall be conducted in "open" session. The hearing shall commence with a statement to the support employee of his rights at the hearing. Following this statement, the school administration shall present facts showing the cause for the support employee's suspension without pay as a disciplinary measure, demotion, termination or non-reemployment. The burden of proof shall be upon the school administration. The support employee shall then have the right to present his/her side of the matter. After both the school administration and the support employee have fully presented their respective positions, the Board of Education shall deliberate on the evidence in executive session. The Board of Education shall announce its findings and decision immediately in open session by individual voice vote. The decision shall be made by a majority of the Board of Education members present at the meeting.
- As to suspension as a disciplinary measure, demotion or termination, the Board of Education may affirm, modify or reverse the action taken against the support employee, including increasing or decreasing the severity of the original action. As to non-reemployment, the Board may reemploy or non-reemploy the employee for the subsequent fiscal year.
- The decision of the Board of Education at the hearing shall be final and non-appealable.

#### Miscellaneous

This policy shall be effective immediately upon adoption by the Board of Education and shall supersede all previous policies regarding the subject matter contained herein. The Board of Education reserves the right to modify or amend this policy from time to time in any manner consistent with applicable law.



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Nothing contained in this policy shall prevent the Board of Education from acting on its own volition in matters pertaining to suspension, demotion, dismissal or nonrenewal of support employees.

#### **SUPPORT EMPLOYEE RULES AND REGULATIONS**

A support employee may be suspended, demoted, terminated or non-reemployed for violation of any of the following Rules and Regulations:

1. Falsification of personnel or other records.
2. Unexcused failure to be at work station at starting time.
3. Leaving work station without authorization prior to lunch periods, or end of work day.
4. Abandonment of job (3 or more consecutive or non-consecutive absences in a rolling 6-month period without following the proper reporting procedures).
5. Unapproved or excessive absenteeism.
6. Chronic absenteeism for any reason.
7. Unapproved or excessive tardiness
8. Chronic tardiness.
9. Wasting time or loitering during working hours.
10. Leaving work area during work hours, without permission, for any reason.
11. Possession of weapons on school premises<sup>1</sup> , in school district vehicles or while on duty.
12. Removing school district property or records from school district premises without proper authority.
13. Willful abuse, misuse, defacing, or destruction of school district property, including tools, equipment, or property of other employees.

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<sup>1</sup> Support personnel who are either (a) over the age of twenty-one (21) or (b) who are a military member or veteran and over age eighteen (18) may possess a firearm in the school parking lot but that weapon must be stored in the employee's vehicle pursuant to Oklahoma law.



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14. Theft or misappropriation of property of employees, students or of the school district.
15. Sabotage.
16. Distracting the attention of others.
17. Refusal to follow instructions of supervisor.
18. Refusal or failure to do work assignment.
19. Unauthorized operation of machines, tools, or equipment.
20. Threatening, intimidating, coercing or interfering with employees or supervisors.
21. Threatening, intimidating, coercing or exploiting students or others connected with the district.
22. The making or publishing of false, vicious, or malicious statements concerning any employee or supervisor.
23. Creating a disturbance on school premises including but not limited to engaging in quarrelsome behavior and fighting.
24. Creating or contributing to unsanitary conditions.
25. Actions or omissions that jeopardize the health, safety, life, or property of self or others.
26. Practical jokes injurious to other employees, students or school district property.
27. Possession, consumption, or reporting to work under the influence of beer, alcoholic beverages (including wine), non-prescribed drugs, or controlled dangerous substances.
28. Disregard of known safety rules or common safety practices.
29. Unsafe operation of motor driven vehicles or equipment.
30. Operating machines or equipment without using the safety devices provided.
31. Gambling, lottery, or any other game of chance on school district property.



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32. Unauthorized distribution of literature, written or printed matter of any description on school district property.
33. Posting or removing notices, signs, or writing in any form on bulletin boards of school district property at any time without specific authority of the administration.
34. Poor workmanship.
35. Immoral conduct or indecency including abusive and/or foul language.
36. Excessive personal calls during working hours, except for emergencies. This includes incoming and out-going calls.
37. Walking off job.
38. Clocking in or out another employee's time card or time sheet.
39. Smoking or using tobacco products in an unauthorized area, including the use of e-cigarettes, personal vaporizers and other similar devices, regardless of whether those devices are used with cartridges containing nicotine.
40. Refusal of job transfer, if the transfer does not result in a demotion.
41. Abuse of "breaks" (rest periods) or meal period policies.
42. Insubordination of any kind.
43. Dishonesty of any kind, including withholding pertinent information from a supervisor.
44. Wrongdoing of any kind.
45. Violation of a law or regulation.
46. Sexual harassment of an employee, a student or a third party such as a patron or vendor.
47. Engaging in discriminatory conduct (including discrimination based on race, religion, color, national origin, sex, sexual orientation, gender expression, gender identity, pregnancy, disability, genetic information, veteran status, or age) against an employee, student, or third party.



## SECTION V: EMPLOYEES

## POLICY 5350

### SUSPENSION, DEMOTION, TERMINATION OR NON-REEMPLOYMENT OF SUPPORT EMPLOYEES

48. Violation of a policy or rule enacted to ensure orderly and proper job performance or for the safety of self or others.
49. Misuse or abuse of any school district leave policy or guidelines.
50. Any intentional act or omission which constitutes a material or substantial breach of job duties, responsibilities or obligations.
51. Any conduct which the employee knew or should have reasonably known was a violation of school rules or policies.
52. When it is in the best interest of the school district, any support personnel may be suspended, demoted, terminated or non-reemployed.

~~53. Because of the substantial difficulty of retaining competent support employees on a temporary basis over an extended period of time, a support employee shall be subject to termination or non-reemployment for inability to perform the essential job requirements if the employee is unable due to illness or accidental injury to return to work for his or her regularly scheduled hours and to perform all of the essential duties of the position within 12 work weeks or the number of work days equal to the employee's total accumulated sick leave days, whichever is longer, measured from the date of the first absence due to the condition resulting in the extended absence. The administration may, in its discretion, extend additional unpaid leave as an accommodation of a disability~~

53. Because of the difficulty of retaining competent support employees on a temporary basis over an extended period of time, a support employee shall be subject to termination for physical inability to perform the job requirements due to illness or accidental injury when unable to return to work for his or her regularly scheduled work hours and perform all of the duties of the position. Support employees that meet eligibility requirements may request FMLA leave for 12 work weeks/60 work days or Authorized Medical Leave for 30 work days or the number of work days equal to the employee's total accumulated paid leave, whichever is longer, counted from the date of the first absence due to the illness or injury.

54. Unauthorized access of a computer, mobile phone or website.

Source: *Broken Arrow Board of Education policy adoption, July 13, 2009.*  
*Broken Arrow Board of Education policy revised, December 8, 2014.*  
*Broken Arrow Board of Education policy revised, November 9, 2020.*  
*Broken Arrow Board of Education policy revised, October 11, 2021.*  
*Broken Arrow Board of Education policy revised, July 17, 2023.*