

Bylaws & Policies

Neenah Joint School District

February, 2014

ADOPTION RESOLUTION

RESOLVED, that the bylaws and policies printed and codified in the comprehensive document entitled "Bylaws and Policies of the Neenah Joint School District Board of Education" are hereby adopted and that all bylaws and policies heretofore adopted by the Neenah Joint School District Board of Education are hereby rescinded, further be it

RESOLVED, that in the event any policy, part of a policy or section of the bylaws is judged to be inconsistent with law, inoperative by a court of competent jurisdiction or is invalidated by a policy or contract duly adopted by this Board, the remaining bylaws, policies and parts of policies shall remain in full effect.

Take notice that the foregoing resolution was adopted by the Neenah Joint School District Board of Education at a public meeting held at Neenah, Wisconsin.

0000	Adopted 11/15/11
1000	Adopted 11/15/11
2000	Adopted 1/5/13
3000	Adopted 1/5/13
4000-4231	Adopted 5/3/11
4236-4531	Adopted 6/7/11

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BOARD-STAFF COMMUNICATIONS

The Board of Education has a legitimate interest in maintaining order by channeling employee communications to the School Board through the chain of command to the District Administrator. Employees are expected to follow the established chain of communication as described in this policy.

A. Staff Communications to the Board

All communications from staff members related to the performance of their job duties or responsibilities to the Board or its committees shall be submitted through the District Administrator. This procedure is not intended to deny any staff member the right to appeal to the Board on important matters through established procedures.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the District Administrator, who shall also keep staff members fully informed of the Board's problems, concerns, and actions.

C. Social Interaction

Both staff and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action, discussions between staff and Board members related to the performance of job duties or responsibilities are inappropriate violations of the chain of command.

Garcetti v. Ceballos, 547 U.S. 410 (2006)
Samuelson v. LaPorte Comm. Sch. Dist., 526 F.3d 1046 (7th Cir. 2008)

VOLUNTEERS

The Board of Education recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the support staff responsible for the conduct of those programs and activities.

The District Administrator shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. S/He shall not be obligated to make use of volunteers whose abilities are not in accord with District needs.

The District Administrator is to inform each volunteer that s/he:

- A. shall agree to abide by all Board policies and District guidelines while on duty as a volunteer;
- B. upon acceptance as a volunteer, will agree to verification that a satisfactory background check has been conducted through appropriate State agencies.

NONDISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education does not discriminate in the employment of support staff on the basis of any characteristic protected under State or Federal law including, but not limited to, race, color, age, sex, creed or religion, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), sexual orientation, national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, or any other characteristic protected by law in its employment practices. However, it is not employment discrimination if a Board refuses to employ or terminates from employment an individual who has been convicted of a felony and who has not been pardoned for that felony.

The District Administrator shall appoint and publicize the name of the compliance officer whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall provide proper notice of nondiscrimination for Title II, Title VI, Title VII, Title IX, Section 504, and the Age Act (ADEA) to students, their parents, staff members, and the general public.

111.31 et seq., 111.335(d)(2), 118.195, 118.20, Wis. Stats.
42 U.S.C., 2000e et seq., Civil Rights Act of 1964
42 U.S.C., 12112, Americans with Disabilities Act of 1990
29 U.S.C. 701 et seq., Rehabilitation Act of 1973
20 U.S.C. 1681 et seq., Title IX

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DRUG-FREE WORKPLACE

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is free from illegal drugs.

Consistent with the Drug-Free Workplace Act, the Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's support staff at any time while on District property (including, but not limited to, property leased, owned, or contracted for by the District) or while involved in any District-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and consistent with applicable terms of employment.

The District Administrator shall establish whatever programs and procedures are necessary to meet the Federal certification requirements and shall provide these to staff.

P.L. 101-126
Drug-Free Workplace Act of 1988, 41 U.S.C. 701 et seq.
20 U.S.C. 3224A

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NONDISCRIMINATION BASED ON GENETIC
INFORMATION OF THE EMPLOYEE

The Board of Education prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The District Administrator shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

SECTION 504/ADA
PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

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A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

District Compliance Officer

The following person(s) is/are designated as the District Section 504 Compliance Officer(s)/ADA Coordinator(s) ("District Compliance Officer"):

Director of Pupil Services
410 S. Commercial Street
Neenah, WI 54956

920-751-6800 X203

920-751-6809 (fax)

The District Compliance Officer is responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer.

The District Compliance Officer will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

The District Compliance Officer will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

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The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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REDUCTION IN STAFF

It is the responsibility of the Board of Education to provide the staff necessary for the implementation of the educational program of the District and the operation of the schools and to do so efficiently and economically.

The Board reserves the right to abolish positions in the District and to reduce the staff whenever reasons of decreased enrollment of students, return to duty of regular staff members after leaves of absence, suspension of schools or territorial changes affecting the District, or other circumstances warrant.

The District Administrator shall develop administrative guideline for the reduction of staff based on the best interests of the District and consistent with the terms of any applicable interdistrict agreements, and applicable law.

Where appropriate, attrition may be used to achieve the necessary number of position reductions.

Selection of staff for reduction once positions have been identified, will be based on the following considerations:

- A. qualifications of the employees being considered for reduction
- B. performance of employees, based on performance evaluations
- C. input from direct supervisors

The District Administrator shall determine the appropriate employees for reduction considering all factors that he or she deems important and in the best interests of the District.

No employee whose position has been eliminated shall have any right to be contacted by the District in the event that a vacancy opens in the future for which the laid off employee may be qualified. Likewise, no such employee is entitled to a future position or is provided any preference over other applicants. Any employee whose position was eliminated under this policy may file a grievance as specified in the Employee Policy Manual. Staff whose employment ended with the District due to a reduction in force, shall not be prevented from applying for future positions with the District.

VACANCIES

It shall be the policy of the Board of Education to employ the person best suited to perform the duties of a particular District vacancy at any level.

Whenever possible, vacant positions may be posted internally and/or externally.

The District Administrator shall establish procedures to facilitate identification and evaluation of candidates for supervisory and other leadership positions.

STAFF DISCIPLINE

The Board of Education retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary such action shall be consistent with the requirements of any applicable Board policy, and State and Federal law. The District Administrator may issue discipline, short of termination, when she/he deems appropriate, however, student performance on examinations may not form the basis for staff discipline.

Investigation of Possible Criminal Activity

The District may be required to investigate potential wrongdoings on the part of its employees. Such investigations may require that the employee answer questions relating to the activity. Employees may be required to answer questions. Failure to cooperate in an investigation may result in discipline, up to and including termination of the employee. In cases where this possible wrongdoing may involve criminal activity, the District shall inform the employee that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. Employees must also be informed that refusal to answer questions may be considered in determining discipline.

Staff may be disciplined for violations of Board policy or for other failure to meet the expectations and obligations of their position. No staff member may be subject to arbitrary or capricious disciplinary action.

The District Administrator may issue discipline to staff members when she/he deems appropriate. The level of discipline may range from oral reprimands to suspension or termination. The level of discipline shall be consistent with the seriousness of the offense as determined by the District Administrator.

All instances of staff discipline are subject to the employee grievance procedure.

Franklin v. City of Evanston, 384 F.3d 838 (7th Cir. 2004)
Garrity v. New Jersey, 385 U.S. 493 (1967)

TERMINATION AND RESIGNATION

TERMINATION

Employment may be terminated by the District Administrator.

RESIGNATION

A support staff member may resign by filing a written resignation with the District Administrator.

A resignation, once accepted, may not then be rescinded without approval by the Board of Education.

The District Administrator may act for the Board in the acceptance of a resignation.

WELLNESS REQUIREMENT/PHYSICAL EXAMINATION

The Board of Education requires any candidate, as a condition of employment, to submit to an examination, including a test for tuberculosis, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with 118.25 Wis. Stats., the District Administrator's guidelines, and/or the terms of employment.

The Board shall also require the candidate to submit to a test for controlled substances the results of which must indicate there is no evidence of non-prescribed drug use.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification

Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 4122.02, the successful candidate who is required to submit to a medical examination, as well as the medical health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report of a condition that could influence job performance, the District Administrator shall base a nonemployment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities. Freedom from tuberculosis in a communicable form is a condition of employment.

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The Board shall assume any fees for required examinations.

118.25, Wis. Stats.

121.52(b), Wis. Stats.

29 C.F.R., Part 1630

29 C.F.R. Part 1635

42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

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FITNESS FOR DUTY

It is the policy of the Board of Education to protect the students and employees of this District from the effects of contagious diseases and other circumstances that render support staff members unable to perform their duties.

The Board authorizes the District Administrator to place a support staff member on sick leave or suspend a support staff member for physical or mental disability to perform assigned duties in conformance with the law and consistent with any applicable terms of employment.

The District Administrator shall require that the support staff member submit to an appropriate examination.

The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider, it shall be treated as a confidential medical record as required by the ADA.

If, as a result of his/her such examination, the support staff member is found to be unfit to perform assigned duties, the support staff member shall be placed on leave with such compensation to which s/he is entitled until proof of recovery, satisfactory to the District Administrator, is furnished.

Should a support staff member refuse to submit to an examination following the exhaustion of proper appeals, the District Administrator shall consider the certification of charges for reasons of insubordination.

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The District Administrator may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 4430.01 as provided by law.

111.32 et seq. the Wisconsin Fair Employment Act
29 C.F.R. Part 1630
29 C.F.R. Part 1635
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

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EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Board of Education believes that early recognition and treatment of illegal drug use, controlled substance abuse, alcohol abuse, mental illness, or social concerns is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The District encourages the earliest possible diagnosis and treatment for illegal drug use or controlled substance abuse and supports sound treatment efforts. Whenever feasible, the District will assist staff members in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Staff members with personal drug or controlled substance abuse problems should request assistance from the Department of Human Resources. Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services.

The District will assist a staff member to the extent feasible through the Employee Assistance Program.

SUPPORT STAFF ETHICS

An effective educational program requires the services of employees of integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board of Education expects all staff members to maintain high standards in their working relationships and in the performance of their duties to:

- A. respect the dignity of all individuals with whom they interact in the performance of duties;
- B. represent accurately their qualifications;
- C. exercise due care to protect the mental and physical safety of all individuals with whom they interact;
- D. seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. keep in confidence legally-confidential information;
- F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private interests;
- G. avoid accepting anything of value offered by another for the purpose of influencing judgment;
- H. adhere to the policies of the Board;
- I. refrain from using position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. This will in no way limit legally protected rights as a citizen.

STUDENT SUPERVISION AND WELFARE

Support staff members because of their proximity to students are frequently confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the support staff member. It is the intent of the Board of Education to direct the preparation of guidelines that would minimize that possibility.

A support staff member, or a person who works or volunteers with children, who is found to have had sexual contact with a student shall be referred to the proper authorities and be subject to discipline up to and including discharge.

This section should not be construed as affecting any obligation on the part of staff to report suspected child abuse under Wis. Stats. 48.981 and Policy 8462.

It is the responsibility of the District Administrator to prepare administrative guidelines to ensure the maintenance of the following standards:

- A. Each support staff member shall maintain a standard of care for supervision, control, and protection of students commensurate with assigned duties and responsibilities.
- B. A support staff member should not volunteer to assume responsibility for duties s/he cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- C. A support staff member shall provide proper instruction in the safety matters under the direction of professional staff.
- D. Each support staff member shall report immediately to the principal or professional staff any accident or safety hazard s/he detects.
- E. Each support staff member shall immediately report to the principal's or professional staff's knowledge of threats of violence or suspected abuse.
- F. A support staff member shall not send students on any personal errands.

- G. A support staff member shall not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs.

This provision should not be construed as precluding a support staff member from associating with students in private for legitimate or proper reasons.

- H. If a student comes to a support staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the staff member may help the student make contact with certified or licensed individuals in the District who specialize in the assessment, diagnosis, and treatment of the student's problem. Under no circumstances should a support staff member attempt to counsel, assess, diagnose, or treat the student's problem or behavior.
- I. A support staff member shall be permitted to transport students in a private vehicle with the approval of an administrator and/or parent.
- J. A student shall not be required to perform work or services that may be detrimental to his/her health.

Most information concerning a child in school, is a confidential student record under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse (see Policy 8330).

Pursuant to the laws of the State and Board Policy 8462, each support staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

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STAFF GIFTS

It is the policy of the Board that support staff members may accept gifts of nominal value from students or parents.

The District Administrator may approve acts of generosity to individual staff members in unusual situations.

Upon the recommendation of the District Administrator, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

USE OF TOBACCO BY SUPPORT STAFF

The Board of Education is committed to providing students, staff, and visitors with a tobacco-free environment. The negative health effects of tobacco use for both users and non-users, particularly in connection with second hand smoke, are well-established. Further, providing a tobacco-free environment is consistent with the role-modeling responsibilities of teachers and staff to our students. The Board also recognizes, however, the right of individuals under State law to use lawful products, including tobacco, during non-working hours off District premises.

Accordingly, the Board prohibits the use of tobacco in any form including, but not limited to, cigarettes, cigars, snuff, and chewing tobacco on District premises, in District vehicles, within any indoor facility owned or leased or contracted for by the District, and used to provide education or library services to children, and at all District-sponsored events.

111.321, Wis. Stats.
120.12(20), Wis. Stats.
20 U.S.C. 6081 et seq.
20 U.S.C. 7182

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SUPPORT STAFF DRESS AND GROOMING

The Board of Education believes that support staff members are an important and integral part of the District. Also, since the support staff is highly-visible staff to the students, the professional staff, and the public, the Board believes the support staff should at all times be well dressed and groomed. Support staff members who understand this precept and adhere to it enlarge the importance of their task, present an image of dignity, and encourage respect.

The Board retains the authority to specify the following dress and grooming guidelines for support staff. When assigned to District duty, all support staff members shall:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their support responsibilities;
- C. dress in a manner that communicates to others a pride in personal appearance;
- D. be groomed in such a way that their dress or hair style does not disrupt the educational process or cause a health or safety hazard;

Administration will have the discretion to determine what is professional attire and take necessary steps to ensure dress and grooming are appropriate.

WEAPONS

The Board of Education prohibits support staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to firearms (including, but not limited to, firearms as defined in 18 U.S.C. 921(a)(3)), guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

The District Administrator shall refer a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of any applicable collective bargaining agreement.

Exceptions to this policy include:

- A. weapons under the control of law enforcement personnel;
- B. starter pistols used in appropriate sporting events.

Any staff member who has reason to believe that a person has or will violate this policy shall report to the school principal or their supervisor immediately. Failure to report such information may subject the staff member to disciplinary action, up to and including termination. The staff member may also confront the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

This policy shall be published and distributed to staff members annually. Publication is not a precondition to enforcement of this policy.

120.13(1), Wis. Stats.
18 U.S.C. 921(a)(3)
20 U.S.C. 7151

OUTSIDE ACTIVITIES OF SUPPORT STAFF

The Board of Education directs the District Administrator to promulgate the following guidelines so that employees may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten an employee's effectiveness within the School System, the Board reserves the right to evaluate the impact of such interest, activity, or association upon an employee's responsibilities.

- A. Employees should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
- B. Employees shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. Employees shall not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.
- D. Employees shall not campaign on school property on behalf of any political issue or candidate for local, State, or National office.
- E. Employees should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.
- F. Employees should refrain from expressions that would disrupt harmony among their co-workers or interfere with the maintenance of discipline by school officials.

FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS

The Board of Education acknowledges the right of its support staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the District, however, including matters related to the performance of their job duties or responsibilities, the support staff member's expression must be balanced against the interests of this District.

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which the support staff member's expression could conflict with the District's interests. In such situations, s/he should:

- A. state clearly that his/her expression represents personal views and not necessarily those of the School District;
- B. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;
- C. not make threats or abusive or personally defamatory comments about co-workers, administrators, or officials of the District;
- D. refrain from making public expressions which s/he knows to be false or are made without regard for truth or accuracy.

EMPLOYEE ANTI-HARASSMENT

Prohibited Harassment

The Board of Education is committed to a work environment that is free of harassment of any form. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the School District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

For purposes of this policy, "School District community" means individuals subject to the control and supervision of the Board including, but not limited to, student, teachers, staff, volunteers, and Board members. "Third party" means individuals outside the School District community who participate in school activities and events authorized by the Board including, but not limited to, visiting speakers, participants on opposing athletic teams, and vendors doing business with, or seeking to do business with, the District.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as sex, color, race, ancestry, creed, religion, genetic information, national origin, age, handicap, disability, marital status, veteran status, citizenship status, sexual orientation, arrest record, conviction record, or other protected group status, which affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, student-to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

Sexual Harassment

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;

- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's or a staff member's personal space and personal life.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

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Reporting Procedures

The District Administrator shall prepare written administrative guidelines for employees to report alleged harassment prohibited under this policy to appropriate school administrators. The reporting procedures shall, at a minimum, provide as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to appropriate school officials.
- B. Teachers, administrators, and other school officials who have or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to an appropriate school official.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official.
- D. The reporting party or complainant shall be encouraged to use a report form available from the principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing. Further, nothing in the administrative guidelines shall prevent any person from reporting harassment directly to the District Administrator.
- E. To provide individuals with options for reporting harassment to an individual with whom they feel most comfortable, each building principal shall designate a Complaint Coordinator for receiving reports of harassment prohibited by this policy. The Student Assistance Program (SAP) Coordinator will be the organizer of the District list of Complaint Coordinators. At least one (1) Complaint Coordinator or other individual shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

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Investigation Procedures

The District Administrator shall prepare written administrative guidelines for investigating complaints of harassment. These procedures will, at a minimum, provide as follows:

- A. The Complaint Coordinator or another individual designated by the District Administrator (the "Investigator") shall conduct an investigation immediately upon receiving a complaint or report of harassment prohibited under this policy. The District Administrator, or his/her designee, shall oversee the investigation. The District Administrator will also take immediate action, as may be appropriate, to prevent further violations of this policy while the investigation is being conducted.
- B. The investigation shall consider all relevant facts, documents, witness accounts, and other relevant information.
- C. The investigation shall be completed as quickly as possible, but no later than thirty (30) calendar days from receipt of the complaint, unless additional time is needed to conduct a thorough and objective investigation and the complainant is informed of the need for additional time. The Investigator shall make a written report to the District Administrator upon completion of the investigation. If the complaint involves the District Administrator, the report shall be filed directly with the Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. The Investigator may conduct the investigation regardless of the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

School District Action

Upon receipt of a report that a violation has occurred, the School District will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include, but are not limited to, counseling, awareness training, warning, suspension, exclusion, transfer, remediation, termination, or discharge. School District action taken for violation of this policy shall be consistent with the requirements of applicable the Employee Policy Manual, State and Federal law, and School District policies for violations of a similar nature or similar degree of severity.

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If the evidence suggests that the harassment at issue is also a crime, the Board shall also direct the District Administrator to report the results of the investigation to the appropriate social service and/or law enforcement agency charged with responsibility for handling such crimes.

In accord with State and Federal laws regarding privacy and other rights, the District Administrator shall provide the complainant and other parties with a written answer to the complaint within thirty (30) calendar days of receiving the Investigator's report.

Appeal Provision

The District Administrator may also develop written procedures for the complainant and alleged harasser to appeal his/her answer. These procedures may include a means for these individuals to appeal the answer to the District Administrator.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the complainant's or reporter's work status or work environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the Complaint Coordinators, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

A summary of this policy and any related administrative guidelines shall be made available upon request of employees and other interested parties.

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The Board will ensure that methods are developed for discussing this policy with the School District community. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to the School District community on an annual basis, and at such other times as the Board in consultation with the District Administrator determines is necessary or appropriate.

This policy shall be reviewed at least annually for compliance with local, State, and Federal law.

The Board will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

111.31, Wis. Stats.
118.195, Wis. Stats.
118.20, Wis. Stats.
20 U.S.C. 1681 et seq., Title IX
29 701 et seq., Rehabilitation Act of 1973
29 U.S.C. 794
29 C.F.R. Part 1635
42 U.S.C. 1983
42 U.S.C. 12101 et seq.
42 U.S.C. 12112, Americans with Disabilities Act of 1990
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
National School Boards Association Inquiry and Analysis - May 2008

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THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member are strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline and reported to the appropriate law enforcement authorities.

The District Administrator shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

Chapter 947, Wis. Stats.

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FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

Introduction

In accordance with Federal and State law, the Board of Education will provide family and medical leave to support staff. The Board's Family and Medical Leave Act policy is intended to conform to and comply with, but not exceed, the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") and the Wisconsin Family and Medical Leave Act ("WFMLA"). To the extent that this policy is ambiguous or conflicts with the FMLA or the WFMLA, the FMLA and the WFMLA will govern.

Family and medical leave taken under this policy may be covered by Federal law, State law, or both. When leave taken by a staff member under this policy is governed by both Federal and State law, the more generous provision will control in the event of a conflict. However, when leaves are governed by State or Federal law, but not both, the applicable law will control under this policy. In this regard, you should note that certain leaves may be covered by both State and Federal law for only a portion of the leave. To the extent permitted by law, leave under the FMLA, leave under the WFMLA and leave granted under the Board's other policies will run concurrently (at the same time).

Eligibility Requirements

To be eligible for leave under the FMLA, you must have been employed by the Board for at least twelve (12) months in the past seven (7) years and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. All full-time instructional staff members are deemed to meet the 1,250 hour requirement.

To be eligible for leave under the WFMLA, you must have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to you under this policy, as well as your rights during leave, depend upon whether you satisfy the above requirements.

Qualifying Reasons for Leave

The Board provides family and medical leave for eligible staff members under the following circumstances:

- A. for the birth of the eligible staff member's child and to care for a newborn child
- B. for placement with the eligible staff member of a child for adoption or foster care
- C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

The term "child" generally includes a legal ward or a biological, adopted foster or stepchild. For leaves governed exclusively by the FMLA, the term also includes a son or daughter for whom you have assumed the day-to-day obligations of a parent. A child must be either under eighteen (18) years of age or unable to care for himself/herself due to a physical or mental disability or, for leave under State law only, unable to care for himself/herself due to a serious health condition.

"Parent" includes a staff member's spouse's legal guardian only if you are requesting leave under the WFMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the WFMLA. Domestic partnerships must be registered with the county of residence and proof of such registration may be requested prior to approval of leave. Unregistered domestic partners must demonstrate that they are 1) both over age eighteen (18); 2) not in a domestic partnership or marriage with another individual; 3) they share a common residence; 4) they are not related in any way that would prohibit marriage under Wisconsin law; 5) they consider each other to be immediate family members and agree to be responsible for the other's living expense.

- D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of his/her position

- E. because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves

Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; and 8) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

- F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, which renders the service member medically unfit to perform the member's office, grade, rank, or rating

Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. Leave is available for up to twenty-six (26) weeks in a twelve (12) month period. This type of leave is available for serious injury or illness which results in:

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or

3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for his/her own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

See the District Administrator to determine whether your request for leave qualifies under one (1) of the above categories.

Amount of Leave Available

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, s/he is entitled to a total of twelve (12) work weeks of leave in a calendar year for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above.

Under the WFMLA, if the staff member satisfies the eligibility requirements set forth above, s/he is entitled to ten (10) work weeks of leave in a calendar year as follows:

- A. a total of six (6) weeks of leave for the birth of his/her natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and
- C. a total of two (2) weeks of leave due to the staff member's serious health condition.

Board policy calls for concurrent Federal/State leave coverage whenever a staff member is eligible for leave under both the FMLA and WFMLA to the extent available under the law.

Definitions of Serious Health Conditions

In conjunction with the certification provided by a healthcare provider, the Board reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling a staff member to family or medical leave under State or Federal law.

In general, a “serious health condition” under this policy means an illness, injury, impairment, or physical or mental condition that involves one (1) of the following:

A. **Hospital Care**

Inpatient care (i.e., an overnight stay) in a hospital or other care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

B. **Absence Plus Treatment**

A period of incapacity of more than three (3) consecutive calendar days* (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

1. treatment two (2) or more times by a healthcare provider, a nurse, physician’s assistant or physical therapist under a healthcare provider’s supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

*Under the WFMLA, leave may also be available for a “serious health condition” of less than three (3) consecutive days in duration.

C. **Pregnancy**

Any period of incapacity due to pregnancy, or for prenatal care.

D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

E. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. You or your family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider (e.g., Alzheimer's disease, a severe stroke, or the terminal stages of a disease). The continued existence of such a chronic condition is subject to certification no more than once every six (6) months.

F. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, including: cancer (chemotherapy, radiation, etc.); severe arthritis (physical therapy); or kidney disease (dialysis).