

Berkley Public Schools

NON-INSTRUCTIONAL PERSONNEL

Policy #4000

Non-instructional personnel are an indispensable group of the employees of the school system. They are, in a very real sense, "full partners" in the educational endeavor.

- 4000.1 The many skills and competencies which they bring to their positions make it possible for the schools of the system to function each day.
- 4000.2 Many non-instructional personnel are citizens of the school system with extensive family, organizational, and social ties within the community.
- 4000.3 Non-instructional personnel are "close-observers" of the instructional and activity programs of the schools. If they are presented with the rationale which underlies these various programs and activities, they can be constructive communication links with many segments of the community.
- 4000.4 It is just as important for non-instructional personnel as it is for teachers and administrators to experience satisfaction in their work and to be given opportunities to grow in their skills and competencies.

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Non-Professional Job Descriptions

Policy # 4001

1. It is the responsibility of the Superintendent to develop job descriptions for nonprofessional, system-wide positions such as custodian, business secretary, executive secretary, and special services secretary.
2. It is the responsibility of the Superintendent and Principal to develop job descriptions for building-level positions.
3. The School Committee will be given the opportunity to review all personnel job descriptions annually.

Adopted - January 27, 1997
Reviewed - April 2, 2007

Berkley Public Schools

DEFINITION OF NON-INSTRUCTIONAL PERSONNEL

Policy #4010

Non-instructional personnel are those employees of the school district who provide auxiliary services in support of the educational program. Though some may need licensing or certification by the Commonwealth for their own specialty, they do not need to have educational certification in order to perform their services for the school district. For purposes of granting sick leave and determining eligibility for certain benefits, non-instructional employees are classified according to the continuity and amount of time worked:

- 4010.1 * 12-Month, Full Time Employee: An employee who works full time each week on a twelve-month basis.
- 4010.2 * 10-Month, Full Time Employee: An employee who works full time each week on a ten-month (school year) basis.
- 4010.3 ** 12-Month, Part-Time Employee: An employee who works twenty or more hours but less than full-time each week on a twelve-month basis.
- 4010.4 ** 10-Month, Part-Time Employee: An employee who works twenty hours or more per week but less than full-time on a ten-month (school year) basis.
- 4010.5 Temporary Employee: An employee who works fewer than twenty hours per week and usually, but not always, on a continuous basis. This includes substitutes and employees assigned by Administration for a short time.

* These, then, are defined as "full time employees".

** These, then, are defined as "part time employees".

Adopted - May 8, 1973

Amended - November 9, 1992

Amended - May 21, 2007

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OTHER APPLICABLE POLICIES

Policy #4020

This policy series (the 4000 series) seeks to set forth policies which apply specifically to non-instructional personnel. However, there are a number of policies from other series which pertain to all employees of the school district and thus are applicable to non-instructional personnel. These include policies such as the following:

- 1140 Negotiation Agreements and School Committee Policies
- 1146 Non-discrimination on the Basis of Ethnicity and Race
- 1147 Non-discrimination on the Basis of Disability
- 1200 Responsibilities of School Committee
- 1230 Duties as a Policy-Making Body
- 1800 Community Relations
- 3180 Establishment of Positions
- 3190 Requirement for Position Descriptions
- 3400.3 Discrimination in Hiring
- 8000 All policies in 8000 series

Adopted - May 8, 1973
Amended - May 19, 2003
Amended - May 21, 2007

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HIRING OF NON-INSTRUCTIONAL PERSONNEL

Policy #4050

- 4050.1 Should a regular part-time or full-time vacancy occur or should it be necessary to create an additional non-instructional position, a notice of the position will be publicized in an appropriate manner in the schools and in the community.

- 4050.2 Policies with reference to non-discrimination (paragraph 3440.3) and family relationships (Policy 3425) and Employment will be followed.

- 4050.3 It is the responsibility of the Superintendent and/or Principal to appoint persons to regular part-time and full-time non-instructional positions.

- 4050.4 Becoming an employee in the school district may be contingent upon being in satisfactory physical health as determined by the required physical examination.

Adopted - May 8, 1973

Amended - May 21, 2007

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CLASS SIZES OVER 25 STUDENTS

Policy #4051

Instructional Aides will be hired for classes of over 25 students, based upon enrollment as of September 1 of each school year. An Instructional Aide or a Teacher Aide must accompany these classes, including integrated classes, to a specialist class.

Adopted - August 8, 1994
Reviewed - April 2, 2007

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SUBSTITUTES: CLASSROOM WITH INSTRUCTIONAL AIDE

Policy #4052

In a situation where an Instructional Aide is assigned to a class because of the large class size, if either the Classroom Teacher or the Instructional Aide is absent, no substitute teacher will be called for either during the first three days of absence. This policy exempts aides who are in the classroom to meet special education requirements of the Individualized Educational Plan.

Adopted - August 8, 1994

Reviewed - April 2, 2007

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PHYSICAL EXAMINATIONS FOR NON-INSTRUCTIONAL PERSONNEL
Policy #4060

- 4060.1 Each new employee is required to be in satisfactory physical health. All employees must complete an Employee Medical and Emergency Information Form on an annual basis, which will be kept on file in the Health Office
- 4060.2 Food service personnel must be in good physical health. Full time food service workers must receive pre-employment and periodic medical examinations. No school lunch employee shall be permitted to report to work until a medial certificate has been filed.¹
- 4060.3 Medical certificates will be filed with the Office of the Superintendent of Schools.
- 4060.4 An employee may be examined by the school-designated physician without charge or may choose to be examined by his own physician at his own expense.

¹ MA Department of Public Health, Division of Family Health Services
Adopted - May 8, 1973
Amended - March 8, 1973
Amended - April 14, 2003
Reviewed - April 2, 2007

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PLACEMENT, ASSIGNMENT, AND TRANSFER

Policy #4070

Employees will be placed on the appropriate salary schedule on the basis of their experience and assigned responsibilities. Except where modified by negotiated agreements:

- 4070.1 The Superintendent and/or Principal is responsible for the assignment of the employee to his/her specific position.
- 4070.2 With the advice of supervising personnel, the Superintendent and/or Principal will establish work schedules for all non-instructional employees.
- 4070.3 The decision to transfer an employee from one position to another will be based on consideration of factors such as: desires of the employee and his present immediate superior; the quality of work now being performed; length of service; possible desired changes in the present position; the advisability of increased or reduced responsibilities; and the general welfare of the school system. It is the responsibility of the Superintendent and/or Principal to make all decisions related to the transfer of employees.

Adopted - May 8, 1973
Amended - May 21, 2007

Berkley Public Schools

DISMISSAL OF STAFF

Policy #3940* / 4080*

- 3940.1 The Superintendent may dismiss or demote any employee of the school district.
- 4080.1 A Principal, subject to the review and approval of the Superintendent, may dismiss or demote a teacher or other staff person assigned full-time to his/her school.
- 3940.2 Staff with professional teacher status may be dismissed or demoted for
4080.2 inefficiency, incompetence, incapacity, conduct unbecoming a teacher, insubordination, failure to satisfy teacher performance standards, or other just cause. The professional teacher is entitled to notice and an opportunity to meet with the Principal or Superintendent. The teacher may seek review of the decision by filing a petition with the Commissioner of Education for arbitration of the matter by an arbitrator from an American Arbitration Association list. The petition shall be filed within thirty days after the teacher receives notice of the dismissal.¹
- 3940.3 A Principal, Assistant Principal, Department Head, or Supervisor who has
4080.3 served for three consecutive years may be dismissed or demoted by the Superintendent only for good cause. He/she is entitled to written notice and an opportunity for review by meeting with the Superintendent, and may seek review of the decision under the same arbitration process as applicable to individuals with professional teacher status.²
- 3940.4 The superintendent retains the right to lay off teachers and other
4080.4 professional staff pursuant to reduction in force or reorganization resulting from declining enrollment or other budgetary reasons.
- 3940.5 A teacher who does not have professional status, but who has worked
4080.5 for more than 90 calendar days, is entitled to written notice and an opportunity to meet with the Principal or Superintendent to review the dismissal. Such teachers must be notified by June 15 if they are not to be reappointed for the following school year.³

*Replaces policies #3940, #3970, #3975, #4080.
Adopted - November 8, 1993
Amended - January 13, 2003
Reviewed - April 2, 2007

¹ General Laws, Chapter 71, Section 42

² General Laws, Chapter 71, Section 41

³ General Laws, Chapter 71, Section 41, 42

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RETIREMENT FOR NON-TEACHNG EMPLOYEES

Policy #4090

The school system shall maintain a contributory retirement system for non-teaching employees of the system, subject in all respects to the applicable provisions of state law on retirement systems.¹

Adopted - May 8, 1973
Reviewed - April 2, 2007

Reference

¹ General Laws, Chapter 32

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**SUPERINTENDENT ACCEPTANCE OF RESIGNATION OF NON-INSTRUCTIONAL
PERSONNEL** **Policy #4095**

It is the policy of the School Committee that as its agent, the Superintendent of Schools may accept resignations, including resignations for the purpose of retirement on behalf of the Committee. Such acceptances will be in writing with copies to the School Committee.

Adopted - May 10, 1993
Reviewed - April 2, 2007

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BENEFITS OF EMPLOYMENT

Policy #4100

- 4100.1 Non-instructional personnel are entitled to all those benefits which are granted to "all employees" of the school system.
- 4100.2 This section (4100) includes those benefits which apply to all full-time non-instructional personnel.
- 4100.3 If a benefit is granted to one specific group of non-instructional employees (such as the secretaries or the custodians), it is included in that section of policies in this series which is set aside for that particular group of employees.

Adopted - May 8, 1973

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SICK LEAVE FOR NON-INSTRUTIONAL PERSONNEL

Policy #4140

Non-instructional employees will be allowed leave with pay for reasons of illness at the rate found in Policy #4180. Unused sick leave will accumulate as per Policy #4180, and will be credited on August 31 of each year for the previous year.

- 4140.1 In cases of regular part-time employment, the amount of sick leave credit shall be in proportion to the relationship of the part-time work schedule to the work schedule as a full-time teacher or administrator.
- 4140.2 When an employee finds it necessary to be absent because of accident or illness, he shall report the facts to his supervisor as soon as possible before the scheduled time he is to report for work. Sick leave will not be granted unless such a report is made.
- 4140.3 The Superintendent may require the presentation of a doctor's certificate in connection with a claim for sick leave.
- 4140.4 Payment will not be made for any accrued sick leave on termination of employment.

Adopted - May 8, 1973
Amended - November 9, 1992
Reviewed - April 2, 2007

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WORKMEN'S COMPENSATION BENEFITS

Policy #4150

All employees injured while on the job, necessitating lost time and medical expense, shall receive current salary within the limit of accumulated days of sick leave. Weekly benefits payable under Workmen's Compensation shall be returned to the employer during the period of time that they are receiving their full salary under the district's sick leave benefits. After sick leave days have been exhausted, the employee will retain the Workmen's Compensation benefits.¹

Adopted - May 8, 1973

Reference

¹ General Laws, Chapter 152, Section 69

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LEAVE FOR LEGAL REASONS

Policy #4160

Personnel of the school district are subject to jury duty. Any employee called for jury duty shall notify the employee's supervisor as soon as possible. The District's statutory obligation is to pay the employee's regular compensation for the first three work days of jury duty. For any additional work days on which an employee is required to perform jury duty, the District will pay the difference between the employee's regular compensation and jury duty pay if the employee gives notice as soon as possible, documents the jury duty to the District's satisfaction and returns to work (unless otherwise excused by the District) for those work hours not encompassed by the jury duty.

Adopted: May 8, 1973
Amended: March 9, 1992
Amended: April 14, 2003
Reviewed: Sept. 6, 2007

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BEREAVEMENT LEAVE FOR NON-INSTRUCTIONAL PERSONNEL Policy #4165

Non-instructional personnel shall have the following days for bereavement leave:

Five (5) consecutive days with pay at any one (1) time in the event of the death of a parent, child or spouse.

Three (3) or up to three consecutive days without loss of pay at any time in the event of the death of one's sibling, grandparent, grandchild, or close relative living in the household of the employee (in-laws, father and mother).

One (1) day leave without loss of pay in the event of the death of one's aunt, uncle, niece, nephew, or in-laws (sister, brother).

NOTE: Exceptions only at the discretion of the Superintendent.

Adopted - May 8, 1973
Practice changed - 1989
Amended - November 9, 1992
Reviewed – Sept. 6, 2007

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HOLIDAYS FOR NON-INSTRUCTIONAL PERSONNEL

Policy #4170

The following days shall be recognized as legal holidays for non-instructional personnel who work a full-time, year-round schedule:

New Year's Day
Martin Luther King Jr. Day
Washington's Birthday
Good Friday
Patriot's Day
Memorial Day
Independent Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

Note: The above holidays are paid as determined by collective bargaining or individual contracts.

Other days given near holidays include one half day before Thanksgiving, the day following Thanksgiving, the day before Christmas, one half day before New Year's Day.

- 4170.1 A salaried employee in continuous employment, who works a schedule other than a normal work week, shall be entitled to the same number of holidays as employees working a normal work week.
- 4170.2 Whenever one of the holidays falls on Sunday, the following day shall be the legal holiday.
- 4170.3 See Policy 4180 to see which paid holidays apply to specific position categories.

Adopted: May 8, 1973
Amended: November 9, 1992
Amended: January 13, 2003
Amended: October 15, 2007

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CURRENT SUPPORT STAFF BENEFITS (Non-Union)

Policy #4180

EMPLOYEE CATEGORY	VACATION	SICK LEAVE	HOLIDAYS	BEREAVEMENT	OTHER
Principal's Secretary Full-Time Year-Round	After 1 Yr: 10 days After 5 Yrs: 15 days After 10 Yrs: 20 days	* 1 sick day/month for first yr of emp. 12½ days/yr Thereafter Accum.: 120 days Health benefits	15 days Paid full day for late starts or early dismissal due to inclement weather	Standard Policy	*1 Personal Day *Tuition: \$ 300/Yr reimbursement with prior approval from Supt.
Office Asst./ Business Asst. >20 hrs/wk School-Year School-Based Behavioral Para-professional >20 hrs/wk School-Year ABA Tutor **Computer Technicians School Yr + addl. weeks	0 <u>**Paid vacation according to FTE</u>	* ½ sick day/month for first yr of emp. 10 days/yr Thereafter Accum.: 100 days	7 ½ days Paid full day the day before Thanksgiving Paid full day for late starts or early dismissal due to inclement weather	Standard Policy	* 1 Personal Day *Tuition: \$300/Yr reimbursement with prior approval from Supt.
Instructional Aide School-Year	0	*1/2 sick day/month for first yr of emp. 10 days/yr Thereafter Accum.: 100 days Health benefits	0 Paid full day for late starts or early dismissal due to inclement weather.	Standard Policy	*1 Personal Day *Tuition: \$300/Yr reimbursement with prior approval from Supt.
Van Driver >20 hours/wk Year-Round	After 1 Yr : 10 days After 5 Yrs: 15 days After 10 Yrs: 20 days	½ sick day/month for first yr of emp. 12 days/yr Thereafter Accum.: 120 days Health benefits	7 ½ days	Standard Policy	* 1 Personal Day

EMPLOYEE CATEGORY	VACATION	SICK LEAVE	HOLIDAYS	BEREAVEMENT	OTHER
Cafeteria <20 hours/wk	0	1st Yr - 2 days 2nd Yr - 3 days 3rd Yr - 4 days 4+ Yrs - 5 days No Accumulation	0	1 day at discretion of Supt.	
Cafeteria >20 hrs/wk	0	* ½ sick day/month for first yr of emp. 10 days/yr Thereafter Accum.: 100 days	7 days	Standard Policy	CLOTHING/ UNIFORM ALLOWANCE: Full Time: \$100 Part Time: According to FTE * 1 Personal day
Custodian Full time Year round	After 1 Yr: 10 days After 5 Yrs: 15 days After 10 Yrs: 20 days	* 1 sick day/month for first yr of emp. 12 days/yr Thereafter Accum.: 120 days Health benefits	14 ½ days	Standard Policy	CLOTHING/BOOT ALLOWANCE: \$100 Clothing \$100 Boots *1 Personal Day *Tuition: \$ 300/Yr reimbursement with prior approval from Supt.
Custodian < 20 hrs/wk	0	1 st Yr: 2 days 2 nd Yr: 3 days 3 rd Yr: 4 days 4+ Yrs: 5 days No accumulation	0	1 day at discretion of Supt.	0

SURROUND CARE EMPLOYEES only	VACATION	SICK LEAVE	HOLIDAYS	BEREAVEMENT	OTHER
Surround Care Childcare Providers/ Asst. Providers >20 hrs/wk School Year	0	*1/2 sick day/month for first yr of emp. 10 days/yr thereafter Accum.: 100 days Health benefits	7 days	Standard Policy	* 1 Personal Day
Surround Care Childcare Providers/ Asst. Providers >20 hrs/wk Year round	After 1 Yr: 10 days After 5 Yrs: 15 days After 10 Yrs: 20 days	*1/2 sick day/month for first yr of emp. 12 days/yr thereafter Accum.: 120 days Health benefits	12 days	Standard Policy	* 1 Personal Day
Surround Care Childcare Providers/ Asst. Providers <20 hrs/wk Works 5 days/wk	0	1st Yr - 2 days 2nd Yr - 3 days 3rd Yr - 4 days 4+ Yrs - 5 days No Accum.	0	1 day at discretion of Supt.	
Full Time School Position +5 days/ wk in Surround Care Program	0	2 days yr. No Accum.	0	None	

- **Benefit begins after 6 months employment.**

NOTE: The Supt. shall notify the School Committee of changes in benefits for the following negotiated positions: Principal, Vice Principal, Special Education Director, Head of Building & Grounds, Administrative Assistant for Business, Executive Secretary to the Supt. & School Committee, Cafeteria Manager, Special Education Secretary, & Surround Care Coordinator.

Adopted: November 9, 1992, September 12, 1994
Amended: August 18, 1997, June 15, 1998, September 21, 1998
Amended: December 13, 1999, Nov. 20, 2000
Amended: May 30, 2001, Dec. 10, 2001
Amended: Nov. 17, 2003
Amended: May 16, 2005
Amended: Jan. 8, 2007, Oct. 15, 2007
Amended: Nov. 17, 2008
Amended: May 18, 2009
Amended: Oct. 19, 2009
Amended: January 9, 2012

* Paid vacation will be pro-rated according to FTE if a year-round employee reduces their work week to less than full time during scheduled school vacation periods.