



*Dedicated to Excellence*  
CherryCreekSchools

Administrator/Professional Technical  
Guidebook  
2024-2025

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## **Employment Information**

### Equal Employment Opportunity and Affirmative Action

From its inception, the Cherry Creek School District has attempted to develop policies and procedures to assure the employment, retention and promotion of personnel on the basis of merit without regard to race, color, religion, sex, age, national origin or handicap. This policy reaffirms our fundamental goal of pursuing equal employment opportunity in all matters of personnel actions fulfilling the letter and intent of laws designed to eradicate discrimination or harassment in conditions of employment. This commitment specifically provides that the recruitment, hiring, retention, opportunities for advancement, compensation, termination of employees be done on the basis of bona fide occupational qualifications and educational requirements of the District, without favor, influence or harassment and without regard to race, color, religion, sex, age, national origin or handicap.

### Employment

The Board of Education is obligated to hire the most qualified applicants to fill existing vacancies. Qualified applicants who have followed the District application process may include in-district transfers, as well as individuals not currently employed by the Cherry Creek School District.

### Administration/Pro Tech Vacancies and Reassignments

With regard to administration reassignments, it is understood that the Superintendent or designee has the prerogative in making such a decision. In no case should a decision be either finalized or publicly announced before the affected administrator has been notified.

### Responsibilities for Licensed and Classified Personnel

The Chief Human Resources Officer is responsible for matters dealing with the overall management of the licensed and classified staff of the Cherry Creek School District. Matters of personnel concern needing central administration guidance and/or assistance should be referred to the Office of Human Resources.

#### **Definition of Licensed Personnel**

The term "Licensed Employee" is applied to an employee who holds one or more documents such as a license or a letter of authorization which has been granted by the State Department of Education. All employees who are directly responsible for the instruction or guidance of pupils, or who administer such instruction, shall be licensed employees.

#### **Definition of Classified Personnel**

The term "Classified Employee" is applied to employees who are not required to hold a certificate or a letter of authorization as a prerequisite to obtain or keep their job.

### Complaints Concerning Administrators and School Programs

When school District personnel, students, or community members file a written or oral complaint about an individual administrator or District program and/or service supervised by that administrator, the District shall follow a process similar to Policy KEB (relations between public and school personnel) to address the complaint.

### Problem Solving for Administrators and Professional Technical Employees

Employees who disagree or are dissatisfied with the interpretation or application of a policy, District practice, or related matter should promptly discuss the concern with their immediate supervisor, when appropriate. This discussion should be held within five days of the incident. Discussions held in a timely manner will enhance the District's ability to resolve concerns while it is fresh in everyone's mind. The majority of misunderstandings can be resolved at this level. If the solution offered is not satisfactory, or if it is inappropriate to go to the supervisor, then employees are encouraged to take the problem to the supervisor of their immediate supervisor. Employees may submit a verbal or written complaint to a Director of Human Resources for review and/or investigation and final decision regarding the situation. In all cases, the decision of the Chief Human Resources Officer shall be final. No employee shall be discharged or subjected to reprisal because of initiating or participating in a problem solving procedure.

## **Performance Evaluations of Administrative and Professional Technical Staff**

### **Principal and Assistant Principal Evaluations**

#### **1. Introduction**

The mission of Cherry Creek School District is to inspire every student to think, to learn, to achieve, and to care. In support of this mission, the Board of Education views personnel evaluation as an integral part of the learning cycle and a critical element for the attainment of the educational goals of the District. The Board of Education has adopted the Colorado State Evaluation Model that includes the personnel evaluation system and supporting resources. This model provides the basis for continued employment with the school District. The responsibility for the development of procedures for evaluation of principals and assistant principals shall rest with the Superintendent of Schools.

While committed to establishing and implementing a process for purposes of evaluating principals' and assistant principals' performance, the Board of Education and the District administration reserve the right to take immediate and appropriate disciplinary action against any principal or assistant principal found to be in violation of state and/or federal law and/or Board policy.

#### **2. Performance Evaluation Council**

A Performance Evaluation Council (commonly known as "1338 Committee") has been established pursuant to state law to serve in an advisory capacity to the Board of Education.

- a. Under state law, the Council must consist of, at minimum: one teacher, one administrator, one principal in the District, one parent with a child in the District, and one resident of the District who does not have a child in the District.
- b. The Council is charged with advising the local Board of Education as to the fairness, effectiveness, credibility and professional quality of the certificated personnel performance evaluation system and its processes and procedures and shall conduct a continuous evaluation of said systems (C.R.S. § 22-9-107(2)).
- c. Recommendations regarding evaluation will be presented to the Cherry Creek Administrators Association

### **The Purpose of Evaluation**

The Assistant Superintendent of Educational Operations shall delegate the responsibility for the principal and assistant principal performance evaluation process to the individual in charge of the operating unit, here to after referred to in this policy to the Executive Directors of Elementary School, Middle School and High School. These Executive Directors may delegate the evaluation of assistant principals to the supervising principal.

The principal and assistant principal performance evaluation process shall:

1. Serve as a basis for the improvement of instruction.
2. Enhance the implementation of programs or curriculum.
3. Serve as the measurement of effective performance for individual principals and assistant principals and serve as documentation for ineffective performance.
4. Serve as a measurement of the professional growth and development of principals and assistant principals.

### **Definitions**

For purposes of this guidebook, the following definitions apply:

1. "Administrator" shall be defined as any individual holding administration license in the State of Colorado who is employed in an Administration Council (AdCo) position.
2. "Directed Improvement Plan" means an evaluator's directed approach, within the evaluation process, to assist a principal or assistant principal whose performance raises concerns whether before or after a rating of partially effective or ineffective.
3. "Educator" A person, such as a principal, assistant principal, administrator, teacher, specialized service professional or other school or school system employee who is involved in educating learners.
4. "Element" means the detailed description of knowledge and skills that contribute to effective teaching

- and leading, and which corresponds to a particular Quality Standard.
5. “Equity Pedagogy” refers to a commitment to a diverse population of students, demonstrated by the creation of an inclusive and positive school culture and strategies that meet the needs of diverse student talents, experiences and challenges. Equity pedagogy values students’ individual backgrounds as a resource and utilizes approaches to instruction and behavioral supports that build on student strengths.
  6. “Evaluation Process” takes place when a principal/assistant principal’s performance is directly or indirectly observed and feedback is provided to the principal/assistant principal that is designed to improve performance. It is more specifically set forth below (Parts 1-3).
  7. “Evaluation Rubric” refers to the Colorado State Evaluation Model, which shall be used to evaluate principals and assistant principals in this policy. As the State Evaluation Model is constantly evolving, the District and the Cherry Creek Administrators Association shall for the purposes of this policy always refer to the most recent version(s) of quality standards and elements as mandated by the state. These documents can be found on the Colorado Department of Education’s webpage at: <http://www.cde.state.co.us/educatoreffectiveness/>
  8. “Evaluator” refers to those individuals who hold a proper Colorado license and/or have received training in the District’s evaluation process and who are tasked with assessing the performance of the assistant principal or principal.
  9. “Final Effectiveness Rating” derives from the cumulative ratings of quality standards (I-IV) and the Measures of Student Learning standard (V) as they relate to the evaluation of principals and assistant principals.
  10. “Performance Evaluation Rating” means the summative evaluation rating assigned to licensed personnel and reported to the State Department of Education on an annual basis. It is the equivalent of a “performance standard,” as defined in section 22-9-103 (2.5), C.R.S. The four Performance Evaluation ratings for educators shall be: ineffective, partially effective, effective, and highly effective.
  11. “Professional Practice” means the behaviors, skills, knowledge and dispositions that Educators should exhibit. Principal Quality Standards I-IV address the Professional Practice standards for Educators in Colorado.
  12. “Performance Rating Levels” describe performance on professional practices with respect to the quality standards. The four Performance Evaluation ratings for principal and assistant principals shall be ineffective, partially effective, effective, and highly effective.
  13. “Quality Standard” means the Professional Practices or focus on Student Academic Growth needed to achieve effectiveness.

**Evaluation Cycle for Principals and Assistant Principals**

The evaluation process consists of the following steps, beginning with training and ending with the development of professional growth goals and an individual professional growth plan for the subsequent year. Specific due dates will be determined and released by the Office of Human Resources at the beginning of each school year.

1. Training/Orientation – All principals/assistant principals and their evaluators must be trained on the Evaluation system. This will facilitate common foundational knowledge across the District.
  - a. Principals and Assistant Principals - Training will orient principals/assistant principals to measures used by the assigned evaluator during evaluation. Such training and orientation will also help ensure that new administrators to District evaluation will have sufficient knowledge to actively participate in their own evaluation. In addition, the training/orientation sessions will provide a forum to review the evaluation system and to learn of any changes.
  - b. Evaluators - The success of a program of evaluation depends upon a high level of skill and training of all participants in the process. The District shall provide training on the Colorado State Educator Evaluation System and inter-rater reliability using approved materials from the State Department of Education. As required by Colorado law, in order for an individual to conduct performance evaluations, they must have completed an approved evaluator training.

2. Self-Assessment - Each principal/assistant principal will complete a self-assessment. The goal of this step in the process is to provide the person being evaluated with an opportunity to reflect on personal performance and goals moving forward.
3. Review of Goals and Performance Plan – Soon after the principal’s or assistant principal’s self-assessment has been completed, the evaluator and principal/assistant principal being evaluated should review the school’s goals to ensure alignment with their professional practice goal.
4. Mid-year Review – At any time prior to January 31, the principal/assistant principal being evaluated and the evaluator should schedule time to review the principal/assistant principal’s performance to date and progress toward achieving school and personal goals. As a result of this review, the principal/assistant principal being evaluated should have an understanding of his or her potential effectiveness rating based on evidence available to date.
5. Evaluator Assessment - Evaluators should review the performance of the principal/assistant principal being evaluated throughout the year and record their ratings on the rubric. This is not an end of the year activity, but rather one that is conducted in a continuous manner. The evaluator should complete the rubric prior to the end-of-year review.
6. End-of-Year Review – The evaluator and principal/assistant principal being evaluated should discuss the educator’s performance ratings on the evaluation rubric and measures of student learning, self-assessment ratings, artifacts and any evidence needed to support the evaluator ratings.
7. Final Professional Practices Ratings – All evaluators will communicate Final Professional Practices Ratings to all principals and assistant principals by June 30. Should the evaluator and principal/assistant principal being evaluated not agree on the final ratings during the end-of-year review, they should determine what additional evidence is needed in order to arrive at the correct rating.
8. Goal Setting and Performance Planning - Using the element and standard ratings, comments and artifacts discussed during the end-of-year review, and the establishment of final ratings, the principal/assistant principal should develop a professional growth plan including a professional practice goal. This plan will be shared with the evaluator at the beginning of the next school year.

### **Evaluation Procedures**

Procedure for Evaluation: All licensed principals and assistant principals are evaluated according to the following procedures:

1. All principals and assistant principals will be evaluated yearly.
2. Once the principal’s/assistant principal’s yearly evaluation cycle has begun, there shall not be any substantive changes to the forms, documents or materials used in the evaluation process unless mandated by statute or the Colorado Department of Education.
3. Procedures for conducting evaluation will be determined by the evaluator with input from the principal/assistant principal. Data source may include but are not limited to:
  - Direct observation
  - Discussions/conference with evaluator
  - Participation in meetings and school/District activities
  - Review of written materials such as memos, newsletters, handbooks and reports
  - Survey results
  - Student, parent, staff and/or peer feedback
  - Physical appearance of the building/department
  - Documentation of professional growth experiences
  - Documentation of policy/procedure compliance
4. The evaluation will include the regular collection of data and feedback and improvement opportunities that are reasonably and timely provided. The principal/assistant principal shall be responsible for the following:
  - a. reviewing all required evaluation documents including the evaluation rubric and evaluation materials,
  - b. sending goals to the evaluator for review,

- c. providing additional artifacts/evidence to support rating levels under consideration
  - d. preparing/completing self-evaluation, goal setting, and performance plans to be used in discussion and provide them to the evaluator in advance of the discussion,
  - e. conferring with the evaluator regarding the evaluation process, especially if there are any questions or concerns regarding the evaluation process,
  - f. providing, at his/her discretion, the evaluator with evidence/artifacts supporting a request for a rating change for any element(s) in dispute, and
  - g. developing and implementing strategies to improve performance in areas identified during observation and/or within the evaluation process.
5. An evaluator shall be responsible for the following:
    - a. reviewing all required evaluation documents including the evaluation rubric and evaluation materials,
    - b. encouraging a thoughtful, comprehensive and honest approach to self-assessment,
    - c. as needed, hold periodic conferences with the principal/assistant principal being evaluated to determine what sources of evidence/artifacts will be used to measure performance against professional practices,
    - d. reviewing the professional growth plan and suggesting revisions as needed,
    - e. providing on-going feedback,
    - f. scheduling mid-year and end of year reviews,
    - g. providing specific and actionable feedback regarding performance,
    - h. conducting a mid-year review with the principal/assistant principal- any document submitted by the evaluator to the principal/assistant principal during this mid-year review will be deemed a working (not final) document to be re-assessed throughout the school year up until the final summative evaluation,
    - i. assessing the need for the substance and timing of a Directed Improvement Plan (DIP), particularly where there is a concern that the principal/assistant principal may earn an ineffective or partially ineffective rating,
    - j. ensuring the contents of the summative evaluation are an accurate reflection of the principal's/assistant principal's performance to include the review of any evidence/artifacts that may support a rating change and effecting such change if the evaluator deems appropriate to do so, and
    - k. conducting evaluation observations and conferences, including all aspects of the District's evaluation process, in a manner consistent with the legal and policy rights of the principal/assistant principal.
  6. During the mid-year review, progress toward achieving school and personal goals should be discussed and the principal/assistant principal should have a clear understanding of his/her potential effectiveness rating based on evidence available to date. The mid-year review should provide enough feedback to allow the principal/assistant principal to reasonably assess and improve upon any performance concerns or deficiencies.
  7. The evaluator shall complete the summative evaluation and hold the discussion with the principal/assistant principal regarding its contents not later than June 15 of each school year. For any Quality Standard or element in which the principal/assistant principal and the evaluator are not in agreement the principal/assistant principal may choose to provide evidence/artifacts supporting a revision to the evaluator. The evaluator will use the evidence/artifacts in reassessing the quality standard or element not in agreement. Such reassessment may or may not change the evaluator's rating.
  8. The evaluator and principal/assistant principal must acknowledge the principal's/assistant principal's Summative Evaluation Report by signing electronically no later than June 30. Such acknowledgment will only indicate that the report was received, and it will not necessarily indicate the principal/assistant principal's agreement with the contents of the report in whole or in part. The principal or assistant principal may respond to their evaluation before signing electronically.

9. The evaluator will have a final conference with the principal/assistant principal to discuss the final Evaluation Report. This final conference must occur before submitting the Report to the Office of Human Resources.
10. To the extent that any timelines discussed in this policy are deemed impracticable for the evaluator, he/she will seek agreement from any affected principal/assistant principal for an extension of time to complete the given task. Such extension should not adversely affect the principal/assistant principal in any substantive way.
11. Appeal Process
  - a. If a principal/assistant principal earns a less than effective rating they may appeal their final rating, to be submitted to the immediate supervisor of their evaluator.
    - i. The appeal will be in the form of a written rebuttal and submitted within six (6) calendar days following finalization of the principal's/assistant principal's Summative Evaluation Report.
    - ii. The supervisor will respond to the appeal in writing within fifteen (15) calendar days of receipt of the appeal.
    - iii. Failure of an assistant principal or principal to acknowledge their final rating within six (6) calendar days of receipt waives their right to appeal their evaluation rating.
  - b. If not satisfied with the supervisor's response, the principal/assistant principal may appeal in writing directly to the Chief Human Resources Officer or designee.

### **Directed Improvement Plan**

If the evaluator determines that performance concerns exist, they will contact the Office of Human Resources to ascertain what steps will be taken to address the issue. Following collaboration with the Office of Human Resources, the evaluator may develop a Directed Improvement Plan (DIP) for the principal/assistant principal/professional technical employee. This plan will specifically address those areas of concern and include correlating support resources and a timeline for implementation.

1. Directed Improvement Plan
  - a. The Directed Improvement Plan ("DIP") may be implemented at any time, including at mid-year, but no later than the end of the school year in which an employee is deemed ineffective. A mid-year DIP represents an optional, intermediary step to provide further support prior to an end of the year rating.
  - b. The evaluator will direct the DIP. The evaluator will place the employee on reasonable notice of the areas to address, steps for improvement, resources available and timelines. To the extent that the employee has questions or concerns regarding the DIP, they will submit these via e-mail and/or in hard copy form in a timely manner.
  - c. At minimum, the DIP will include the following:
    - an in-person meeting to discuss the DIP,
    - objectives for improving identified performance concerns,
    - identification of resources and assistance available,
    - a timeline for completing the objectives,
    - criteria by which the attainment of the objectives will be measured,
    - a minimum of monthly conferences to monitor progress, and
    - sufficient time for the principal/assistant principal to improve in relation to the performance concerns.

To the extent that the employee disagrees with any portion of the feedback given, they may submit a timely written response. They may also submit artifacts throughout the DIP, including as part of any response.



## **Evaluation Process for Central Administrators and All Professional Technical Employees**

All central administrators and professional technical employees will be evaluated yearly by their direct supervisor, their principal, or designee utilizing the evaluation rubric that corresponds with their employee group. Employees and supervisors should have continual conversations throughout the year regarding the employee's goals and their performance. The objective of the evaluation is to share with employees their key strengths, observations about their current performance levels, and areas for improvement. The evaluation provides opportunities for establishing goals for the future, identifying projects, setting timelines, etc. Feedback from the supervisor may reflect the array of activities, behaviors, and progress employees have made related to their work assignments and responsibilities.

## **Investigation and Discipline of Administration Misconduct**

The following procedures are established as guidelines to be followed in matters of disciplinary action involving administration personnel. While, in most cases, incidents of misconduct shall be addressed through the following procedures, the Chief Human Resources Officer (CHRO) or designee shall be authorized to immediately place on paid administration leave any administration staff member pending an investigation when the staff member is accused of serious misconduct.

All matters involving incidents of misconduct shall remain confidential to the extent possible and to the extent permitted by applicable law or regulation. Disclosure of information to witnesses as necessary to comply with the law or in order to investigate allegations shall not be considered a violation of the principle of confidentiality.

### **Paid Administrative Leave of Absence**

If an employee is placed on administrative leave with pay, that employee is expected to follow the guidelines as outlined in the "Paid Administrative Leave of Absence" document. Failure to do so could result in being placed on administrative leave without pay. An employee may be put back on a paid status as determined by circumstance.

### **I. Investigation of Reports of Misconduct**

The Chief Human Resources Officer or designee may interview others who might reasonably have knowledge about the allegations prior to meeting with the accused administrator.

Prior to recommending or implementing any discipline, the immediate supervisor and the CHRO or designee shall meet with the accused administrator to discuss the allegations. Copies of any written complaint and any other documentation relating to the allegations shall be provided to the administrator at the meeting. The administrator shall be notified prior to the meeting that allegations of misconduct will be discussed and that the administrator may bring a representative to the meeting. The administrator shall be given an opportunity to respond to the allegations at the meeting and to identify additional exculpatory witnesses and/or documents.

If the administrator and the CHRO or designee agree that no further investigation is necessary, a final determination to that effect shall be prepared by the CHRO or designee.

If either the CHRO or designee or the administrator believes further investigation is necessary, a thorough, timely process will be conducted to gather additional information. Written findings of the investigation shall be presented to the CHRO or designee. A copy shall also be provided to the accused administrator. The administrator shall have five working days from receipt of the findings to submit a written response to the investigation team's findings to the CHRO.

## **II. Determination of Discipline**

After reviewing the investigative findings, the written response of the administrator, any supplemental report of the Office of Human Resources, and any additional information needed for clarification, the CHRO shall make a final determination as to whether the alleged conduct occurred, and, if so, the appropriate discipline.

The decision regarding the misconduct and discipline shall be in writing and shall include:

- a. brief statement of the conduct that was found to have occurred or a statement that it could not be determined from the evidence that the conduct occurred;
- b. a statement indicating the discipline, if any, that will be imposed;
- c. any directives that may need to be followed in the future and the possible consequences for failing to follow such directives;
- d. the signature of the CHRO or designee, and
- e. a place for the signature of the administrator indicating that they have received a copy of the letter and that the letter has been reviewed.

The written decision shall be provided to and discussed with the administrator in person. The administrator may bring a representative to this meeting.

## **III. Disciplinary Action**

If it is determined that an administrator has engaged in misconduct, appropriate action shall be taken which may include reporting the incident to law enforcement authorities, as well as imposing any disciplinary sanctions deemed appropriate, up to and including termination.

### **Discipline, Suspension, and Termination of Administration Personnel**

The Board of Education recognizes that appropriate action shall be taken whenever an administration staff member is accused of or resorts to improper or unprofessional conduct in dealing with students, colleagues, parents/guardians, or violates applicable state or federal law, Board policies, administration rules, or negotiated agreements.

In an effort to establish a consistent practice for dealing with matters of purported administration misconduct, it is the intent of this policy and accompanying procedure to provide appropriate guidelines for addressing incidents of misconduct which may occur.

In any disciplinary action involving administration personnel, the individual administrator has a right to due process and the right to provide a written rebuttal to any counseling, reprimand, incident report, or final determination, to be placed their official personnel file.

All employment decisions remain within the sole and continuing discretion of the Board of Education, subject only to the conditions and limitations prescribed by Colorado law.

LEGAL REFS.: C.R.S. 22-32-126 (Employment and authority of principals)

## **Benefits, Absences, and Leaves**

### Insurance

The Board of Education supports the idea that employees should be insured against personal and professional risks and in this regard will cooperate with staff members or representatives thereof in the development and administration of such a program.

The Board of Education shall protect the staff and program against undue invasion of the school day by insurance agents by not allowing such agents to solicit employees during the school day.

Principals shall not allow materials from solicitors to be placed in mailboxes of employees or in school areas where employees may assemble.

Cherry Creek Schools is committed to providing affordable and comprehensive health benefits to employees. Effective July 1, 2020, the District and negotiating groups have agreed to one shared cost rate system for full time employees (.6 FTE and above) regardless of step or employee classification. This rate structure will also have part time (.5 FTE - .59 FTE) and dual employee options. The dual employee option is for full time employees whose spouse also works full time for the District. The shared cost rate structure will make the cost of coverage more equitable across employee groups. In lieu of cafeteria dollars, eligible employees will have the option of enrolling in the HDHP6000 and receiving dollars in the form of Health Savings Account contributions from the District.

### Pre-06 Cash Back Dollars

Employees who were eligible for benefits during the 2005 – 2006 school year and continuously thereafter and who have converted any remaining cafeteria dollars to additional compensation during June 2020 shall have up to this same monthly cash back amount converted to additional monthly pay until they separate from the District.

### Insurance Benefits

Eligible employees may participate in the benefit plans effective the first of the month following thirty (30) days of employment.

Administrators/pro tech employees will be provided term life insurance in an amount equal to three times their annual base salary at the beginning of each contract year as defined in Section 1.1 to a maximum of \$750,000.

The District will provide, at no cost to the employee, District-approved long-term disability insurance for employees working a fifty (50%) percent or greater contract.

The District will provide liability insurance coverage of at least \$500,000 for each District administrator.

### Insurance Coverage on Leaves of Absence

The employee on an approved leave will be included in the approved District insurance plans provided for all District employees. Payment for the employee's portion of insurance premiums may be required and will be billed to the employee.

### Insurance/Benefits Committee

The Cherry Creek School District benefits office, District leadership and representatives from all employee groups maintain a District Insurance Committee to provide a mechanism to manage the District's insurance plans for the benefit of all benefit eligible employees.

The Insurance Benefits Committee may be established by the superintendent, composed of one representative of each employee group of the Cherry Creek School District. The Committee shall be chaired by a representative of the Human Resources department and include a representative of Fiscal Services.

This Committee may receive information from the District's benefits and/or District leadership on proposed changes to insurance and benefits. This committee will study, provide feedback, and make recommendations to District leadership and the Board of Education on current and proposed benefit changes.

#### Workers' Compensation

As required by law, Cherry Creek School District carries Workers' Compensation insurance covering all the employees of the District. Should an employee be injured while at work and the accident is within the scope and course of his/her employment, he/she is entitled to the benefits provided by the Workers' Compensation Law provided that such injury is reported to the employee's immediate supervisor as soon as practicable.

Visit the Risk Management webpage of the District website for Worker's Compensation Information.

#### Coordination and Collection of Insurance Premiums for Employees on Unpaid Leave of Absence

To make certain that no lapse in insurance coverage occurs when any eligible District employee is on approved unpaid Leave of Absence, the following procedure should be followed:

##### Eligibility

All employees who are eligible for the District's insurance program according to Board policy will be eligible according to the Insurance Master Policies to purchase health coverage while on Leave of Absence.

##### Enrollment

To continue participation while on leave, an employee must notify the Benefits Office of desired coverage(s).

##### Premiums

Premiums for employees on leave shall be the current rates in effect.

##### Premium Collection

1. Premiums shall be paid on a monthly basis and shall be paid to the Benefits Office.
2. Monthly billing statements will be sent to each employee who is on an approved unpaid leave of absence and who elects to continue their health coverage.

##### Termination of Coverage

1. An employee on leave whose payment of premium is in arrears will be dropped from coverage and may not re-enroll without successfully completing the Insurance Master Policy requirements for re-enrollment.
2. The death of the employee on leave will cause termination of all coverages.
3. A voluntary withdrawal from participation in this plan shall terminate coverage for employees on leave.

## **Types of Approved Leaves**

Cherry Creek School District will follow all rules and regulations as determined by the Colorado Healthy Families and Workplace Act.

Each employee will be allotted fifteen days of leave for each contract year, pro-rated by FTE. Such leave shall be used only for the purposes of sick leave, family leave, and personal business. Leave days will accumulate to an unlimited number.

### **Health and Personal Leaves**

#### **FMLA (Family and Medical Leave)**

The District provides up to 12 weeks of unpaid, job-protected leave to eligible employees. For information or to seek FMLA coverage, contact the CCSD Benefits Department or visit the Benefit Office webpage on the District Website.

#### **Eligibility Requirements**

Employees are eligible for FMLA if they have worked for Cherry Creek School District for at least 12 months, at least 1,250 hours over the past 12 months.

### **Long-Term Leave**

A long-term leave may be granted by the Board of Education for more than 12 weeks, not to exceed 12 months, for injury, ill health, or other reasons as approved by the Board of Education. For information or to seek a long-term leave, contact the CCSD Benefits Department or visit the Benefit Office webpage on the District Website. Any employee may be granted a leave of absence for definite periods of time for health or for certain personal reasons per Family Medical Leave Act regulations. Except in cases of hardship, all employees are expected to make applications for leaves one month in advance of beginning leave. A certificate from a licensed and recognized physician will be required of any employee making application for a leave on account of health.

### **Active Military Duty for Training**

- a. An employee, who is a member of a reserve component of the United States military services or a member of a National Guard Unit, shall be granted leave for up to fifteen days of active duty for training in any year.
- b. Such military training leave shall be granted with pay if the training takes place during an employee's regular contracted or assigned work time. Such sums as shall be paid by the military for salary while on training leave shall be reimbursed to the District up to that amount which equals the employee's normal salary or wage for the day(s) in question. Should the amount paid by the military exceed the employee's normal salary or wage paid by the District, the employee may keep such excess.
- c. A copy of the employee's orders will accompany the request for leave. The provisions of Colorado Statute shall apply.

### **Military Leave**

An employee who is involuntarily inducted into active military service shall, upon request, be granted a leave of absence without pay by the Board of Education for the period of involuntary service. A copy of the employee's orders will accompany the request for leave. The provisions of Colorado Statute shall apply.

### **Jury Duty**

All regular employees and all regular part-time employees under court orders for jury duty shall be granted leave of absence with pay. Such sums as shall be paid by the court, minus expenses, shall be forwarded to the School District if jury duty occurs on a contracted day. The employee shall supply documentation of absences and amount of compensation.

## **Subpoenaed Witness**

Any employee subpoenaed as a witness in a court case involving the Cherry Creek School District shall be granted leave with pay unless said employee is the plaintiff in the case.

### Sick Leave Bank

#### A. Introduction

The purpose of the Sick Leave Bank is to provide for a limited income continuation in conjunction with other benefit plans in case of extended absences due to employee disability resulting from illness or injury, which renders the member incapable of working.

#### B. Membership

##### 1. Initial Enrollment

All Admin/ProTech employees who earn leave will be eligible to join the Sick Leave Bank after one year of employment in an eligible group. All eligible employees with one year of employment or more will be automatically enrolled on their anniversary date unless they have declined/opted-out in writing. When an employee is enrolled, they will contribute 8 hours of leave to the bank.

##### 2. Re-Enrollment

Any eligible employees who wish to join the Sick Leave Bank after their first year of eligibility will contribute two (2) days upon joining. Such membership may only be made during the month of October using the appropriate forms. The two (2) required days of leave shall be donated from their account upon enrollment in the Sick Leave Bank.

##### 3. Contributed Days

Days contributed or assessed become part of the bank and no longer count toward the individual member's current or accumulated leave.

##### 4. Dropping Membership

A member may terminate membership in the Sick Leave Bank by completing the required form (Administrative Procedure 4452.3). However, the days contributed by the member may not be withdrawn.

#### C. Sick Leave Bank Operation/Procedural Guidelines

##### 1. Governance

Daily operation of this bank will be by the Office of Human Resources who will determine eligibility and individual usage of the bank. Human Resources will also monitor the total balance of hours.

##### 2. Operation

- a. The minimum number of days in the bank will be one hundred and fifty (150).
- b. Should the number of days drop below the minimum, necessary action will be taken to raise the balance above the minimum. The Human Resources staff will notify the group of the assessment of additional time at least one month in advance and then will assess an additional day from each member. Days will be assessed in increments of one (1) additional day of current or accumulated leave from each member.
  - i) Inability to contribute, within a school year, will not prohibit individuals from being a member for the remainder of that school year unless the member affirmatively drops membership in the bank.
  - ii) Any members who were unable to contribute the assessed day(s) and did not affirmatively drop membership in the bank will have the assessed day(s) deducted from their current or accumulated leave during the following year.
- c. If an assessment is deemed necessary, all members will be provided an opportunity to terminate their membership prior to the assessed day being deducted from their current or accumulated leave.
- d. If the Human Resources feels that the bank cannot be funded adequately with the present membership or a more suitable plan is found, the Chief Human Resources Officer (CHRO) in collaboration with Cherry Creek Administrators Association (CCAA) can terminate the

bank. If the Sick Leave Bank is terminated, days remaining on the bank's records will be cancelled. Days will not be returned to the members of the Sick Leave Bank.

e. Members may contribute more days to the bank up to their leave balance amount.

f. This administrative procedure will be reviewed at least once each year.

D. Maximums / Minimums

1. A member in any single rolling year may be granted up to 45 days.
2. Any member will be assessed up to two (2) deduct days at per diem in connection with an application or illness in any single year.
3. If the balance of days in the Sick Leave Bank drops to one hundred and fifty (150) or below, members being granted days will continue to receive days. All new applications to the Sick Leave Bank will be put on hold until the action is taken to alleviate the situation. If the balance should reach zero (0) all days will cease to be granted, as the bank cannot operate in a deficit

E. Granting of Days / Application Process

The term "day" is defined as a full workday. Days may be granted from the Bank only after the member requesting Sick Leave Bank days has used all his/her current and accumulated leave.

1. The first two (2) days of leave after the member has exhausted his/her accumulated leave will not be covered by the bank.
2. At the member's request, the two (2) deduct days may be spread over two (2) pay periods.
3. Upon acceptance by the Long Term Disability (LTD) carrier, the two (2) deduct days will be reimbursed to the member.
4. When a member becomes eligible to receive benefits from the district approved LTD program; the member will no longer be eligible to receive days from the Sick Leave Bank. (Eligibility for LTD begins sixty (60) calendar days from date of disability resulting from illness or injury that renders the member incapable of working.)
5. Days from the Sick Leave Bank will be approved for extended illness and/or disability of a member only. Days will not be granted for a member to care for someone else who is ill or disabled.
6. Application for use of days must be made by the member to the Benefits Office in the Office of Human Resources any time prior to needing the days but not later than 60 calendar days after the member returns to work. Applications submitted at a time outside these limits will not be considered. Requests should include all of the following:
  - a. A licensed physician's verification that the illness or disability is total and renders the employee incapable of working.
  - b. A medical leave of absence.
  - c. A Sick Leave Bank application form.
7. The Benefits Office will have the authority to request additional information, including a request to the Superintendent to use Policy 4047 (Physical/Mental Examination).
8. Coincident with approval of days, the approved number of days will be deducted from the Bank. All days granted from the bank, but not used, will be restored to the bank.
9. Requests for less than full days of disability will be considered when:
  - a. The member is engaged in a rehabilitation/recovery program directed by a licensed physician; and
  - b. The member's supervisor and/or building principal has approved a partial return to work.
10. A member who uses days from the bank will not be required to repay such days except as a regular contributing member of the bank.
11. The Office of Human Resources will make available by request to employees a summary of action taken on requests and other information deemed appropriate. Information pertaining to specific individuals will be kept confidential within the Office of Human Resources. A representative of the Office of Human Resources will maintain a current record of days contributed and days used.

## COMPENSATION

This portion of the policy applies to employees who are designated as members of the Administration Council (AdCo) and Professional Technical employees classified by their position's respective job description.

The Meet and Confer Committee of the Cherry Creek Administrators Association (CCAA) may enter into discussion with the Superintendent or their designated representative on behalf of the administration staff utilizing Policy 4191 and the accompanying salary schedules and benefit package. These discussions will be held during the fall/spring with the intent of implementing any changes to policy, if possible, effective July 1 of the following year. The Committee speaks for all administrator employees eligible for membership in CCAA.

### Base Pay

Base pay is the fixed dollar amount paid to an employee, not including benefits and additional pay. It is the rate of compensation an employee receives in exchange for services. An employee's base pay is expressed as an annual salary.

The District endeavors to follow fair and consistent salary placement practices in accordance to Federal, State, and local laws. At no time will any employee be placed below the minimum or above the maximum of their position's pay range.

### New Hire Salary Placement

Employees will be placed within the position's established pay range based only on their years of relevant experience to the job. Relevant experience is defined differently based on the unique job's duties and responsibilities, minimum requirements, scope of practice, and environmental work conditions found within the position's job description. Relevant experience criteria are defined by the Office of Human Resources. The employee is responsible for providing the proper documentation for their years of relevant experience. Salaries are set by the Office of Human Resources based on the resume and application provided by the employee. Once a position offer is formally accepted by the employee, an updated resume can only be reviewed when the employee transfers to a new position or when a market study for the position occurs.

### Transfer Salary Placement

Lateral - Employees transferring to a different job at the same pay range will maintain current annual salary. This will result in no adjustment to annual salary.

Promotion - Employees transferring to a different job at a higher pay range will be placed within the new position's established pay range based only on their years of relevant experience to the job. Relevant experience is defined differently based on the unique job's duties and responsibilities, minimum requirements, scope of practice, and environmental work conditions found within the position's job description. Relevant experience criteria are defined by the District. The employee is responsible for providing the proper documentation for their years of relevant experience. If this methodology results in an increase of 5.0 percent or greater over current annual salary, then no further calculations are necessary. If experience placement results in an increase of less than 5.0 percent over current annual salary, then the new annual salary will be current annual salary plus 5.0 percent, not to exceed the position's pay range maximum. This will result in a pay increase to annual salary.

### Market Study Salary Adjustments

The Office of Human Resources will periodically conduct market studies for the Administrator and Professional Technical salary schedules to ensure Cherry Creek School District remains competitive in relation to the public school district market and identified market peers. Individual salary adjustments may or may not be made based upon market survey findings, the position's salary range, the employee's experience, the employee's current base salary, and the fiscal sustainability of pay increases, as determined by the Division of Fiscal Services.



### 2024-2025 Administrator Salary Ranges

<b>RANGE</b>	<b>MINIMUM</b>	<b>MIDPOINT</b>	<b>MAXIMUM</b>
1	\$82,502.72	<b>\$101,855.21</b>	\$121,207.70
2	\$88,051.34	<b>\$108,705.36</b>	\$129,359.38
3	\$93,599.96	<b>\$115,555.51</b>	\$137,511.06
4	\$99,148.59	<b>\$122,405.67</b>	\$145,662.75
5	\$104,697.22	<b>\$129,255.83</b>	\$153,814.44
6	\$110,245.84	<b>\$136,105.98</b>	\$161,966.12
7	\$115,794.47	<b>\$142,956.13</b>	\$170,117.79
8	\$121,343.09	<b>\$149,806.29</b>	\$178,269.49
9	\$126,891.94	<b>\$156,656.72</b>	\$186,421.50

*All Administrator positions are classified as exempt from overtime pay per the Fair Labor Standards Act (FLSA).*

Administrator position range assignments can be found on the District’s [compensation webpage](#).

### 2024-2025 Professional Technical Salary Ranges

<b>RANGE</b>	<b>MINIMUM</b>	<b>MIDPOINT</b>	<b>MAXIMUM</b>
1	\$55,632.10	<b>\$68,681.61</b>	\$81,731.12
2	\$58,524.20	<b>\$72,252.10</b>	\$85,980.00
3	\$61,914.38	<b>\$76,437.51</b>	\$90,960.64
4	\$65,304.57	<b>\$80,622.92</b>	\$95,941.27
5	\$68,995.02	<b>\$85,179.04</b>	\$101,363.06
6	\$72,685.47	<b>\$89,735.15</b>	\$106,784.83
7	\$76,792.43	<b>\$94,805.47</b>	\$112,818.51
8	\$80,899.40	<b>\$99,875.80</b>	\$118,852.20
9	\$85,781.25	<b>\$105,902.78</b>	\$126,024.31
10	\$90,663.12	<b>\$111,929.78</b>	\$133,196.44

*All Professional Technical positions are classified as exempt from overtime pay per the Fair Labor Standards Act (FLSA).*

Professional Technical position range assignments can be found on the District’s [compensation webpage](#).

#### **Payday**

Employees are paid on the 20th of each month. If a payday occurs on a holiday or weekend, the payday is the last working day prior to the holiday or weekend. On each payday, employees may access an online statement showing gross pay, deductions, and net pay.

Automatic deductions such as additional tax withholding, contributions to voluntary benefits plans, and individual savings plans may be arranged through Payroll. For convenience purposes, we encourage paychecks to be automatically deposited to the employee’s bank account of choice.

## Additional Pay

Additional pay is any extra pay outside of the base pay awarded to an employee. It is not guaranteed or rolled into base pay.

### **Annual Annuity**

The District will purchase an annual annuity for each Administrator and Professional Technical employee. The annual amount of the annuity will be 2.75 percent of their annual base salary.

### **Professional Growth**

Professional growth may include but is not limited to: tuition, workshop fees, textbooks, professional publications, seminars, conferences, memberships, apps, software, and subscriptions.

**Administrators** may purchase tools, including technology tools. Administrators who choose to purchase technology tools, including but not limited to, iPads (or the like) or smartphones may do so every other year. Materials, expenses, tools including technology, are the property of Cherry Creek School District and should be returned to Cherry Creek School District upon leaving the District or upgrading equipment. The total amount may not exceed one thousand dollars (\$1,000.00) per contract year. Personal funds may not be used to supplement Cherry Creek School District funds.

**Professional Technical** employees may submit for up to five hundred dollars (\$500.00) of professional growth reimbursement per school year.

### **Administrator Professional Growth Scholarship**

A scholarship fund in the amount of \$65,000.00 will be available annually, by application, for those professional growth activities which may require large outlays of money for tuition or extended periods of time away from the job on an unpaid voluntary professional growth leave. The Superintendent will appoint a committee of administrators to review professional growth scholarship applications. The committee will develop criteria and timelines. In addition, the committee will make recommendations to the Superintendent for approval or disapproval of specific scholarship requests. Scholarships funds not used during a school year will be carried over to the next year and will be reviewed annually by the committee.

Staff development can be a joint effort between the District and CCAA to develop programs that can be used at the AdCo monthly meetings. Cost would be shared between the District and CCAA to work jointly to build other staff development classes that can be taken during the year for credit.

### **Travel Reimbursement**

Payment for travel reimbursement will be compensated per District approved procedures and in accordance with established State funding requirements. Procedures can be found at the following link: <https://backyard.cherrycreekschools.org/Departments/AccountsPayable/Pages/default.aspx>

To the extent travel outside of Colorado is required for professional growth opportunities, such travel must be approved by the administrator's supervisor.

### **Administrator Attendance at Professional Meetings**

Administrator employees who hold national office or membership on a board of directors of administration and educational organizations will have their expenses for participation provided by the District when the sponsoring organization does not meet such expenses.

To annually allow administrators an opportunity for professional improvement in education and to encourage attendance at professional meetings and visitations to exemplary programs, every effort will be made to budget so that each administrator will have the opportunity to attend professional meetings.

Plans for participation will be submitted to the Superintendent or their designee for approval.

### **Administrator Colorado Association of School Executives (CASE) Membership**

The District will purchase an affiliate level CASE membership for all administrators. Administrators may use their professional growth, scholarship, building or department funds to upgrade their CASE membership to a full membership on an annual basis. The cost of a full membership is dependent upon an administrator's salary.

### **Administrator Longevity Pay**

The following Administrator employee longevity pay will be granted to eligible employees as additional salary, to be paid in a lump sum the month of their anniversary date. This will not be included in base pay.

To be eligible an employee must have completed a minimum of ten (10) continuous years of service in any benefit eligible position in Cherry Creek School District. The employee must work 120 days or more during each year of service to be eligible for longevity.

After beginning the longevity pay schedule, the employee will step each year if fiscally viable, as deemed by the Office of Human Resources and Fiscal Services.

Completed years of service in an administrator position prior to meeting the prerequisite of ten (10) continuous years of service in any benefit eligible position will not be credited toward the longevity pay schedule.

<b>LONGEVITY STEP</b>	<b>ANNUAL PAYMENT</b>
1	\$5,000.00
2	\$5,500.00
3	\$5,500.00
4	\$6,000.00
5	\$6,000.00
6	\$6,500.00
7	\$6,500.00
8	\$7,250.00
9	\$7,250.00
10	\$8,000.00
11	\$8,500.00

### **Professional Technical Longevity Pay**

The following Professional Technical employee longevity pay will be granted to eligible employees as additional salary, to be paid in a lump sum the month of their anniversary date. This will not be included in base pay. Years of services must be continuous in a benefit eligible position with Cherry Creek School District. The employee must work 120 days or more during each year of service to be eligible for longevity.

<b>COMPLETED YEARS OF SERVICE</b>	<b>ANNUAL PAYMENT</b>
10	\$2,500.00
11	\$2,750.00
12	\$2,750.00
13	\$3,000.00
14	\$3,000.00
15	\$3,250.00
16	\$3,250.00
17	\$3,625.00
18	\$3,625.00
19	\$4,000.00
20	\$4,250.00
21+	\$4,250.00

## Resignation/Retirement and Post-Retirement Employment

Written notice of intent to resign/retire must be submitted to the supervisor and the Office of Human Resources. Deadline for submission will be determined by the Office of Human Resources. Deadline to rescind intent to retire will be 21 days from submission of retirement paperwork to the Office of Human Resources.

### Administrators

Upon retirement/resignation, administrative employees who have completed ten (10) consecutive years of service or more to the District will, upon separation from Cherry Creek School District, receive compensation for accumulated leave. Administrators will be compensated according to one of the following scenarios. Compensation will be based on whichever scenario is greater. A written resignation must be submitted and be in effect before any payment of accumulated, unused leave will be processed. If an administrator is terminated, they will not receive payment for accumulated, unused leave.

Scenario A: Compensation for up to one-half of the total days of accumulated leave at the per diem rate for that administrator as long as the payment will not exceed twenty (20) full days of pay.

Scenario B: Compensation for leave days in excess of 30 days will be at the rate of one-half per diem beyond the first 30 days.

The per diem rate will be figured on the same basis as PERA and be paid in accordance with Colorado PERA guidelines. Additional information can be obtained from the Office of Human Resources.

### Professional Technical Employees

Upon resignation/retirement, Professional Technical employees who have completed ten (10) consecutive years of service or more to the District will, upon separation from Cherry Creek Schools, receive compensation of their remaining leave balance at one half their daily per diem. A written resignation must be submitted and be in effect before any payment of accumulated, unused leave will be processed. If a professional technical employee is terminated, they will not receive payment for accumulated, unused leave.

### Post-Retirement Employment

Employees may request post-retirement employment by submitting this request in writing to their immediate supervisor by the District required deadline. The District maintains full discretion in granting or denying the request. Requests submitted after the deadline may be considered at the discretion of the Superintendent, or designee. The Chief Human Resources Officer will notify the administrator of approval or denial of the request for post-retirement employment in writing. Administrators hired for post-retirement employment will be paid a percentage of their previous salary in accordance with Colorado PERA guidelines and, otherwise, the District's need for a cost-neutral post-retirement employee program. Post-retirement contracts for administrators are "at-will" contracts and can be terminated at the discretion of the District at any time. Post-retirement agreements for professional technical employees can be cancelled at the discretion of the District at any time. Additional information can be obtained from the Office of Human Resources.

## **General Information**

### Employee - Board of Education Relationships

1. The Board of Education of the Cherry Creek School District is always accessible to employees and employee representatives of the District.
2. As a general rule, any topic necessitating official action should first be submitted to the Office of Human Resources before being placed on the agenda.

### Concerns Procedure for Administrators

1. Should the leadership of the CCAA disagree on an issue related to salary and/or benefits they may request an opportunity to present its concern to the Chief Human Resources Officer or designee.
2. Administrators may have the opportunity to express concerns related to conditions of employment and/or the application of these policies.
3. Meetings for Group Concerns:
  - a. It is recognized that the maintenance of an administration team requires mutual consideration of concerns and problems.
  - b. The responsibility for requesting meetings rests with the Cherry Creek Administrators' Association.

### Presentations and/or Publications

All staff members will submit presentations and/or publications related to Cherry Creek School District work or programming to the Superintendent or designee for prior approval.

### Political Activities

Except as provided in Colorado statute no employee of the Cherry Creek School District shall use his/her position or the facilities of the District to promote political objectives.

As a protection to the District from persons who may desire to use the schools for the purpose of disseminating political propaganda, no written materials shall be circulated or posted on school property without the approval of the building principal.

Copies of all materials referred to in the foregoing paragraph, receiving the approval of the building principal, shall be filed with the Superintendent or designee.

### Organizational Membership

No contract or other employment arrangement executed or made by and between the School District and employee shall require, by inference or otherwise, that said employee pay dues or belong to any group or organization.

### Activity Attendance

All District personnel will present their District/School issued photo ID at home games of athletic contests for the employee and one guest to enter for free. This does not include any post-season games.

### Attendance of Children of Cherry Creek School District Administrators in Cherry Creek School District Schools

It is agreed that the children of Cherry Creek School District administrators may attend schools in the Cherry Creek School District. Colorado School Law Reference: 22-32-109 (a) (f): 22-32-127 (1)

### Child Abuse & Neglect Reporting

Colorado law requires all school employees to follow the law around mandatory reporting requirements. For more information, visit the “Mandatory Reporting” page located in the CCSD Backyard page of my.cherrycreek.

### Communicable or Life-Threatening Diseases

#### A. Purpose

This procedure establishes a mutually beneficial process between an ill employee and the District to insure that the health or safety of the employee, students and other employees is protected.

#### B. Identification of Ill Employees

Employees affected by a communicable or life-threatening disease or illness may be identified through self-report, or on the basis of the District having a reasonable belief that a staff member is ill. Reasonable belief would exist in, but is not limited to, situations where the employee’s health is observed to be deteriorating to the point of interfering with the performance of his/her duties, the employee displays persistent physical symptoms of illness, where the District becomes aware of a diagnosis of such an illness or disease, or where there is other reasonable evidence of the existence of such disease.

If a supervisor has been informed or has reasonable cause to believe that an employee is affected by a communicable or life-threatening disease or illness, the supervisor will immediately notify the Chief Human Resources Officer. The Chief Human Resources Officer or his/her designee may confer with, but not limited to, the supervisor, the Executive Director of Instruction for that school, the staff member, and the Superintendent of Schools for determination of fitness as provided in Section D below.

#### C. Verification of Illness or Disease

The Chief Human Resources Officer or designee will take reasonable steps to verify the existence or non-existence of a communicable or life-threatening disease. This will be determined by a review of medical reports, files, diagnostic testing, hospital records, and/or consultation with physicians or other medical personnel as may be deemed necessary.

#### D. Determination of Fitness for Continued Duty

In the event an employee is affected by a communicable or life-threatening disease or illness, recommendations regarding the employee’s fitness for continued duty and contact with students and other staff will be made on a case-by-case basis by the Chief Human Resources Officer. The recommendations will be based on, but not limited to:

1. Medical reports regarding the condition of the employee;
2. The type of duties and interaction in the work place required of the employee in performance of his/her assignment;
3. The impact of continued employment on the affected employee, students and others in the work place;
4. Consideration of “reasonable accommodations” in the employment of the affected employee pursuant to Section 504 of the Rehabilitation Act when applicable, and
5. Input and recommendations from public health officials and others.

Recommendations will be submitted to the Superintendent of Schools for review and action.

#### E. Return to Duty

If an ill staff member is determined to be fit for continued duty, the supervisor will be informed of the employee’s medical condition, the reasonable accommodations/precautions, if any, to be observed in the work setting, and any other factors that would warrant the reconsideration of continued duty. A regular schedule of medical examinations or evaluations for continued employment may be required.

F. Termination of Employment

If a staff member is determined to be unfit for continued duty, he/she will be entitled to the use of accumulated paid sick leave, sick leave bank provisions (if applicable), and medical leave of absence as outlined in district policy.

After all leave options are exhausted and the employee is still not deemed fit to resume duties, employment will be terminated by the employee's resignation or retirement, or by Board of Education action including initiation of dismissal proceedings under applicable Colorado Statute or District policies subject to the usual appeals by the employee.

G. Confidentiality

All information gained by the District through the application of this procedure, including the identity of an employee, will be treated as confidential except as necessary to implement this procedure. Information will not be released publicly by officials of the school district without the written consent of the affected employee.

The adoption of this procedure does not create any right claim or cause of action against the District or its employees where such right claim or cause of action does not otherwise exist in the absence hereof.

Drug-Free Workplace

The unlawful manufacture, possession, use or distribution of illicit drugs and alcohol on School District premises or as part of any of the School District activities is specifically prohibited. This policy shall apply to all School District employees, although at times, District personnel may certify that a particular federal grant may apply only to specific work sites.

Observance of this policy is mandatory and a condition of employment. A violation shall subject the employee to appropriate disciplinary sanctions (consistent with local, state and federal law), including suspension and up to and including termination of employment and referral to the appropriate law enforcement agency for prosecution. A disciplinary sanction may include completion of an appropriate rehabilitation program.

Drug and alcohol counseling and rehabilitation and re-entry programs may be available through the District. The District encourages affected employees to seek assistance.

Each employee will be provided with a copy of this policy which sets forth the expected standards of conduct and the disciplinary sanctions which may be imposed as a result of a violation of this policy.

Pursuant to the provisions of federal law, any employee who is convicted of or pleads guilty or nolo contendere (no contest) to any criminal drug statute for a violation occurring in the workplace, shall notify the Superintendent or his designee within five days after the conviction. The District has the obligation and shall notify the appropriate Federal agency within 10 days after receiving notice of such conviction or plea if there is a relationship between federal funds received by the District and the convicted employee's work site.

The Board of Education shall conduct a biennial review of its drug and alcohol abuse prevention programs to determine the programs' effectiveness, to implement required changes if necessary, and to insure that disciplinary sanctions are consistently enforced.

## Physical and Mental Examinations and Alcohol and Controlled Substance Testing

Employees of the Cherry Creek School District are subject to physical and mental examinations and alcohol and controlled substances testing prior to and during employment. The following provisions of this policy set forth the circumstances and conditions when such examinations and testing will be required:

### A. Physical Examination - All Employees

After recommendation for employment but before employment commences, candidates for employment may be required to take and pass such physical and mental examinations as may be prescribed by the District. Results of such examinations shall be reported on forms provided by the school district, or forms acceptable to the school district, and shall be filed in the Office of Human Resources. All examinations shall be at the sole cost and expense of the candidate.

### B. Required Examination During Employment - All Employee

1. The Superintendent or designee may require any employee within the School District to submit to a physical or mental examination, when he/she has reasonable suspicion to believe:
  - (a) the welfare of the employee, students or other employees justifies such examination  
*or*
  - (b) that the employee's ability to perform his or her duties is impaired due to physical or mental reasons.

The School District will pay the cost of the examination which shall be conducted by a physician of the School District's choice. However, in the event the employee desires to utilize a personal physician, subject to the approval of the Superintendent or designee, to satisfy the employee's examination requirement, the employee may do so, provided the examination can be conducted within such time as may be reasonably required by the School District. In such event, the private physician will be paid, by the School District, an amount equal to the amount usually and customarily paid by the School District to the physician selected by it.

Following the examination, a written report shall be issued by the physician.

2. As a condition of continued employment with the School District, all employees consent to a chemical test of their blood, urine or breathe upon request of the Superintendent or designee. This test shall be ordered in the event the Superintendent or designee has reasonable suspicion to believe that the employee is under the influence of alcohol or drugs, or in the event of a reasonable suspicion that the employee's ability to perform his or her duties is impaired by the use of alcohol or drugs. The employee will be allowed up to thirty minutes to obtain representation of his/her choice. Any such tests shall be conducted at any hospital, clinic, or facility properly equipped to administer such tests and shall be performed by any doctor, nurse or technician properly qualified to administer such tests. The employee may not select the physician or technician to administer the tests. All such tests shall be paid for by the District.

The term drugs, as used herein, shall include, but not be limited to, those substances defined in CR5. 12-22-30 1 et. seq., known as the Colorado Controlled Substance Act of 1981.

- (a) The failure or refusal of an employee to submit to any test required in paragraph 2 above, or to submit to and obtain the examinations required in paragraph 1 above, shall constitute insubordination, and shall result in:
  - (1) immediate suspension without pay, except as required by Colorado Statute, and
  - (2) termination of employment being recommended to the Board of Education.



3. Alcohol and Controlled Substance (Drugs) Testing for Commercial Driver's License (CDL) Employees

- (a) The Omnibus Transportation Employee Testing Act of 1991 (the "ACT") and Department of Transportation rules, procedures and regulations (the "Regulations") require that the District conduct pre-employment/pre-duty, random, reasonable suspicion, post-accident, return to duty and follow-up testing of all District employees required to obtain a Commercial Driver's License ("CDL").
- (b) All alcohol and controlled substance testing performed under and pursuant to this Section C, will be conducted in accordance with federal regulations, the Act and procedures adopted by the District.
  - (1) Controlled substance testing will be conducted by means of a urine specimen collected and tested by a laboratory certified by the U.S. Department of Health and Human Services.
  - (2) Alcohol testing will be conducted using an evidential breath-testing device.
  - (3) Employees will not be entitled to have testing performed at a location or by an individual or facility other than that designated by the District. However, a split sample of the urine test for controlled substances will be available for the employee pursuant to District policy and federal regulations in the event the sample tested is confirmed positive.
  - (4) An employee may not refuse to submit to alcohol and/or controlled substance testing under this Section C. Refusal shall result in immediate suspension of employment without pay and recommendation of termination to the Board.

C. The required testing under this Section C will be conducted at the District's expense and as follows:

1. Pre-employment testing shall be administered to all applicants offered a position in the District requiring a CDL prior to the first time the employee performs any safety-sensitive functions for the District.
  2. Random alcohol testing shall be conducted at any time period surrounding the performance of safety-related functions, which includes just before or just after the employee performs the safety-related function. Random controlled substance testing shall be performed anytime while the employee is at work.
  3. Reasonable suspicion testing will be conducted of any employee when a determination and observation is made by a trained supervisor and he has a reasonable suspicion to believe any employee has violated the District's policies and/or federal regulations relating to alcohol or controlled substance use or possession.
  4. Post-accident testing will be conducted on any employee involved in an accident which results in the loss of human life or if the employee receives a citation for a moving traffic violation arising out of an accident.
  5. Return to duty testing will be required prior to an employee being reinstated, if at all, after an employee has tested positive for prohibited alcohol concentration levels or the presence of a controlled substance and after the employee has undergone an evaluation by a substance abuse professional except as noted in No. 6 below.
  6. Follow-up testing will be required of any employee identified by a substance abuse professional as needing assistance in resolving problems with alcohol misuse or controlled substance use and who has returned to duty.
- D. Records of all tests will be maintained and kept confidential in accordance with District procedures and federal regulations.
- E. All affected employees and employee organizations will be provided with educational materials which explain the requirements of this Section C, the District procedures and federal regulations related thereto.
- F. The District encourages all employees with any alcohol abuse or controlled substance use to seek assistance through a Substance Abuse Professional (SAP) and will provide employees lists of

individuals and organizations providing this service. Unless otherwise provided by law or District policy, the District is not required to provide rehabilitation, pay for substance abuse treatment or to reinstate an employee terminated for violations of District policy relating to the use or possession of alcohol or controlled substances.

- G. Any employee who is determined, as the result of any of the required alcohol or controlled substance testing, to have violated any District policy relating to the use or possession of alcohol or controlled substances shall, consistent with state and federal law and District policies, be subject to disciplinary action, including termination of employment.