

POLICYALERT

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Forethought Consulting, Inc.

POLICY UPDATE: 2014

WISDOM OF THE LEGISLATURE

Forethought Consulting's first foray into the Acts of the 2014 Louisiana Legislature has resulted in revision of a group of personnel policies which we feel School Boards need to address as the new school year begins. Be assured that there are more revisions on the way in the coming months.

GIFTS

As a result of Act 172, which amended La. Rev. Stat. Ann. §42:1123, language has been added to the policy *Gifts*, allowing school employees to accept gifts from or on behalf of a student or former student up to \$25.00, as long as the aggregate value from one person does not exceed \$75.00 in a calendar year.

CONTRACTS AND COMPENSATION EMPLOYEE PROMOTION

Both policies *Contracts and Compensation*, and *Promotion* have been revised to include language enacted by Act 548, revising La. Rev. Stat. Ann. §17:444, requiring the Superintendent to disclose all terms of an initial or subsequent administrative contract prior to School Board approval.

Policies In This Issue:

- Gifts
- Contracts and Compensation
- Employee Promotion
- Evaluation
- Employee Discipline
- Tenure
- Employee Dismissal
- Sick Leave

EMPLOYEE EVALUATION
DISCIPLINE
TENURE
DISMISSAL

In an effort aimed mainly toward enhancing the impartiality of disciplinary procedures for teachers, these four policies were revised based on language found in Act 570. La. Rev. Stat. Ann. §§17:441, 17:442, 17:443, and 17:444 were all amended by the Act. The policy *Evaluation* now reflects the confidentiality of assessment and evaluations of school employees. The policy *Discipline* includes the new procedures mandated for teachers who are being disciplined. Specifically, *disciplinary action* for which these new procedures are applicable is defined to include only *suspension without pay, reduction in pay, involuntary demotion, or dismissal*. Also included is the requirement that the School Board designate a *disciplinary hearing officer*, who shall conduct a disciplinary hearing if requested by the teacher, in accordance with procedures adopted by the School Board. The hearing officer shall review the Superintendent's disciplinary decision and render a final determination as to affirm or reverse the Superintendent's action. The policy *Tenure* includes revised language regarding tenured teachers who receive ineffective ratings, and the policy *Dismissal* now refers to the revised procedure now included in the policy *Discipline*.

SICK LEAVE

The policy *Sick Leave* has been revised to reflect three different Acts. Act 659 revised the provisions found in La. Rev. Stat. Ann. §§17:500.2, 17:1202, and 17:1206.2, making a minor alteration in the definition of medical necessity. The Act also

removed the limitation that the medical necessity creating the need for extended sick leave had to be for at least ten (10) consecutive days absence.

Extended sick leave for maternity purposes granted to teachers was also amended. Significant changes include the clarification that this particular extended sick leave is *additional* extended sick leave, over and above the 90 days generally granted. This additional leave is to be used for personal illness relating to "pregnancy, illness of an infant, or for required medical visits certified by a physician as relating to infant or maternal health." A new definition included defines *infant* as a child under one year of age.

Act 741 revised the language in La. Rev. Stat. Ann. §§17:1201 and 17:1206.1 regarding sick leave for assault and battery, to which all employees are entitled, but specifies that any *teacher* or *school employee* receiving such leave shall not receive it after the employee begins to draw retirement benefits from the retirement system. This limitation was not added to the statute addressing such leave for bus operators.

Lastly, Act 849, again amending La. Rev. Stat. Ann. §§17:500.2, 17:1202, and 17:1206.2, revised the process for challenging the need for extended sick leave. The new statutory language now allows either the Superintendent or the School Board to be the "challenging party" when the validity of the certification for leave is questioned. This could create the absurd situation where both the School Board and the Superintendent might maintain separate rotation lists of physicians.



On the horizon - Board Member term limits, cash management, student policies, and more!