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To: The Board of Education
From: Doug Larson
Re: Policy Reading
Date: July 28, 2022

Policy and Legal Services will present four Second Readings during the next Board of Education meeting. A description of the policies under consideration is provided below.

Article IX.A.3.g. Vacancies, Transfers, and Promotions

Again, this policy updates and consolidates 12 separate policies into a single policy. Based on questions from the Board during the last board meeting PLS conducted research and confirmed the following information: (1) application records are retained for two years following the application process and (2) GEA can, and often are involved in discussions regarding transfers. No other changes were proposed or made to this policy since the first reading.

Article IX.A.3.l. Personnel Files and Records

Based on some recent occurrences, there is a need to reconsider the final provision of this policy, and the Superintendent has asked for the Law and Policy Committee to make final recommendations. Therefore, PLS recommends tabling a second reading of this policy for one month.

Article IX.A.1.b. Drugs, Alcohol, and Tobacco

This policy combines a Board policy with an outdated Administrative Memo. The changes also add definitions to make the policy clearer and more consistent with federal and state drug free workplace laws and administrative rules. No changes were made from the first reading.

Article IX.A.1.c. Employment and Supervision of Relatives

The revisions to this policy are updates that clarify the previous policy, which was far too vague. The revisions provide greater detail regarding prohibitions and exceptions, so expectations are clear and unambiguous. Clear and unambiguous expectations protect employees and protect the District.

Article IX.A.3.g. Vacancies, Transfers, and Promotions

A. Statement of Policy

The Board of Education of Granite School District (Board) recognizes that positive student outcomes, successful schools, and a well-functioning district largely depends on its personnel. Therefore, the district shall make every effort to recruit, hire, and retain the best and most qualified personnel.

B. Hiring Procedures

1. Staffing allocations are established by the Superintendent or designees. The Superintendent must approve all new positions.
2. All vacancies created by retirement, resignation, transfer, or dismissal shall be processed by Human Resources (HR) and reviewed by the Board as part of the Board's consent agenda.
3. One-year-only contract vacancies shall be posted, but there shall be no expectation of continued employment beyond the duration of the temporary assignment, regardless of whether applicant is a current employee and regardless of the number of years of service with the District.
4. HR advertises open positions and posts them on the District Employment Opportunities website for a minimum of five (5) working days.
5. Applicants, including current employees, shall apply for open positions on the District Employment Opportunities website.
6. Applicants shall provide complete and accurate information on applications as a condition of hire. Among other information, an applicant shall be required to sign a release authorizing the applicant's previous employers to disclose information related to physical or sexual abuse of a child. All applications and supporting documentation for employment shall be received and maintained by HR.
7. Working with the hiring administrator, HR approves or denies applications based on the position qualifications and releases approved candidates to hiring administrator.
8. Candidates shall be selected through fair and appropriate vetting process based on job-related qualifications. Some positions require additional vetting procedures and/or draw from preapproved applicant pools. All additional requirements shall be identified in the posting.
9. In the recruitment and selection of employees, Granite School District shall comply with state-mandated veterans preference provisions. Moreover, Granite

School District does not discriminate on the basis of race, color, sex, sexual orientation, gender identity, pregnancy, age, religion, national origin, disability, or any other legally protected class(es) as defined by applicable state and federal law.

10. After a candidate is selected, the hiring administrator shall conduct required reference checks and submit a recommendation for hire to HR. The prospective employee shall be notified that they have been approved for hire pending HR's completion of the hiring process and conditioned upon a successful background check.
11. Final approval of all hiring decisions rests with the Board of Education.
12. Hiring administrators shall retain all hiring records for a period of three years in compliance with Utah State Archives records retention schedules.
13. Hiring practices shall comport with the negotiated agreements.
14. According to state law, no person under 14 years of age shall be employed by the District.

C. Transfers

1. As used in this policy, an administrative transfer shall mean changing an employee's assignment from one location to another in the same job classification and at the same pay. Applications by current employees for job vacancies are not considered transfers.
2. Administrative transfer requests may be initiated by the employee or the employee's supervisor. An administrator may grant a transfer, at their discretion, if it serves the best interests of the employee and/or the District. Administrative transfers must be discussed with the employee's immediate supervisor at both locations. The superintendent or designee shall be the final authority on all transfers.
3. Employees that have been employed in a position for less than six months and temporary employees are not eligible for administrative transfers.
4. Administrative transfers of teachers initiated by a supervising administrator shall be preceded by a meeting with the School Leadership and Improvement Services director and Human Resources administrator to discuss the proposed transfer and the reasons thereof. If the teacher objects to the administrative transfer, the teacher may request a meeting with an appropriate Assistant Superintendent to discuss the matter.

5. Transferring surplus teachers and other employees shall also conform to the process detailed in respective negotiated agreements.
6. Transfers of administrative staff shall be made by the superintendent or designee and shall be subject to board approval. Prior to making an administrative transfer, other interested parties may be consulted. In the event an administrator objects to the transfer, the superintendent or designee will meet with the administrator and a Granite Association of School Administrators (GASA) representative to discuss the transfer.

D. Promotions

1. As used in this policy, promotion shall mean reassignment to a job which is carried on a higher lane of the salary schedule than the lane from which the employee is currently paid.
2. All employees, including hourly and temporary employees, may apply for promotion to a higher position which is posted as a vacancy. The HR hiring procedures shall be used to determine the best qualified candidate. Preference shall be given to current employees provided that other qualifications are substantially equal.
3. An employee who is promoted to a higher lane on the salary schedule will be placed on the step of that lane which comes closest to, but not more than, giving the employee an eight percent (8%) salary increase on their hourly rate for the promotion.
4. Classified and Secretarial employees may be promoted on a temporary basis to fill in for another employee. Temporary promotions beyond thirty (30) contract working days requires approval from HR. With advanced authorization by the employee's immediate supervisor and HR,
 - a. The employee shall be paid the rate the employee would earn if the promotion was permanent. This rate is not the rate of the person being temporarily replaced.
 - b. The employee must have worked fifteen (15) consecutive working days.

E. Special Circumstances

Regardless of the foregoing, when circumstances require, the superintendent or designee may make direct appointments of current employees to fill vacant or new positions with Board approval when such action will best serve the needs of the District.

History:

Revised January 2020 – combined several policies including Articles IX.A.2.e., IX.A.2.f., IX.A.2.o., IX.A.2.p., IX.A.3.g., IX.A.3.h., IX.A.3.i., IX.A.3.j., IX.A.5.c., IX.A.5.d, and Administrative Memorandum Number Eighty-Eight.

References:

Utah Antidiscrimination Act, Utah Code Ann. § 34A-5-101 *et seq.*
Educator Licensing and Professional Practices Act, Utah Code Ann. § 53E-6-103 *et seq.*
Public Education Human Resource Management Act, Utah Code Ann. § 53G-11-501
Reference Check Requirements, Utah Code Ann. § 53G-11-410
Definitions, Utah Code Ann. § 78A-6-105
Veterans Preference, Utah Code Ann. Title 71, Chapter 10

Article IX.A.3.1. Personnel Files and Records

Statement of Policy

1. The District Human Resources office maintains an official permanent record file for each employee. These records are the property of Granite School District. Access to the information contain in personnel files is protected and subject to disclosure pursuant to the Government Records Access Management Act (GRAMA) and any relevant provisions of Professional Agreements.
2. Personnel files contain, but shall not be limited to the following items: application for employment, employment forms, pre-employment recommendations and records, and documentation of job performance. Personnel files may also contain other employment documents and records as appropriate.
3. Upon request, and by appointment, the employee will be allowed to inspect their own file, except for pre-employment recommendations and records, and such other information that may be privileged under law and not subject to employee inspection.
4. A separate file will be maintained for any employee medical information.
5. Any item within the file may be petitioned to be removed subject to state law, other district policies, and the professional agreements. Material found to be inaccurate or unfounded will be removed and destroyed. Petitions shall be considered by Human Resources and/or the appropriate Assistant Superintendent.

History:

Revised March 2020; July 2022—combined several policies including Articles IX.A.2.j., IX.A.3.1., and IX.A.5.1.

References

Utah Code § 63G-2-101 *et seq.* Government Records Access Management Act (GRAMA)

August 2022

Article IX.A.1.b. Drugs, Alcohol, and Tobacco

A. Purpose

This policy is intended to provide a safe and productive educational and work environment for students and employees free from the effects of unlawful use of controlled substances, alcohol, and tobacco.

This policy is written to comply with all requirements found in state and federal law, including 41 U.S.C. 702 *et seq.*, Drug-Free Workplace Requirements; Utah Code § 34-41-101 *et seq.*, Local Governmental Entity Drug-Free Workplace Policies; Utah Code § 26-38-101 *et seq.*, Utah Indoor Clean Air Act; Utah Administrative Code R277-217, Standards for Educators; Utah Administrative Code R477-14, Substance Abuse and Drug-Free Workplace; and Utah State Office of Education, Pupil Transportation Drug and Alcohol Testing Policy.

B. Definitions

1. Controlled substance refers to a drug or some other substance, or an analog of a controlled substance, that is capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system or that is identified in the Utah Controlled Substances Act, Utah Code § 58-37-4.
2. Distribution (Utah Code § 53G-8-205) refers to the selling, sharing, or delivery of:
 - a. prohibited substances;
 - b. imitation prohibited substances, which by dosage, appearance (including color, shape, size, markings, and representations made) would lead a reasonable person to believe that the substance is a controlled substance;
 - c. and over-the-counter medications that alter psychosocial functioning as a result of taking more than the recommended dosage.
3. Intent to distribute refers to possession of a prohibited substance in excess of what a reasonable person would consider to be personal use or a prescribed daily dosage or a stated intent (verbal or written) to distribute.
4. Drug paraphernalia refers to equipment, products, and materials of any kind, including the constituent parts thereof, that are designed or intended for use in packaging, repackaging, processing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body alcohol, any controlled substance, or other intoxicants, and more thoroughly described in Utah Code § 58-37a-3 and 4.
5. Possession refers to the joint or individual ownership, control, occupancy, holding, retaining, belonging, maintaining of a prohibited substance and as further defined in Utah Code § 58-37-2.

6. Prohibited substance refers to all substances that are legally restricted from school property including:
 - a. all controlled substances identified in Utah Code § 58-37-3, with the exception of controlled substances legally prescribed for a patient by a physician or other qualified health care provider;
 - b. use of any tobacco products, including smokeless tobacco and e-cigarettes or other forms of nicotine delivery;
 - c. all alcoholic beverages as defined in Utah Code § 32B-1-102;
 - d. all psychotoxic chemical solvents as defined in Utah Code § 76-10-107; and
 - e. all other products and substances capable of causing intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of introducing, by any method, the substance into the human body.
7. Use refers to the application, inhalation, swallowing, injection, or consumption of a prohibited substance and as further defined in Utah Code § 58-37-2.
8. Tobacco products refer to all cigarettes (including menthol and cloves) and other tobacco products or nicotine delivery devices of any kind and in any form, including but not limited to chewing tobacco, pipes, cigars, smokeless tobacco, snuff, e-cigarettes, personal vaping devices, and hookahs.

C. Policy

1. Individuals are prohibited from manufacturing, possessing, distributing, consuming, or using any unlawful controlled substance, drug paraphernalia, alcohol, or tobacco products in any form while on school property, while operating a District vehicle, or while attending any school-sponsored activity or event.
2. Individuals are prohibited from being under the influence of any controlled substance not prescribed by a qualified physician, prescribed controlled substance that is used in a manner not prescribed by a qualified physician, or alcohol while on school property, while operating a District vehicle, or attending any school-sponsored activity or event.
3. Violation of this policy is considered improper conduct and such conduct is incompatible with employment, volunteering, or school attendance. If a violation occurs, the District will take appropriate corrective action and apply appropriate discipline according to this and other District policies.¹
4. Prescription medications shall be properly secured.

¹ This policy shall not limit or inhibit law enforcement officers from carrying out law enforcement duties.

D. Testing

1. District employees may be required to submit immediately to medically accepted drug or alcohol testing as defined in Utah Code § 34-41-104 and/or to a field breath exam administered by a qualified law enforcement officer (using a portable alcohol testing device) under one or more of the following circumstances:
 - a. as part of pre-employment screenings for employees in safety-sensitive positions (as that term is defined in state law and by the Utah Department of Human Resources Management (DHRM));
 - b. randomly for employees in safety-sensitive positions as part of a District-wide random drug testing program;
 - c. where a reasonable suspicion exists that a District employee is using or is under the influence of alcohol or a controlled substance while at work;
 - d. as a part of a post-accident or critical-incident investigation;
 - e. prior to return to duty or as a condition of continued employment if alcohol or controlled substances played any part of a District employee's absence from duty; or
 - f. as follow up in combination with a mutually agreed upon rehabilitation program.

2. Drug and alcohol testing shall be conducted in accordance with Utah Code § 34-41-104 by a laboratory certified for employment drug and alcohol testing.
 - a. Drug and alcohol testing results shall be confirmed using reliable testing methods and communicated to both the Human Resources Department and the current or prospective employee.
 - b. Current or prospective employees shall be informed of their option for a split-sample test at the employee's expense.
 - c. Employees in positions requiring commercial driver licenses (CDL) shall also be subject to testing requirements and prohibitions under Federal and State law and as outlined in the State of Utah, DHRM Drug and Alcohol Testing Manual.

E. Reporting

Pursuant to Utah Administrative Code R277-516, an employee who is arrested (charged or convicted) on any alcohol or drug-related offense shall notify their supervisor or file notice of the arrest directly to the Human Resources Department within forty-eight (48) hours of the arrest. Supervisors shall notify the Human Resources Director of the arrest as soon as possible.

F. Discipline

In the event an employee tests positive for unlawful controlled substances; tests positive for alcohol; refuses to submit to a drug or alcohol test; attempts to taint, avoid, delay, or circumvent the testing process; is arrested (charged or convicted) on an alcohol or drug-

related offense; or violates this policy in some other way, the District will initiate appropriate administrative and criminal investigations, and a confirmed violation of this policy may result in discipline up to and including termination.

G. Prevention and Treatment

1. Pursuant to state statutes and USBE rules, drug-free awareness programs will be provided to remind students and employees of the danger and consequences of illegal substances.
2. Any employee who has a substance or alcohol abuse problem is encouraged to voluntarily obtain assistance through a drug or alcohol abuse treatment program. All such treatment will be at the employee's expense, and the employee may be required to use sick or vacation leave. Employees are strongly urged to seek assistance before usage affects performance of job duties. The District Benefits Office provides information to employees regarding coverage for substance abuse treatment programs and accommodations granted under the Americans with Disabilities Act (ADA).
3. Seeking drug or alcohol treatment will be taken into consideration by the District when making decisions with respect to discipline. The District may, at its sole discretion, based on the particular facts of a given matter, agree to allow an employee to seek assistance through a drug or alcohol treatment program as a condition of continued employment. The District will not excuse policy violations by an employee, however, based on the pretext that the employee intended to seek the assistance of a drug or alcohol treatment program.

History:

Revised December 2021. Combined with Administrative Memorandum Number Fifty-Nine.

References:

41 USC 702 *et seq.*, Drug-Free Workplace Requirements
Utah Code § 34-41-101 *et seq.*, Local Governmental Entity Drug-Free Workplace Policies
Utah Code § 26-38-101 *et seq.*, Utah Indoor Clean Air Act
Utah Code § 53G-10-406, Underage Drinking and Substance Abuse Prevention
Utah Administrative Code R277-217, Standards for Educators
Utah Administrative Code R277-910 Underage Drinking and Substance Abuse Prevention
Utah Administrative Code R477-14, Substance Abuse and Drug-Free Workplace
Utah State Office of Education, Pupil Transportation Drug and Alcohol Testing Policy
ADA Amendments Act of 2008 § 36-209

Article IX.A.1.c. Employment and Supervision of Relatives

A. Statement of Policy

In order to promote the public interest and strengthen the trust and confidence of Granite School District's students, parents, and patrons, the Board of Education enacts the following policy to eliminate any potential improper influence in the hiring and supervision of district employees and to comply with applicable Utah State law.

B. Definitions

1. As used in this policy, an appointee means an employee whose salary, wages, pay, or compensation is paid from public funds.
2. As used in this policy, a relative means a spouse, husband, wife, parent, father, mother, son, daughter, brother, sister, nephew, niece, uncle, aunt, first cousin, parent-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandparent-in-law, grandchildren, grandchildren-in-law, stepparent, stepfather, stepmother, stepson, stepsister, stepbrother, stepdaughter, step-grandparent, step-grandchildren, or any other person who is a permanent member of the same household as the employee.

C. Prohibitions

1. No Board member, hiring administrator, or member of a hiring committee may be responsible for the appointment of a relative in any position of employment or in any other contractual arrangement. Board members, hiring administrators, and members of a hiring committee shall recuse themselves when circumstances create such conflicts.
2. No Board member or district employee shall directly supervise, evaluate, or discipline an appointee who is a relative.
3. The District shall not allow a relative to substitute for an employee.

D. Exceptions

1. The relative was appointed or employed before the appointee assumed the appointee's position, if the appointment of the relative did not violate the provisions of this chapter in effect at the time of the appointment.
2. The appointee is the only person available, qualified, or eligible for the position.
3. The appointee is employed for a period of twelve (12) weeks or less.
4. The appointee is a volunteer.

5. The employee who will serve in a supervisory capacity is the only personal available or qualified to perform supervisory functions for the appointee.

History:

Revised January 2020, July 2022

References:

See Utah Code 52-3-1 *et seq.*

September 2022