Maryland School for the Deaf
Director of Personnel
Anny T. Currin
301.360.2029

STATEMENT OF NONDISCRIMINATION

The Maryland School of the Deaf does not discriminate on the basis of age, ancestry, color, creed, marital status, mental or physical disability, national origin, political affiliation, belief or opinion, race, religious affiliation, belief or opinion, sex, or sexual orientation in matters affecting program, activities or employment practices.

Questions regarding this policy in terms of employment may be directed to Anny T. Currin, Director of Personnel 301.360.2029. Questions regarding the school program may be directed to Stacey Bundy, Compliance Officer 301.360.2032. Both may be reached at the Maryland School of the Deaf, 101 Clarke Place, P.O. Box 250, Frederick, Maryland 21705.

Emergency Message Center

Columbia Campus

Voice 410-480-4600
TTY 410-480-4601
FAX 410-480-4506
Videophone 240-575-2966
IP 12.54.87.225

Frederick Campus

Voice 301-360-2017
TTY 301-360-2018
FAX 301-360-1401
Videophone 240-575-2966
IP 12.54.87.225

Both Campuses
www.schoolsout.com
www.msd.edu

Welcome to employment with the State of Maryland, and the Maryland School for the Deaf (MSD). This handbook is designed to help all employees understand their benefits, rights and responsibilities as State employees. Employees should refer to this handbook if they have any questions regarding their employment. The MSD Employees' Handbook is not a contract. The policies, procedures, benefits and rules set forth in this Handbook are not intended to, and do not create a contract of employment.

This booklet is intended as a general guide and is not intended to be all-inclusive. The Maryland State Personnel and Pensions Article and the Code of Maryland Regulations (COMAR) Title 17 should be referred to for more specific information. MSD may also have additional "in-house" policies and procedures. More complete information is available from the Director of Personnel.

MISSION STATEMENT
The Maryland School for the Deaf, a diverse, bilingual community, in partnership with families, provides an equitable and exemplary education in a nurturing, engaging, and challenging environment to ensure our students achieve personal excellence and become responsible lifelong learners.

The establishment and evolution of the mission of the Maryland School for the Deaf is a shared responsibility of the following constituencies: students, parents, administrators, faculty, staff, the MSD Board of Trustees, the Deaf community, MSD alumni, and the community-at-large. We believe that our mission of providing a linguistically, culturally and academically rich environment is achieved as the school and community actively combine their efforts to respond to the ever-changing needs of our students and our increasingly complex society.

**MSD BELIEF STATEMENTS**
At Maryland School for the Deaf, we believe:

- Our students learn best in a bilingual environment in which American Sign Language and English are used.
- Each student is a valued individual with unique physical, social, emotional, and intellectual needs.
- Students have a right to a safe, caring, and engaging learning environment.
- Early and ongoing language acquisition is vital.
- Students are challenged to achieve their highest academic and career potential.
- Quality education and open communication is a shared responsibility between the school, its students, their families, and the community.
- Ongoing parent education and access to resources and services are essential to student success.
- Students learn in a variety of ways and have opportunities to grow and access services that support their learning styles.
- Diversity is valued and increases students’ understanding and respect of different people and cultures.
- Cross-curricular literacy instruction is essential to student success.
- Our students develop academic and social behaviors through systematic application of evidence-based strategies.
- Access to and competency with current technology is essential for student learning.
- Student life and extracurricular activities promote wellness and personal growth.

**PROFILE OF A GRADUATE**
The Maryland School for the Deaf graduate will be empowered to demonstrate competency in:

**Foundational Knowledge and Skills by**-
- Employing skills in literacy and signacy
- Thinking critically and solving problems
- Thinking creativity
- Seeking and retrieving resources for self-advocacy
- Understanding their rights as deaf and hard of hearing individuals
- Understanding the components of a healthy life style
- Possessing independent living skills
- Using and employing technology efficiently and effectively
- Developing a career plan and goals
- Meeting or exceeding state standards, achieving IEP goals, and passing appropriate assessments

**Language and Communication Skills by**-
- Using American Sign Language and English language effectively
- Demonstrating effective communication skills in a variety of settings
- Demonstrating active listening skills
- Using effective conversational skills

**Individual and Community Awareness by**-
- Understanding their personal identity
- Possessing knowledge about the Deaf community and Deaf heritage
- Possessing knowledge about the community-at-large
- Practicing open-mindedness and sensitivity to diversity, various communication modes, and different perspectives
- Respecting individual differences

**Personal Qualities by**-
- Demonstrating positive self-esteem and confidence
- Setting and meeting goals
- Striving for personal excellence and wellness
- Possessing a strong work ethic
- Respecting others
- Understanding and using social etiquette
- Adapting in a variety of situations
- Being a team player
- Contributing to the community
- Valuing lifelong learning
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Introduction

MSD Board of Trustees

Officers
President: David Martin
Vice President: Julie Bourne
Secretary: Roslyn Hannibal-Booker
Treasurer: Dennis Galvan, Ph.D.

Executive Committee
Four Officers (See above)
Benjamin Bahan, Ph.D.
Sheryl B. Cooper, Ph.D.

Members
Benjamin Bahan, Ph.D.
Sheryl B. Cooper, Ph.D.
Robert Davila, Ph.D.
John Ertel, Ph.D.
Ricardo Hernandez, Ph.D.
Stephen Hlibok
Robin Kittleman
Cynthia Neese-Bailes, Ph.D.
Debra Patkin, Esq.
Denise Perdue
Jennifer Smart, Ph.D.

2015-2016 Board Meeting Schedule
September 11, 2015 Columbia Campus
November 13, 2015 Frederick Campus
February 19, 2016 Columbia Campus
May 6, 2016 Frederick Campus

The Board of Trustees meeting schedule and minutes may be found on MSD’s homepage at www.msd.edu.
Operations

Chief Operating Officer

Dietary  Fiscal Services  Procurement  Facilities  Administrative Services
Maryland School for the Deaf 2015 - 2016 School Year

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

JANUARY

FEBRUARY

MARCH

APRIL

MAY

JUNE

JULY

Special Dates
8/17  School opens for staff
8/24  School opens for students
9/7   School closed
9/8   Staff Day; no classes
10/12  School closed
11/26-11/27  School closed
12/21-1/1  School closed
1/18  School closed
2/15  School closed
3/25-4/1  School closed
5/30  School closed

5/31  Staff Day, no classes
6/4   Graduation
6/10  Last day for Students and Staff

Interim Dates
10/7, 12/9, 2/24, 5/4

Quarters
1st ends October 30
2nd ends January 15
3rd ends March 18
4th ends June 10

Legend

Staff Days (no classes)
Half Day of School (school closes at noon)
School closed
Professional Day (classes end at noon)

Snow Make-Up Days
This calendar includes 5 days for snow or other emergency closings. If all days are not needed, the school year will be shortened by the number of unused days to provide 180 days for students. If more days are required, the days will be made up in the following order: 6/13, 6/14, 6/15, 6/16, 6/17
ASBESTOS MANAGEMENT PLAN

In October 1986, the U.S. Congress enacted the Asbestos Hazard Emergency Response Act, (AHERA). Under this law, comprehensive regulations were developed to address asbestos problems in public and private elementary and secondary schools. These regulations require most schools to inspect for friable and non-friable asbestos, develop asbestos management plans that address asbestos hazards in school buildings and implement response actions in a timely manner.

These regulations assign schools many new responsibilities. Our program for fulfilling these responsibilities is outlined in our asbestos management plan. This plan contains information on our inspections, re-inspections, response actions and post-response action activities, including periodic surveillance activities that are planned or are in progress.

You can review this plan during normal business hours without cost or restriction. If you have any questions about reviewing our management plan please contact the Facilities Maintenance Supervisor at 410.480.4558 (Columbia Campus) or 301.360.2092 (Frederick Campus).

CONFIDENTIALITY DISCLOSURE

Most people in State service have the utmost integrity. However, occasionally there are cases of abuse or illegality. If they should discover any such problems, employees are encouraged to bring forth to the head of their agency any mismanagement, abuse of authority, unauthorized use of school equipment or facilities, waste of money, public danger or violation of the law. In addition, State employees can call the toll-free fraud hotline at 1-877-FRAUD-11 (1-877-372-8311) or report allegations using the internet at www.ola.state.md.us.

Reprisals against an employee for making such revelations are prohibited under the State’s Whistleblower Law. Complaints of reprisal should be filed following grievance procedures.

EMPLOYEE ORGANIZATIONS

There are number of employee organizations which qualify for “dues check off.” Under “dues check off,” if the employee joins the organization, his/her contributions can be taken directly out of the paycheck. The employee organizations which qualify for “dues check off” include the following:

AFSCME area office 410.547.1515
Maryland Classified Employee Association (MCEA) 1.888.611.MCEA
Maryland School for the Deaf Faculty Staff Association, Local 4828 301.694.3037

For more information about any of these organizations, contact the organization directly.

ENVIRONMENTAL CONCERNS
Maryland law requires an Integrated Pest Management (IPM) Program to identify and control pest problems inside and outside schools. MSD utilizes staff training, IPM inspection, and sanitation practices to minimize or eliminate the need for pesticide use.

The law requires schools to notify parents, guardians and staff 24 hours before pesticides are to be applied. At the elementary level, parents/guardians of all students must be notified. At the middle and high school levels, schools must notify only those parents, guardians or staff who have requested notification. Individuals can obtain a notification form at Principal’s office. The form must be updated each school year.

The following materials are approved for IPM use: Advion (cockroach gel bait), Drione (pyrethrins), Maxforce FC ant control, NibanFG (granular roach bait), PT515 Wasp Freeze (phenothrin), Round-up (glyphosate), Talon-G (brodifacoum) rodenticide and Terro (ant gel bait). Safety data sheets and labels for these materials are available at each school office. Other materials may be added as necessary. MSD conducts regular inspections of school facilities to determine the location and condition of any asbestos-containing building material which may be present. The purpose of the inspections is to identify asbestos-containing building materials so that measures can be undertaken to ensure that the health of all students and employees is protected.

A comprehensive asbestos-management plan for each building was developed to appropriately manage any identified asbestos hazards. Each building plan is available for review at the MSD Maintenance and Operations Office.

Staff may not store or use aerosol pesticides used to control flying or crawling insects such as wasp, ant or other insect killer, in the classroom, office or anywhere else on school grounds. Unauthorized use of these products is a violation of the integrated pest management and notification requirements and can lead to progressive discipline.

Questions about the IPM program or other environmental concerns, such as indoor air quality, pest control, hazardous materials, lead in water, radon or asbestos management plans, should be addressed to Thomas Suzanne Schwertman, Chief Operating Officer at 301-360-2010.

**PERSONNEL RECORDS**

The Maryland Public Information Act protects the confidentiality of personnel records for state employees. However, personnel records may be subject to disclosure pursuant to a subpoena or judicial order. Any current or former MSD employee may inspect and request copies of the personnel file maintained by MSD for that employee. In accordance with the Annotated Code of Maryland, State Government, §10-616(a) Specific Records – A custodian shall deny inspection of a letter of reference. The employee must schedule an appointment with the Personnel Office so that the file can be available for review.

The employee may request in writing to the Superintendent correction or removal of inaccurate, irrelevant, outdated or incomplete information from his or her file. The final decision for the request rests with the Superintendent.

In the event an employee changes his or her mailing address, the employee must complete a change of address form for payroll and health benefits, if enrolled in any health benefit plans. It is the responsibility of the employee to report to the supervisor any changes in address, telephone number or person(s) to be notified in case of emergency.
POLICE QUESTIONING ON SCHOOL PREMISES

MSD follows the policies regarding police questioning of students applicable to the local school systems found in state regulations COMAR 13A.08.01.13. Police investigations involving the questioning of students are prohibited on school premises unless in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the students or other persons, provided, however, that a school official should be present throughout the questioning. Except in cases involving suspected child neglect or child abuse, whenever investigative questioning of students is permitted on the premises, MSD shall promptly advise the parent or guardians of the nature of the investigation and such other details as may be required.

MSD shall permit personnel from a local department of social services and/or a police officer to question a student on school premises in an investigation involving suspected child neglect under Family Law Article, Title 5, Subtitle 7, Annotated Code of Maryland, or suspected child abuse under Family Law Article, Title 5, Subtitle 7, Annotated Code of Maryland. MSD personnel are prohibited from notifying parents or guardians of investigations on school premises involving suspected child neglect or abuse under the Family Law Article of Maryland.

POLITICAL PARTICIPATION

Employees of the State of Maryland may participate freely in politics, but may not be required to participate. Employees are prohibited from engaging in political activities while on the job.

USE OF SCHOOL FACILITIES (AFTER HOURS)

Outside groups may request use of MSD facilities after hours. In order to receive approval for the use of facilities from the campus principal, the group must identify an MSD employee who is willing to volunteer to be at the group's activity; who will stay throughout the activity, and be fully responsible for supervising, opening, cleaning and unlocking and locking up the facilities.

For use of facilities during the summer, the activity can begin no earlier than 8:30 a.m. and must end by 3:30 p.m. On the Frederick Campus, summer requests are limited to the Ely Building. On the Columbia Campus, summer requests are limited to the Denton Building. The Principal of both campuses have the discretion to consider and authorize special requests.

VOLUNTEERING

Employees will find many opportunities to take part in volunteer activities sponsored by State agencies to serve Maryland citizens. Employees' participation is encouraged. All volunteers will be fingerprinted before they start working at the school.

Policies, Beliefs & Executive Orders

BILINGUAL EDUCATION POLICY STATEMENT
The Maryland School for the Deaf (MSD) recognizes that over 500,000 Deaf and Hard of Hearing North Americans use American Sign Language (ASL) and English in their everyday lives. The mission of MSD is to provide ASL and English language models for early language acquisition, and to provide linguistically-enriched ASL and English environments for the attainment of fluency in both languages. This mission is accomplished when all MSD students become fluent in both ASL and written English upon graduation.

MSD’s bilingual education program is based on current research as well as beliefs about early language acquisition and first and second language learning.

MSD infants like all infants have the innate ability to learn languages. MSD infants will acquire a natural Language if that language (ASL) is made visually accessible to them during the critical years for language acquisition.

MSD infants learn English as a second language, parallel to the acquisition of ASL. Infants’ emerging Cognitive abilities and development of ASL have a direct correlation to their ability to learn English.

ASL is used as the language of instruction in and out of the classroom. This provides MSD students full access to information, knowledge, and incidental learning. MSD administration, faculty and staff will be expected to achieve fluency in ASL.

MSD recognizes the importance of and is committed to providing families the opportunity and support necessary to develop fluency in ASL.

MSD students learn English through its written form. The readers’ broad knowledge of the world is necessary to bring “meaning to the printed word”. Students become mature readers and writers when they have extensive and meaningful interaction with printed English.

MSD students of all ages have an opportunity to receive spoken English sessions, as appropriate for the student.

MSD students who have become deaf after acquiring English will be taught ASL as a second language. Like all Deaf people, these students now need full visual access to information.

Some MSD students grow up in families who speak languages other than English. MSD administrators, faculty and staff have the responsibility to ensure that all students realize their maximum potential as active participants of ASL and English communities.

Bilingual Education Policy Amendment

All students in the Columbia and Frederick Campus Family Education and Early Childhood Department, Columbia Campus Elementary Department (Pre-Kindergarten through 5th grade) and the Frederick Campus Elementary Department (Pre-Kindergarten through 5th grade) have daily opportunities to enhance their American Sign Language skills, listening, and spoken English skills as a part of instruction.

ASL is used as the language of instruction throughout the school day, both in and out of the classroom. ASL provides MSD students full access to information, knowledge and incidental learning. Spoken English is used for one-on-one instruction and with small group instruction when appropriate.

For certain classes, spoken English will be used as the language of instruction. ASL will be utilized in the class for support and clarification.

Bilingual Education Questions and Answers
Below are the most commonly asked questions by members of MSD community, and the answers.

1. Why is there a bilingual education policy at MSD?
In the MSD Philosophy and Objectives, MSD strives to prepare all MSD students to become productive and literate members of our society. Deaf and Hard of Hearing Americans, by and large, are bilingual. They switch between American Sign Language (ASL) and written English. Some Deaf people also have spoken English skills and some have English listening abilities.

ASL offers Deaf people full and clear access to information. An established ASL language base enables students to learn English as a second language through reading and writing. Parents and teachers sign stories from books to Deaf students by pointing to pictures and English words, and identifying them in ASL. Then, students learn that ASL signs have English word equivalents. This in turn encourages students to learn to spell and recognize words, and eventually become readers.

This policy puts an emphasis on the students’ strengths, not weaknesses. Deaf students are primarily visual learners because they use their eyes as their primary learning channel. They can process some language and environmental information aurally, and this auditory channel is secondary to the visual channel.

2. What about the previous policy, "Total Communication"?

"Total Communication" was a very important development in the history of educating American Deaf students. In late 1960's and early 1970's, the adoption of "Total Communication" at many schools restored the use of ASL in classrooms for the first time since the late 1800's. However, much confusion reigned because many educators interpreted "Total Communication" as using English and ASL at the same time. This is also known as "Simultaneous Communication". Recent research shows that using two languages at the same time compromises both languages, ASL and English. "Simultaneous Communication" or "contact language" occurs when Deaf people and hearing people (who do not have fluency in ASL) interact.

3. What will happen to English language instruction at MSD?

Fluency in reading and writing English remains the mission of MSD educators. With the adoption of the Frederick County Essential Curriculum, greater and greater emphasis is now on rigorous English language instruction. Deaf students have full access to written English because they can see. A commitment to hours and hours of reading books and hours and hours of writing English are critical for achieving fluency in reading and writing English.

4. Will my son/daughter continue to receive speech and auditory training at MSD?

Yes! MSD has and will continue to provide speech (spoken English) instruction to students, as well as speechreading and auditory training based on student assessments and/or at parents' request. Emphasis is on meaningful and functional English skills.

5. How will families of MSD students learn ASL?

MSD provides free weeknight classes to families of MSD students at both Frederick and Columbia campuses. ASL I, ASL II, ASL III, and ASL IV classes are offered. ASL classes are also offered at several universities, community colleges, community centers, and churches throughout the state of Maryland.

6. How will MSD administrators, faculty, and staff learn ASL?

The majority of MSD administrators, faculty, and staff are already fluent ASL signers. MSD is committed to this goal that all administrators, faculty, and staff be able to effectively converse with MSD students in ASL.

MSD has ASL teachers at both Frederick and Columbia campuses. These teachers offer ASL instruction to MSD administrators, faculty, and staff in individual tutoring and small class formats.

7. Does ASL allow signing of English words?
ASL like any language (Spanish, English, Russian, etc.) allows natural borrowing of words from other languages. Since ASL users live in the United States, ASL borrows many, many words from the English language. The English language also borrows sign-words from ASL.

8. **Does ASL allow `mouthing' of English words?**

ASL is a visual and gestural language. Like the English language, ASL has articulators, which means that ASL signers use their hands, face, and body to express themselves in ASL. The mouth is an important articulator and the mouthing of certain English words is a natural feature of ASL.

9. **Does ASL allow the use of fingerspelling?**

Fingerspelling of certain English words is again a natural feature of ASL. Fingerspelling is a linguistic function that allows ASL to borrow words from the English language. If a beginner ASL signer does not know an ASL sign, this person should fingerspell the sign-word, and not "invent" a new sign.

10. **Does ASL allow `initialized' signs?**

Initialized signs have been used by ASL signers for over 100 years. A classic example of initialized ASL signs are ASL signs for colors. An ASL sign for sign-word **BLUE** has a ‘B’ handshape, the sign-word **GREEN** has a ‘G’ handshape, and so on. The key here is that ASL signers do not initialize an ASL sign-word if there is already an ASL sign-word.

11. **Where do I go if I need to ask questions regarding ASL grammar or ASL sign-words?**

Like beginning English users asking fluent English users questions regarding English usage, beginning ASL signers are encouraged to ask fluent ASL signers questions regarding ASL usage. ASL resource teachers at both Frederick and Columbia campuses stand ready to help!

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**STATEWIDE BULLYING REPORTING PROCEDURE**

MSD is committed to providing all students with a safe and supportive school environment. Members of the school community are expected to treat each other with mutual respect and to accept the rich diversity that makes up the community.

MSD will support individuals, in good faith, that file a complaint of bullying or harassment. MSD will promptly notify the parents of any student making a complaint of bullying or harassment and of any student accused of bullying or harassment. MSD will act to promptly investigate all complaints, verbal or written, of bullying or harassment and promptly take appropriate action to protect individuals from further bullying or harassment. If it is determined that unlawful bullying or harassment occurred, prompt and appropriate action will result.

Parents and students have the right to report bullying incidents to the Principal/Dean’s Office. The following form ("**The Blue Form**"), which may be found in the Principal/Dean’s Office, should be completed and returned to the Principal/Dean’s Office. Once the office receives the forms, the campus Principal or Dean of Student Affairs will investigate.

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**CHILD ABUSE AND NEGLECT POLICY**

All MSD employees acting in their professional capacity must make a report to Child Protective Services (CPS) if they believe a child has been abused or neglected. Employees must first make a report via telephone or other non-written communication as soon as possible to CPS.

**Frederick CPS:** 301-600-2464; after hours, 301-564-8230 (Police Dept.)

**Howard CPS:** 410-872-4203; after hours, 410-313-2929 (Police Dept.)
All employees are also required to advise the Campus Principal and Director of Counseling of this report immediately.

Employees must then make a written report to CPS within 48 hours after the event that caused the employee to believe that the child had been abused or neglected. This report must also be sent to the State’s Attorney. The reporting employee must provide as much of the following information as possible:

- The child’s name, age, and home address;
- The name and address of the parent or other person caring for the child;
- The whereabouts of the child;
- The nature of the abuse or neglect and any previous incidents of suspected abuse or neglect; and,
- Any information that would help determine the cause of the abuse or neglect and identify the person responsible for the abuse or neglect.

Written reports should be sent as appropriate to the addresses below:

<table>
<thead>
<tr>
<th>Frederick County</th>
<th>Howard County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frederick CPS</td>
<td>Howard CPS</td>
</tr>
<tr>
<td>100 East All Saints Street</td>
<td>7121 Columbia Gateway Drive</td>
</tr>
<tr>
<td>Frederick, Maryland 21701</td>
<td>Columbia, Maryland 21046</td>
</tr>
<tr>
<td>301-631-2639 (fax)</td>
<td>410-872-4303 (fax)</td>
</tr>
<tr>
<td>State’s Attorney’s Office, Frederick County</td>
<td>Office of the State’s Attorney, Howard County</td>
</tr>
<tr>
<td>100 W Patrick Street</td>
<td>Carroll Building – Second Floor</td>
</tr>
<tr>
<td>Frederick, Maryland 21701</td>
<td>3450 Courthouse Drive</td>
</tr>
<tr>
<td>301-600-2195 (fax)</td>
<td>Ellicott City, Maryland 21043</td>
</tr>
<tr>
<td></td>
<td>410-313-3294 (fax)</td>
</tr>
</tbody>
</table>

Investigations of child abuse and/or neglect are performed by CPS personnel and not by MSD personnel. By law, all reports to CPS are confidential and MSD cannot share any related reports or information with parents/guardians.

**CODE OF FAIR EMPLOYMENT PRACTICES**

**EXECUTIVE ORDER 01.01.2007.16**

Code of Fair Employment Practices

(Rescinds Executive Order 01.01.2007.09)

WHEREAS, The State of Maryland recognizes and honors the value and dignity of every employee and understands the importance of providing its employees with a fair opportunity to pursue their careers in an environment free of discrimination or any form of prohibited harassment;

WHEREAS, Title 5, Subtitle 2 of the State Personnel and Pensions Article of the Annotated Code of Maryland establishes an Equal Employment Opportunity (EEO) program to ensure that employment decisions are based only on merit and fitness;
WHEREAS, The State is committed to providing a work environment free from discrimination on the basis of age, ancestry, color, creed, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, religious affiliation, belief or opinion, race, sex, sexual orientation, or any other non-merit factor;

WHEREAS, All Executive Branch appointing authorities and managers are expected to assume personal responsibility and leadership in ensuring that fair employment practices are adhered to and that equal employment opportunity is a reality in Maryland State government; and

WHEREAS, There is a need to update prior Executive Orders to emphasize the State of Maryland’s commitment to fair employment practices, to reaffirm the responsibilities of State agencies to uphold these important principles, and to reflect existing law.

NOW, THEREFORE, I, MARTIN O’MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, DO HEREBY RESCIND EXECUTIVE ORDER 01.01.2007.09 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER EFFECTIVELY IMMEDIATELY.

ARTICLE I – EQUAL EMPLOYMENT OPPORTUNITY PROGRAM IN STATE GOVERNMENT

A. All personnel actions concerning any employee or applicant for employment in the Executive Branch will be taken on the basis of merit and fitness, and without regard to:
   1. Age;
   2. Ancestry;
   3. Color;
   4. Creed;
   5. Gender identity and expression;
   6. Genetic information;
   7. Marital status;
   8. Mental or physical disability;
   9. National origin;
   10. Race;
   11. Religious affiliation, belief or opinion;
   12. Sex; or;

B. All personnel actions concerning any skilled, professional or management service employee and any special appointee designated by the Secretary of Budget and Management, or any applicant for employment in those services or in comparable positions in an independent personnel system in the Executive Branch, shall be without regard to political affiliation, belief or opinion.

C. Discrimination against or harassment of employees on the basis of any reason prohibited by law is not permitted.

D. Retaliation against any employee who opposes discrimination or participates in an EEO investigation is not permitted.

E. Retaliation against an individual because of their refusal to submit to a genetic test or make available the results of a genetic test is not permitted.

F. The Secretary of Budget and Management shall:
   (1) Recommend the appointment of a Statewide Equal Employment Opportunity Coordinator who shall administer the program and coordinate the activities of the agency Fair Practices Officers, EEO Officers, and Americans with Disabilities Act Officers;
   (2) Establish an Equal Employment Opportunity Unit which will report directly to the Equal Employment Opportunity Coordinator to oversee the administration of an equal employment practices program consistent with the requirements of applicable federal and State law governing equal employment opportunity, the State Personnel and Pensions Article, and this Executive Order;
Upon an appropriate showing by an agency, and consistent with State and federal law, permit any bona fide occupational qualification; and

Take any action, not consistent with federal or State law, to resolve employee complaints of unfair employment practices.

The head of each department or other independent unit in the Executive Branch shall, consistent with guidelines and regulations promulgated by the Secretary of Budget and Management:

(1) Appoint a Fair Practices Officer, and any Equal Employment Opportunity Officers, as required, for the appropriate implementation of the Equal Employment Opportunity Program in the department or unit;
(2) Ensure that the personnel practices in the department or unit are not discriminatory;
(3) Review disciplinary actions initiated against employees, employee grievances and complaints of discrimination to ensure the fair and equitable treatment of employees in their department or unit;
(4) Develop and implement policies that promote equal employment opportunity and work force diversification reflective of the availability of women, minorities, and persons with disabilities in the relevant labor market;
(5) Provide leadership and training to managers, supervisors and other employees in fair employment practices;
(6) Ensure that designated Fair Practices and Equal Employment Opportunity Officers are known to all employees in their respective agencies and that these Officers have appropriate decision-making authority consistent with relevant federal and State law, this Executive Order, and personnel regulations;
(7) Consult and cooperate fully with the Secretary of Budget and Management and the Statewide EEO Coordinator or their designees in investigating and resolving expeditiously complaints of discrimination or unfair employment practices;
(8) Provide statistical and other information requested by the Secretary of Budget and Management regarding efforts to implement the department’s or unit’s Equal Employment Opportunity Program;
(9) Develop and implement programs, activities and events to acknowledge and educate about diversity and cultural differences; and
(10) Implement any decision of the Secretary of Budget and Management not consistent with the spirit or requirements of this Executive Order and federal or State law.

Cabinet officials and other heads of departments or units are expected to lead by example in promoting fair employment practices and this Administration’s policy of zero tolerance for employment discrimination.

ARTICLE II – COMPLAINTS OF DISCRIMINATION AND UNFAIR EMPLOYMENT PRACTICES

A. It is the policy of this Administration that all complaints of discrimination or other unfair employment practices be thoroughly investigated and promptly resolved, as appropriate.

B. The Statewide EEO Coordinator shall monitor the compliance and effectiveness of each agency’s EEO program and make recommendations for improvement.

C. The Secretary of Budget and Management shall develop and promulgate rules, regulations, and guidelines for the investigation and resolution of complaints of discrimination or other unfair employment practices which shall include, at a minimum:

(1) Provisions for resolving complaints informally whenever possible;
(2) Provisions for employees to file complaints with the Fair Practices or Equal Employment Opportunity Officer for the department or unit;
(3) Provisions for the review and resolution of any employment grievance, complaint involving discrimination or other unfair employment practices by the Secretary of Budget and Management prior to any appeal to the Office of Administrative Hearings;
(4) Guidelines for cooperation with the investigation of any complaint of discrimination filed with the Maryland Commission on Civil Rights (formerly the Maryland Commission on Human Relations), the United
States Equal Employment Opportunity Commission or any other agency authorized by law to conduct such investigations; and

(5) Training programs for managers and supervisors in identifying and resolving complaints of discrimination or other unfair employment practices.

D. No employee shall be harassed or otherwise retaliated against for filing a complaint of discrimination or other unfair employment practice, providing information in support of any such complaint or testifying, assisting or participating in any phase of an investigation of any unfair employment practice, or on the basis of his or her refusal to submit to a genetic test or make available the results of a genetic test.

E. Discrimination or retaliation complaints by Fair Practices Officers, Equal Employment Opportunity Officers, or EEO Office Directors shall be filed with the head of the unit or their designee and may be appealed to the Statewide EEO Coordinator’s Office.

ARTICLE III – COOPERATION WITH THE MARYLAND COMMISSION ON CIVIL RIGHTS (FORMERLY THE MARYLAND COMMISSION ON HUMAN RELATIONS) AND THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

A. In accordance with the requirements of applicable federal and State law governing equal employment opportunity, the State Personnel and Pensions Article, and this Executive Order, all heads of departments and units in the Executive Branch shall cooperate fully with the Maryland Commission on Civil Rights (formerly the Maryland Commission on Human Relations), the United States Equal Employment Opportunity Commission and any other federal or State agency investigating discrimination and duly comply with any validly adopted rules, regulations, and orders for effectuating the State’s policies against discrimination and resolving complaints of discrimination.

B. Every attempt shall be made to resolve complaints of discrimination within a department or unit; however, employees who file complaints of discrimination with agency Fair Practices Officers or Equal Employment Opportunity Officers shall be advised of their right to file a complaint with the Maryland Commission on Civil Rights (formerly the Maryland Commission on Human Relations) and the United States Equal Employment Opportunity Commission.

C. The Secretary of Budget and Management shall establish guidelines which provide for agency participation in mediation or arbitration of employee complaints of discriminatory or unfair employment practices.

D. If an employee of the Maryland Commission on Civil Rights (formerly the Maryland Commission on Human Relations) files a complaint of discrimination against a State agency, the Governor shall appoint an individual to perform the functions usually performed by the Commission.

ARTICLE IV – STATE ACTION

A. Any employee of the State who violates the laws of this State pertaining to equal employment opportunity, this Executive Order or guidelines, rules and regulations promulgated pursuant thereto, will be subject to disciplinary action, up to and including dismissal from employment with the State.

B. In performing services to the public, employees of this State will not discriminate against the public or individuals for any reason prohibited by law, nor shall they authorize the use of State facilities in the furtherance of any unlawfully discriminatory purpose or by any organization which unlawfully discriminates in its membership or policies.

ARTICLE V – ACCOMMODATIONS

A. Reasonable accommodation shall be provided for all qualified applicants for employment and State employees with disabilities, consistent with the requirements of federal and State law.
B. Meetings, hearings, and employment tests shall be conducted in an accessible manner and location, as required by federal and State law.

C. No employee shall be retaliated against for seeking a reasonable accommodation for a disability.

D. Managers and Supervisors shall receive training concerning reasonable accommodations for disabilities.

ARTICLE VI – ANNUAL REPORTS
A. The head of each principal department or unit in the Executive Branch shall, by October 15 of each year, or as otherwise requested, submit to the Secretary of Budget and Management an annual report of activities taken in the previous fiscal year to effectuate this Code of Fair Employment Practices. The report shall contain the information required by the Secretary of Budget and Management in a form consistent with the guidelines issued by the Secretary of Budget and Management.

B. The Secretary of Budget and Management shall, by January 1 of each year, submit to the Governor an annual report on statewide equal employment opportunity practices. The Secretary of Budget and Management shall provide copies of the report to each department and unit, the General Assembly, and the Maryland Commission on Civil Rights (formerly the Maryland Commission on Human Relations).

ARTICLE VII – NOTICE TO EMPLOYEES
A. The Secretary of Budget and Management shall publish the policies of this State with regard to its fair employment practices and make copies of the publication available to all agencies.

B. Consistent with the requirements of federal and State law, the Secretary shall authorize an appropriate notice of State fair employment practices and the manner in which the notice is to be posted.

C. The heads of departments and units shall procure the publication and notice required by this Executive Order, furnish copies of the publication to all managers and supervisors and make it available to employees, and post the notice in the locations and manner required by the Secretary of Budget and Management.

DOMESTIC VIOLENCE AND THE WORKPLACE POLICY
In accordance with the Governor’s Executive Order 01.01.1998.25, Maryland School for the Deaf has created the following policy and procedures on Domestic Violence and the Workplace. The purpose of this policy is to combat workplace violence; it does not intend to create any obligation or liability on the part of Maryland School for the Deaf to take any actions beyond those required by law. The definition of Domestic Violence is violent behavior committed by one intimate partner against another. It can be physical, sexual or psychological with the primary purpose to control, dominate or hurt the other partner in the relationship. Domestic violence related crimes may include: assault and battery, harassment, breaking and entering, telephone misuse, violation of Civil Protective Orders, malicious destruction of property, sexual assault, stalking, and any other crime connected with violence and/or coercion of an intimate partner.
Employees of the Maryland School for the Deaf have a basic right to be safe and free from intimidation, threats and injury, both at home and in the workplace. Nothing is more important to Maryland School for the Deaf than the safety and security of its employees. Threats, threatening behavior, or acts of violence against employees on School property will not be tolerated. Violations of this policy will lead to disciplinary action, which may include dismissal (if initiated by an employee) arrest and prosecution for employees as well as individuals not employed by MSD.

Domestic Violence is not a private family matter. It follows victims to their places of employment, and deprives victims and their co-workers of a safe and productive workplace. Domestic violence causes absenteeism or tardiness; lost productivity when abusers harass victims at work or when victims must handle personal situations. Co-workers and Supervisors may not know the signs of domestic violence, and may not know what to do if they suspect a co-worker is being abused. Maryland School for the Deaf will provide for domestic violence awareness training for employees. Additional information will be made available in the Columbia and Frederick Campus' Libraries. Maryland School for the Deaf prohibits unfair treatment of employees based solely on their status as victims of domestic violence.

Employees, who need assistance in an expedient, meaningful and confidential manner, may contact the Centers listed on the following page. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on Maryland School for the Deaf property shall be removed from the premises as quickly as safety permits, and shall remain off Maryland School for the Deaf premises pending the outcome of an investigation. The Superintendent or designee will initiate an appropriate response via certified mail. This response may include, but is not limited to, suspension and/or termination of any employment relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

All Maryland School for the Deaf personnel are responsible for notifying the Administrative representative designated below of any threats which they have witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a Maryland School for the Deaf campus, or is connected to School activities. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the intended victim of the threatening behavior. If the designated Administrative representative is not available, personnel should report the threat to their supervisor or Principal.

All individuals who apply for or obtain a protective or restraining order which lists Maryland School for the Deaf as a protected area, must provide to the designated Administrative representative a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

Maryland School for the Deaf understands the sensitivity of the information requested and recognizes and respects the privacy of the reporting employee(s).

The designated Administrative representative is:

Anny T. Currin, Personnel Director
Columbia - Main Building 410.480.4519
Frederick - Ambrosen Building  301.360.2029

Statewide Resources & Crisis Centers
National Domestic Violence Hotline 24 Hours a day at 1-800-799-7233 or TTY number 1-800-787-3224.

Complete lists of Statewide Resources can be obtained at Maryland Network Against Domestic Violence (www.mnadv.org)

MARYLAND RELAY NUMBER: 711

Allegany County Family Crisis Resource
Inc.146 Bedford Street, Cumberland, MD  21502
Office: 301-759-9246
Hotline: 301.759.9244
TTY: 301-759-9244

Anne Arundel County  YWCA of Annapolis
1517 Ritchie Hwy., Suite 101, Arnold, MD 21012
Office: 410.626.7800
Hotline: 410.222.6800

Baltimore City  *House of Ruth Maryland
2300 North Charles St. 2nd Floor, Baltimore MD 21218
Office: 410.889.0840
Hotline: 410.889.7884
TTY: 410.889.0047

Turnaround, Inc.,
2300 N. Charles Street, 2nd floor, Baltimore, MD 21201
Office: 410.837.7000
Hotline: 410.828.6390

Baltimore County  (County Wide) Hotline: 410.828.6390

(West) *Family and Children’s Services of Central Maryland (West)
7000 Security Blvd, Suite 302, Baltimore, MD 21244
Office: 410.281.1334
Hotline: 410.828.6390

(East) Family Crisis Center of Baltimore County, Inc. (East)
Office: 410.285.4357
Shelter: 410.285.7496
Hotline: 410.828.6390

(North/Central) Turn Around, Inc. (North/Central)
Office: 410.377.8111

Calvert County  Crisis Intervention Center
Route 4 at Hospital Road, P. O. Box 980, Prince Frederick, MD 20678
Office: 410.535.5400 (Ext 384)
Hotline: 410.535.1121
Hotline: 301.855.1075

Caroline County  *Mid-Shore Council on Family Violence
PO Box 5, Denton, MD 21629
Office: 410.479.1149
Hotline: 800.927.4673

Carroll County  *Family and Children Services of Central Maryland
22 North Court Street, Westminster, MD 21157
Office: 410.876.1233
Hotline: 410.857.0077

Cecil County  Cecil County Domestic Violence/ Rape Crisis Center
PO Box 1160, Elkton, MD 21922
Hotline: 410.996-0333

Charles County  Center for Abused Persons (CAP)
2670 Crain Highway, Room 303, Waldorf, MD 20601
Dorchester County  Mid-Shore Council on Family Violence
PO Box 5, Denton, MD 21629
Office: 410.479.1149
Hotline: 800.927.4673

Frederick County  Heartly House
PO Box 857, Frederick, MD 21705
Office: 301.418.6610
Hotline: 301.662.8800
TTY: 301.662.1565

Garrett County  12978 Garrett Highway Suite 101, Oakland, MD 21550
Office: 301.334.6255
Hotline: 301.334.9000
Grantsville Office: 301.895.4300

Harford County  Sexual Assault/Spouse Abuse Resource Center, Inc. (SARC)
Office: 410.879.3486
Office: 410.836.8431
Hotline: 410.836.8430

Howard County  5457 Twin Knolls Rd., Suite 310, Columbia, MD 21045
Office: 410.997.0304
Hotline: 800.752.0191
Hotline: 410.997.2272

Kent County  Mid-Shore Council on Family Violence
PO Box 5, Denton, MD 21629
Office: 410.479.1149
Hotline: 800.927.4673

Montgomery County  *Abused Persons Program
1301 Piccard Drive – 1st Floor -Suite 1400, Rockville, MD 20850
Office: 240.777.4210
Hotline: 240.777.4673 (After hours)
Hotline: 240.777.4195 (Days)
TTY: 240.777.4850 (House of Ruth)
Office: 240.777.9077 (House of Ruth)

Prince George’s Co.  Family Crisis Center, Inc.
3601 Taylor Street, Brentwood, MD 20722
Office: 240.450.3270
Office: 301.779.2100 (House of Ruth)
Hotline: 301.731.1203
Hotline: 866.382.7474

Queen Anne’s Co.  Mid-Shore Council on Family Violence
PO Box 5, Denton, MD 21629
Office: 410.479.1149
Hotline: 800.927.4673
School employees are expected to maintain a neat, clean, and business-like appearance during working hours. Administrative, clerical, student health and classroom employees* may not wear jeans, sweat pants or shorts to work when school is in session for our students. Exceptions, such as: fund raisers, cleaning out old files/reorganizing offices, inclement weather, recreational activities and/or field trips, must be requested through the respective Department Head/Principal. Administrative and clerical staff may wear business casual attire during summer months and school holidays.

* Dietary, Maintenance and Housekeeping staff, Student Life staff, Information Technology staff, Physical Education staff and Shop Teachers wear appropriate clothing for their essential job functions.

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION POLICY & FACTS**

**EEO Facts**
In accordance with Section 5-206 of the State Personnel and Pensions Article, the Statewide Equal Employment Opportunity Coordinator administers and enforces the State’s EEO Program. The Coordinator performs under the direction and supervision of the Deputy Secretary of the Department of
Budget and Management. The Coordinator is responsible for implementing the State’s EEO laws, policies and procedures and serves as the State’s point of contact regarding EEO related concerns. The Office of the Statewide Equal Employment Opportunity Coordinator (OSEEOC) administers and enforces the Statewide Equal Employment Opportunity program and coordinates the activities of the agency Fair Practices Officers, EEO Officers, and the Americans with Disabilities Act (ADA) Officers in accordance with the Governor’s Code of Fair Employment Practices and Subtitle 5 of the State Personnel and Pensions Article. In addition to reviewing EEO appeals, the Coordinator’s office also conducts investigations of discrimination, unfair employment practices, and Whistleblower complaints.

**Equal Employment Opportunity & You (Your Rights, Responsibilities & Resources)**

**EEO Federal & State Laws**

**MD ANNOTATED CODE**

**State Personnel and Pensions (SPP) Article**

- §2-302 – prohibits discriminatory employment decisions on the basis of age, ancestry, color, creed, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, or sex.
- §5-208 – prohibits consideration of political affiliation, belief or opinion or any other nonmerit factor in making personnel decisions regarding skilled and professional service employees.
- Title 5 subtitle 2 – establishes State EEO program, and procedures for filing complaints of unfair employment decisions.
- Title 5 subtitle 3 – prohibits reprisal against whistleblowers.

**State Government Article**

- Title 20 – Commission of Civil Rights guarantees equal employment opportunities regardless of race, color, religion, ancestry, national origin, sex, age, marital status, sexual orientation, physical or mental disability, or refusal to submit to or share genetic test results. Also creates the right to bring action in court and at the Office of Administrative Hearings to enforce non-discrimination laws.

**Governor’s Executive Order 01.01.2007.16**

- Code of Fair Employment Practices
  Recognizes State’s commitment to fair employment practices and establishes zero-tolerance for discrimination, retaliation and harassment, which includes sexual orientation, genetic information, and gender identity and expression.

**FEDERAL LAWS**

**Civil Rights Act of 1964 (Title VII)**

Prohibits employment discrimination on the basis of race, color, religion, sex, national origin and genetic information, including retaliation and sexual harassment. Title VII also protects individuals from discrimination in compensation, prohibits discrimination based on pregnancy, and may require an employer to accommodate an individual’s religious observations, practices.

**Civil Rights Act of 1991**

Authorizes monetary damages in cases of intentional employment discrimination.

**Americans with Disabilities Act (ADA)**

Prohibits discrimination in employment on the basis of disability. Employers must provide workplace accommodations to employees and applicants who meet the requirements for coverage under the Act, unless doing so would impose an undue hardship on operations.
Age Discrimination Employment Act (ADEA)
Prohibits employers from discrimination against employees age 40 and over.

Equal Pay Act of 1963
Prohibits discrimination in pay on the basis of gender, and prohibits retaliating against a person who complains of discrimination, files a charge, or participates in an investigation of a complaint.

What is employment discrimination?
Discrimination is when one distinguishes or differentiates between people on the basis of a person’s membership in a protected group or association with a person who is a member of a protected group. In the content of employment, discrimination may occur in many aspects of employment decisions, such as:

- Hiring and Firing
- Compensation
- Assignment
- Classification
- Transfer
- Promotion
- Layoff/Recall
- Job Announcements
- Testing
- Recruitments
- Use of agency facilities
- Training
- Fringe Benefits
- Evaluations
- Discipline

Theories of Discrimination - There are two basic theories of discrimination:

Disparate Impact occurs when a system, policy or practice (such as promotional process or recruitment/testing) appears and is intended to treat all persons equally but has the effect of harming or disadvantaging persons who are in a protected group. The intent of discrimination is not necessary; however, the focus is on the adverse consequences of the employment practice.

Disparate Treatment is when an individual is treated less favorably than others because of his or her membership in a protected group or association with a person in a protected group. This is intentional discrimination.

The following are types of disparate treatment:

Sexual Harassment: refers to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature (1) when submission to such conduct is made a term or condition of a person's employment; (2) when submission or rejection of the conduct is used as a basis for an employment decision, or (3) when such conduct has the purpose or effect of interfering with an individual's work performance or creating a hostile work environment.

Hostile work environment: a workplace where discriminatory intimidation, ridicule and/or insult are to severe or pervasive that the conditions of an individual's employment are altered to the point of creating
an abusive working environment. Harassment on the basis of membership in any protected group (race, religion, etc.) can create a hostile work environment.

Reprisal/Retaliation: generally, an employer’s adverse action against an employee or applicant because he/she has opposed an unlawful employment practice by the employer, has made a charge of discrimination or has testified, assisted or participated in an investigation, proceeding or hearing involving prohibited employment practices.

Protected Groups:
Age: Federal law prohibits age discrimination against persons over the age of 40; under Maryland law, the protection against age discrimination is not limited to persons over age 40.

Ancestry: relating to one’s ancestors (persons from whom one is descended); includes birthplace, ethnicity, lineage.

Color: refers to the actual color or shade of skin.

Creed: sincere and meaningful beliefs that include moral and ethical beliefs of right and wrong or about life, purpose, and death.

Disability: physical or mental ailment that substantially limits the ability of an individual to perform a major life activity, including a record of a disability or perceived disability.

Gender Identity/Expression: generally pertains to an individual’s gender-related self-identity, self-image, expression and/or behavior that differs from that associated with the individual’s assigned sex at birth.

Genetic Information: information about a person’s genetic tests and those of the person’s family members including family medical history, which such information may be used to determine whether an individual has an increased risk of developing a disease or disorder.

Genetic Test: laboratory tests of human genes and chromosomes used to identify the presence or absence of hereditary or inherited alterations in genetic material associated with disease or illness.

Marital Status: includes single, married, divorced, and widowed; may pertain to opposite-sex or same-sex partner.

National Origin: an individual’s country of origin; related unfair treatment may be based on name, accent, or expression of cultural heritage.

Race: a group of people united by a common history, nationality, or tradition; may include personal characteristics associated with race, such as hair texture, skin color, facial features.

Religion: includes persons who belong to traditional organized religious groups and those with sincerely-held religious, ethical or moral beliefs.

Sex: the biological identity as male or female. Discrimination on the basis of sex may involve sexual harassment, gender stereotyping underlying employment decisions, failure to conform to sexual stereotypes.

Sexual Orientation: pertains to the sexual preference of a person, e.g. heterosexual, homosexual, bisexual.

Your Rights:
If you believe you have been discriminated against, you have the right to:
• Initiate an informal meeting, discussing concerns with an EEO official and seek information;
• Pursue an allegation of employment discrimination internally under either the EEO complaint procedure (pursuant to the SPP) or the appropriate grievance procedure, including the right to obtain representation by an attorney or other advisor, and the right to appeal the final decision;
• Request mediation through the Shared Neutrals Mediation Program at any stage of the complaint process;
• Be informed of other venues for pursuing a complaint – the EEOC or the MCCR.

Information obtained during an internal EEO investigation is confidential; however, anonymity cannot be guaranteed if a formal complaint is filed.

Your Responsibilities:
To assist in the complaint process, you have the responsibility to:
• Identify specifically the incident(s) or action(s) that led to the complaint;
• Follow the timetable prescribed in the complaint process;
• Cooperate fully with investigating officials;
• Maintain confidentiality about witnesses who have provided statements, testimony, or documentation about the complaint.

Your Resources:
Statewide EEO Coordinator’s Office
301 W. Preston Street, Suite 607
Baltimore, MD 21201
(410) 767-3800 / www.dbm.maryland.gov/eeo

Equal Employment Opportunity Commission (EEOC)
10 S. Howard Street, 3rd Floor
Baltimore, MD 21201
410-962-3932 / www.eeoc.gov

Maryland Commission on Civil Rights (MCCR)
6 St. Paul Street, Suite 900
Baltimore, MD 21202
410-767-8600 / www.mchr.maryland.gov

Complaint & Appeal Process:
An employee who feels s/he has been a victim of discrimination has a number of options for pursuing a complaint. Whether a complaint is filed internally with DBM or externally (through EEOC or MCCR) the employee should be aware of the filing deadlines.

A complaint filed internally, under the SPP Article:
• Must be filed in writing;
• Must be filed with the head of the principal unit or the EEO officer;
• Must be filed within 30 days after the employee knew or reasonably should have known of the alleged violation.

After the complaint has been received:
• The EEO officer shall investigate the complaint and make a recommendation to the head of the principal unit;
• Within 30 days, the head of the principal unit or designee shall issue a written decision to the complainant, and may grant any appropriate relief;
• The decision may be a dismissal of the complaint;
• A decision may be appealed to the Office of the Statewide EEO Coordinator in writing and filed within 10 days of the decision;
• The Statewide EEO Coordinator shall review the complaint and the agency decision, shall conduct any necessary investigation, and shall issue a final decision within 30 days. The decision may grant appropriate relief or dismiss the complaint.

It is the policy of the Maryland School for the Deaf to comply with all applicable federal and state laws prohibiting employment discrimination and to provide equal opportunity to all employees and applicants for employment without regard to a person’s age, ancestry, color, creed, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation or any other protected status.

All personnel actions including, but not limited to, hiring, promotion, transfer, terminations, and all other terms and conditions of employment are administered without regard to any of the above listed protected status categories.

Miscellaneous Provisions:
• Procedure covers employees and applicants for positions in the Skilled, Professional and Management Services, or comparable position in independent personnel systems.
• Employees in the State Personnel Management System may elect to pursue an allegation of employment discrimination under either the above complaint procedure or the grievance procedure in SPP Title 12.
• Days refer to calendar days.
• Failure of any agency to respond to a complaint within the established time lines is considered a denial from which an appeal may be made.
• A complaint may be represented during the complaint process by any person the complaint chooses.

Source: State Personnel & Pensions Article, Title 5, Subtitle 2
The employee may also file a complaint with the Maryland Commission of Human Relations (MCHR) or the Equal Employment Opportunity Commission (EEOC).

INFORMATION TECHNOLOGY POLICY

Computer equipment and all data/files stored on that equipment are the property of the Maryland School for the Deaf. Inappropriate use of School resources will result in disciplinary action up to and including termination of employment.

The Maryland School for the Deaf adheres to the Children’s Internet Policy Act (CIPA).
1. Computer Usage Policy

School resources, including computer equipment, may not be used to access, download, print or store any information, infrastructure, files or services that include games, casinos, chat rooms or have sexually explicit contents. E-mail addresses, passwords, equipment and all messages that are created, sent or received are the property of MSD. Authorized personnel may access, examine, copy, archive, and disclose any information stored, accessed or transmitted on any MSD equipment.

2. Password Policy

Employee passwords should not be shared. Any employee that has FMIS Security and shares his password is subject to disciplinary action up to and including termination of employment. The IT Department will never ask for your password. **Do not provide your password to anyone.**

3. Network Usage Policy
All use of the network, including email and the internet may be monitored. MSD has the right to inspect, without notice to the user, any work created on or information transmitted over the network, including all email messages that are sent or received on the network accessed internet sites, and information downloaded from or transferred via the internet. Unauthorized use or misuse of the network may result in disciplinary action up to and including termination of employment.

4. Internet Usage Policy

Users should not download any type of software from the internet or from an email attachment to their office computers without the prior knowledge and approval of the Director of the Information Technology Department, who will assure that the software (1) is necessary for the performance of duties; (2) is properly licensed for use by MSD; and (3) will not interfere or conflict with other software installed on the PC. This restriction is inclusive of “freeware” and “shareware” that is readily available and includes, but is not limited to: Instant Messaging, Webshots, ICQ, screensavers, games, etc.

5. Software Code of Ethics Policy

a) The State of Maryland (State) and the Maryland School for the Deaf (MSD) will not permit the making or using of unauthorized software copies under any circumstances.

b) The State and MSD will provide legally acquired software to meet its legitimate software needs in a timely fashion and in sufficient quantities to satisfy those needs.

c) The State and MSD will enforce internal controls to prevent the making or using of unauthorized copies including measures to verify compliance with these standards and appropriate disciplinary actions for violations of these standards.

d) Microcomputer equipment and software is provided by MSD for the specific purpose of accomplishing the work of MSD.

e) The Information Technology Department (ITD) at MSD is responsible for purchase, configuration and support of microcomputer equipment at MSD.

f) The ITD will arrange for training as appropriate for the use of microcomputer equipment and software provided by MSD.

g) MSD will provide either a networked or non-networked computer for employees based on availability and need.

h) Only ITD personnel may install and configure software on any microcomputer equipment owned by MSD. The ITD is responsible for maintaining records of all software licensing.

1) If any employee wishes to have personal software on his/her MSD computer he/she must first seek the approval of the Director of the Information Technology Department. If approved, a copy of the software license must be provided to the ITD and an IT employee must install the software for the employee.

2) Employees should be aware that any computer file that has one of the following extensions on the file name (ext+3 digits after the “.” in a file name) may be considered software; .exe; .com; .bat.

6. Telephone/Video Phone Usage Policy

MSD expects all employees to use MSD telecommunication equipment and services for job-related purposes. Telecommunication equipment includes telephones and video phones. However, MSD recognizes that some personal telephone calls are necessary to make during the day (i.e. a child’s school, the family doctor, etc.). Other personal calls should be completed outside of MSD. When it is necessary to make a personal long distance call, employees should use their telephone credit card or a calling card. Any employee who makes a personal long distance telephone call without a credit card or calling card should provide Fiscal Services and ITD with an email or memorandum detailing the call; employee name and department, phone number called, date and approximate time of the call, so that he/she may be billed for the call.

Usage of telephone extensions may be monitored randomly or if abuse is suspected. Unauthorized use or misuse of the telephone or video phone may result in disciplinary action up to and including termination of employment.

LATENESS/TARDINESS POLICY

Regular attendance and punctuality are essential to insure the continuity of Maryland School for the deaf.
Employees are expected to be at their work place prepared to work at the scheduled time. Lateness’s makes it necessary for us to arrange coverage in the department to cover your unscheduled tardiness which has a negative effect on others in the department, regardless of the reason; tardiness is subject to disciplinary action. Tardiness is defined as arriving late for work or returning late from breaks/meals, or early departure from work.

- Step One: The employee will receive documented verbal counseling at the third instance of an unscheduled tardiness.

- Step Two: The employee will receive written counseling on the 6th lateness or at the 3rd additional lateness since the step one counsel letter. Note: Lateness exceeding 6 occurrences can and will result in further disciplinary action.

- Step Three: Is imposed when the 6th lateness occurs. The employee will be suspended without pay for the remainder of the day (Imposed on the day of the incident) or suspension without pay for a specified period of time.

Please obtain the “lateness step” forms from the Personnel department. A. All forms must be sent to the Personnel Office for filing in the Employee’s personnel file; Supervisor’s may keep a copy.

MARYLAND REASONABLE ACCOMODATIONS (ADA) POLICY AND PROCEDURES
DBM/OSEEOC-RA-01 (7/2010)

1. POLICY

1.1 The State of Maryland is dedicated to full compliance with the reasonable accommodation requirements and the ADA Amendments Act.

1.2 No employee shall be retaliated against for seeking a reasonable accommodation for a disability.

2. LEGAL AUTHORITY

2.1 Title I of the Americans with Disabilities Act (ADA) of 1990, as amended, 42 U.S.C. § 12102, et seq.

2.2 Section 504 of the Rehabilitation Act of 1973 as amended, Title 34 C.F.R. Section 104.12.

2.3 Executive Order 01.01.2007.16 Code of Fair Employment Practices.

2.4 Annotated Code of Maryland State Personnel and Pensions Article, Title 5.
2.5 Annotated Code of Maryland, Article 49B §§ 14, 15, 16.1

3. **DEFINITIONS**

3.1 Disability means:
- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- a record of such impairment; or
- being regarded as having such impairment.

3.2 Substantially Limits – generally means inability to perform a major life activity that the average person in the general population can perform or restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the average person in the general population can perform. This should be broadly interpreted without consideration of mitigating measures such as:

- medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- use of assistive technology;
- reasonable accommodations or auxiliary aids or services; or
- learned behavior or adaptive neurological modifications.

3.3 Major Life Activities – Includes, but is not limited, functions such as caring for one-self, performing manual tasks, walking, seeing, hearing, speaking, breathing, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and working. Also includes major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

3.4 Qualified individual with a disability – An individual with a disability who meets the job requirements of the position and who, with or without reasonable accommodation, can perform the essential functions of such position.

3.5 Essential Functions – The fundamental job duties of the employment position. The term “essential functions” does not include the marginal functions of the position.

3.6 Reasonable Accommodation – means:
- Modification(s) or adjustment(s) to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- Modification(s), adjustment(s), or change(s) to a job or work environment or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- Modification(s) or adjustment(s) that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees.
- Only individuals who have an actual disability, or who have a record of a disability are entitled to accommodations; individuals who are regarded as having a disability are not entitled to accommodations.

3.7 Undue Hardship – Significant difficulty or expense incurred by the employer to provide a reasonable accommodation. The employer has the burden of proving that providing a reasonable accommodation would impose undue hardship on the employer.
3.8 Request for accommodation – A verbal or written request for modification or adjustment in the work environment or process of job application.

4. CONFIDENTIALITY

4.1 All documents concerning an employee’s reasonable accommodations request should be maintained in the employee’s confidential file, separate from the employee’s official personnel file, in accordance with applicable confidentiality laws and regulations.

5. PROCESSING A REQUEST FOR ACCOMMODATION

5.1 An employee makes a request for a reasonable accommodation to a supervisor, manager, ADA Coordinator, or Human Resource Representative.

5.2 Request can be in writing or verbal. The adjustment or change must be for a disability and need not mention the ADA or use the phrase “reasonable accommodation”. The following examples should be treated as requests for accommodation:

• An employee tells his/her supervisor, “I’m having trouble punching the keys on the calculator because of medical treatments I’m undergoing”.

• An employee who uses a wheelchair informs his employer that his wheelchair does not fit under the desk.

• A qualified applicant requests a sign language interpreter at the interview.

5.3 The agency representative asks the employee to complete the Reasonable Accommodation Request Form (for record keeping purposes) and may ask for documentation.

5.4 Medical documentation may be needed to establish that the employee has a disability and requires a reasonable accommodation. The medical documentation should explain the disability and functional limitations. The employer should not request documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation. For example, a person’s complete medical records should not be requested because they may contain information unrelated to the disability at issue and the need for accommodation.

5.5 The employer should promptly initiate the interactive process with the employee to determine the employees’ needs and identify the appropriate reasonable accommodation.

5.5.1 Questions to ask employee regarding accommodations (not limited):

• What limitations are you experiencing?

• To what degree do these limitations affect your performance?

• What specific tasks are problematic?

• What accommodations will help you perform the tasks that are problematic?

5.6 The employer is not required to provide the reasonable accommodation that the employee wants. The employer may choose among reasonable accommodations as long as the chosen accommodation is effective.

5.7. Undue hardships are determined on a case-by-case basis.
• The nature and net cost of the accommodation needed under this part, taking into consideration the availability of outside funding;

• The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility and the effect on expenses and resources;

• The type of operation or operations of the employer including the composition, structure, and functions of the work force of the employer, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the employer; Legitimate safety concerns; and

• The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility’s ability to conduct business.

5.8 The decision to grant or deny a reasonable accommodation request should be in writing.

5.9 Where an agency has denied a requested reasonable accommodation but offered to make a different one in its place, the agency’s notice should explain both the reasons for the denial of the requested accommodation and the reasons that it believes that that chosen accommodation will be effective.

5.10 All agency denials must notify the employee that s/he has a right to file an EEO (Equal Employment Opportunity) Complaint.

(Reasonable Accommodations Policy and Procedure DBM/OSEEOC-RA-01 (7/2010)
My disability/functional limitation prevents me from performing the following activities:

I am requesting accommodation because:

☐ I am applying for employment and the accommodation will allow me to participate in the application/selection process

☐ I am currently employed by the State and require an accommodation in my current position.

The accommodation I am requesting is: (Describe the type of accommodation, suggestions for work site or exam site modifications or specific job duties that may be restructured to facilitate your employment or participation, and the details of how or where the accommodation (if purchasable) may be obtained, including the cost if known)

This accommodation will allow me to perform the functions of my job or participate in the application/selection process as follows: (Describe how the accommodation will assist you)

☐ I UNDERSTAND THAT I MAY BE REQUIRED TO PROVIDE MEDICAL INFORMATION FROM MY HEALTH CARE PROVIDER AS PART OF THIS PROCESS.

___________________________________________
Signature Date

___________________________________________
Print Name

Reasonable Accommodation Employer Review Form (State of Maryland)
CONFIDENTIAL
Employee or Applicant Name: ____________________________
Job Title: ____________________________________________

Daytime Phone # ____________________________
Address: _________________________________________

Employee: ☐ Applicant: ☐

Request Date: ____________________________

Describe disability and functional limitations:
__________________________________________________________________________________

Describe accommodation being requested and purpose for request:
__________________________________________________________________________________
__________________________________________________________________________________
List essential functions of position and indicate whether the employee can perform the function with the requested accommodation:

1. ________________________________________________________________ Yes____ No____ NA*____
2. ________________________________________________________________ Yes____ No____ NA____
3. _____________________________________________________________________________ Yes____ No____ NA____
4. _____________________________________________________________________________ Yes____ No____ NA____

*Accommodation not necessary to perform this function. (Attach additional pages if necessary)

Was medical information provided? If yes, indicate by whom, and identify who reviewed medical information.

Describe steps taken to evaluate effectiveness and feasibility of requested accommodation.

_________________________________________________________________________________

Accommodation request is: Approved____ Denied____ Modified____

If APPROVED, indicate what accommodation will be provided. If MODIFIED, describe modification and provide reason. If DENIED, complete section below.

_________________________________________________________________________

IF REQUEST WAS DENIED, check reasons for denying the accommodation request. You may check more than one reason.

□ The individual did not provide documentation of a disability that substantially limits a major life activity.
□ The requested accommodation is ineffective (will not enable individual to perform the essential functions of the position).

Reasonable Accommodations Policy and Procedure DBM/OSEEOC-RA-01 (7/2010) □ The individual’s disability/limitations do not prevent him/her from performing the essential functions of the position.

□ The accommodation/modification request will:
□ create an undue administrative burden
□ create an undue impact on operations
□ fundamentally alter the nature or operation of the facility
□ require lowering of current performance standard(s)
□ An effective accommodation that would not pose an undue hardship was offered but rejected by the individual.

Name of person making the decision: ADA Coordinator:

Print Name ___________________________ Print Name ___________________________

Signature Date ______________________ Signature Date ______________________

**MOBILE EQUIPMENT ACCOUNTABILITY POLICY (MSD Specific)**

All Mobile Equipment remains the property of the Maryland School for the Deaf (MSD) and must be returned to MSD in good working order or it will be considered lost or damaged and its comparable equipment replacement cost will be collected from the employee. It is the responsibility of the employee assigned Mobile Equipment (e.g. cell phones, PDAs, laptop computers, cameras, pagers, etc.) to keep it secure at all times and use care in its use. Assigned Mobile Equipment must not be altered or changed including but not limited to software and hardware changes without specific written authorization from the Network Administrator for the School. Employees who are issued Mobile Equipment will be required to comply with the terms of the MSD Mobile Equipment Accountability Policy and sign the form acknowledging receipt and responsibility for the equipment. Questions concerning this policy should be directed to the Fiscal Services Department.

In compliance with Executive Order 01.04.2009.08, a State employee may not write, send, or read text messages or use a handheld mobile device while operating a State vehicle except during emergencies and other instances permitted by law (HB 323, Acts of 2009).
Executive Order 01.01.2009.08 requires the Department of Budget and Management to issue a hands-free policy for drivers of State vehicles. The statement below prohibits hand-held cell phone use while driving, except in cases of emergency.

**Employees driving State vehicles are required to comply with all State and local laws regarding the use of mobile communications devices while driving. If a mobile communications device must be used by an employee while driving a State vehicle, a hands-free device must be used. Drivers are encouraged to keep mobile communications device use to a minimum. Whenever possible, employees should not make or receive calls while driving. Only in the case of an emergency is the use of a hand-held mobile communications device without a hands-free device permitted.**

**PUBLIC CORRUPTION AND MISCONDUCT POLICY**

Maryland School for the Deaf employees are required to report to the Superintendent or Superintendent’s designee (Director of Personnel), as to any arrest of an employee and as to each legal proceeding in which an employee is involved, as a party or otherwise, if the arrest or legal proceeding affects, or reflects on, the employee's job fitness or performance. Reporting is to occur on the employee’s next scheduled work day, or within 1 week, whichever is earlier. Failure to report the arrest shall result in further disciplinary action, up to and including dismissal.

**PUBLIC ETHICS POLICY**

State Employees work for the people and because of this, employee conduct is subject to a Code of Ethics established by the Maryland Public Ethics Law. The purposes of the Ethics Law are to avoid conflict of interest, insure impartiality and independence of judgment and avoid the appearance of conflict of interest. Any MSD employee may want to have secondary employment, but, depending on the circumstances, the right to do so may be limited by provisions of the Ethics Law and Personnel Regulations. Secondary employment must not conflict with regularly scheduled work hours or require the use of State property, equipment, school employees under your supervision or supplies. Secondary employment within State government must be approved by the Superintendent.

Some MSD employees will be required to file annual financial disclosure statements to assure the public that there is no conflict. Generally speaking, financial disclosure is required only of individuals in salary grade 18 and above but there are exceptions, especially for those whose jobs involve responsibilities in financial management. The Director of Personnel can inform you if you are required to make a financial disclosure. Every MSD employee is subject to the Maryland Public Ethics Law even if you are not required to make a financial disclosure. Any violation of the Ethics Law may result in disciplinary action, up to and including removal from State service.

Based on the Ethics Law, MSD prohibits its employees from entering into any financial relationship or profiting from any financial relationship with any student or any student’s parents or legal guardians, with the exception of tutoring services delivered in accordance with the tutoring policy discussed below. This prohibition includes the promotion or selling (or profiting from others selling) of any products to students or MSD parents/guardians. It is also a violation of the Ethics Law for any employee to attempt to sell or promote any products to another employee whom that employee supervises; this includes profiting from direct and indirect sales through multi-level marketing companies. As a general rule, the selling of any products should not occur during working hours or on the MSD grounds or premises.

The following information refers to general types of prohibitions contained in the Ethics Law. Please refer to Md. Code Ann., State Gov’t §§15-501 through 15-508 (Supp. 2001) and COMAR 19A.02.01 and .02 for the specific prohibitions. Employees should read and become familiar with this information.

- An employee or official may not participate as an employee or official in a matter in which
he or she, certain relatives, or certain entities with which he or she is involved or has an interest.

- An employee or official may not participate in a matter which involves as a party a business entity in which he or she or certain relatives have employment, contractual, or creditor relationships or seek employment.

- An employee or official, in most instances, may not have financial interests in, or be employed by, an entity subject to his or her authority or of the agency with which he or she is affiliated. Employment under the Ethics Law includes being a member of a private board having these relationships even if there is no compensation.

- An employee or official, in most instances, may not have financial interests in, or be employed by, an entity having or negotiating a contract with the agency with which he or she is affiliated. In some situations, spousal interest may be attributed to the employee or official.

- An employee or official may not hold any employment relationships that would impair his or her impartiality and independence of judgment.

- An employee or official may not intentionally use the prestige of his or her office for personal gain or that of another.

- An employee or official whose duties include matters substantially relating to the subject matter of any contract with the State, may not be or become, while a State employee, an employee of the party contracting with the State.

- An employee or official may not assist or represent any party for contingent compensation in any matter involving any State agency or political subdivision other than in a judicial or quasi-judicial proceeding. Employees in the judicial branch are also prohibited from representing any party before a court or agency of the Judicial Branch.

- A former employee or official may not assist or represent any one other than the State for compensation in a case, contract, or other specific matter involving the State if that matter is one in which he or she significantly participated as an official or employee.

- An employee or official may not solicit any gifts. Subject to certain exceptions, officials and employees may not knowingly accept any gift directly or indirectly from any person whom they know or have reason to know:
  
  a) is doing or seeking to do business of any kind with his or her agency,
  
  b) is engaged in activities that are regulated or controlled by his or her agency,
  
  c) ) has financial interests which may be substantially affected in a specific way by the employee, or
  
  d) is a lobbyist with respect to the matters within the employee’s functional jurisdiction.

The exceptions to this prohibition are specifically outlined in Md. Code Ann., State Gov’t § 15-505 (Supp. 2001).

- An employees or official may not disclose or use for personal economic benefit, or that of another, confidential information acquired by reason of his or her public position.

- Persons, entities, employees or officials that assist the State in procurement specifications, in most instances, may not be involved in bidding or assisting a bidder in that procurement or be employed by the bidder at the time of the bid.
If you anticipate some activity that you believe may raise an issue under the Ethics Law, you should contact the Ethics Commission staff. Often the Commission staff can provide guidance that may resolve the issue based on the law and its previously issued published opinions. If the question is more complex or if you believe a formal written opinion is necessary, you may request an advisory opinion. Any official, employee, or lobbyist subject to the Law may request an advisory opinion concerning the application of the Law to him or her. An official or employee may also request an advisory opinion concerning the activities of another official or employee under his supervision. Persons who are not officials, employees, or lobbyists may also request an opinion by the Commission, and the Commission, at its discretion, may or may not issue such an opinion. A formal advisory opinion is an official statement of the Commission itself and can legally be relied upon by the person requesting it.

**RETURN TO DUTY**
(From Leave of Absence)

**Faculty**

Any faculty employee granted LWOP for more than 30 days and whose leave does not extend beyond the current School year and who is ready to return to duty at the expiration of the Leave must notify the Superintendent of his/her readiness to return to work at MSD. In such cases the faculty member may be reinstated to his/her position. If the employee on LWOP does not give notification of his desire to return to duty within five (5) days after the expiration of a LWOP, he shall be considered resigned. If the LWOP is granted for an entire School year, the faculty member must inform the Superintendent when he is ready to return to work. If an appropriate vacancy exists, on the teaching faculty, the employee may be offered a faculty contract at that time. If however, no appropriate vacancy exists, future application to return to MSD will be made through the interview process.

**Skilled, Professional & Management Service Personnel**

Any Skilled, Professional and Management Service Employee granted LWOP for Personal Illness and who is able to return to work within the first six (6) months of the approved leave shall be reinstated to the classification held at the time of the request. If the employee is not able to return to work within the first six (6) months, the Director of Personnel will have his name certified to the appropriate eligible list for reinstatement in accordance with Personnel Regulations (COMAR 17.04.11.25). Any Skilled and Professional Service Employee granted a LWOP for reasons other than Personal Illness will be required to have his name certified to the appropriate eligible list to be considered for reinstatement by MSD or other State agencies.

**SEXUAL HARASSMENT IN THE WORKPLACE POLICY (STATE OF MARYLAND)**

Maryland State government is dedicated to a strong policy against discrimination on the basis of any factor prohibited by law, including sex, as set forth in Title VII of the Civil Rights Act of 1964; the Annotated Code of Maryland State Personnel and Pensions Article, Title 5, Subtitle 2; Title 20 of the State Government Article, Annotated Code of Maryland; Maryland Code of Fair Employment Practices (Executive Order 01.01.2007.16) and the United States Equal Employment Opportunity Commission Policy Guidance on Sexual Harassment. Sexual harassment is a type of discrimination that is not only illegal, but is in conflict with the personnel practices of the State of Maryland.

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting an individual or; (3) such conduct has the effect of interfering with an individual's work performance or creating an intimidating, hostile or abusive work environment. Tangible psychological injury is not a necessary element of a hostile work environment; rather, an environment that is perceived by the victim as hostile or abusive, and that a reasonable person would find hostile or abusive is sufficient to meet the standard.
An employee who believes that he/she is the victim of sexual harassment should report the alleged incident promptly to the agency’s Fair Practices Officer, Equal Employment Opportunity (EEO) Officer, supervisor or any other management representative. A prompt and thorough investigation of the complaint must be conducted by the EEO Officer or other designee assigned to investigate the complaint to determine whether a violation has occurred. Any employee found to have engaged in sexual harassment will be subject to appropriate disciplinary action, up to and including dismissal from employment. Retaliation against an employee for filing a complaint or participating in an investigation is not permitted.

All State government employees are provided the opportunity to work in an environment free from sexual harassment. Cabinet Secretaries and other agency heads have the responsibility to ensure compliance with this policy, including the prompt investigation and resolution of all complaints of sexual harassment.

All employees are to be given a copy of this policy and advised of the name and telephone number of the agency’s Fair Practices Officer and EEO Officer. This policy should be posted conspicuously in all State work sites.

Procedures for Reporting Complaints of Sexual Harassment

I. PURPOSE
The State of Maryland is dedicated to full compliance with laws, policies and guidelines that prohibit sexual harassment. Sexual harassment is an unlawful employment practice that will not be tolerated in any form in the workplace. No employee shall be retaliated against for filing a complaint of sexual harassment or participating in an investigation.

II. LEGAL AUTHORITY
A. Title VII of the Civil Rights Act of 1964, as amended
B. Title 20 State Government Article, Annotated Code of Maryland
C. Title 5, Subtitle 2, Annotated Code of Maryland State Personnel and Pensions Article
D. Executive Order – 01.01.2007.16, Maryland Code of Fair Employment Practices
E. EEOC Policy Guidance on Sexual Harassment, Number N-915-050

III. DEFINITION OF SEXUAL HARASSMENT
A. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature. Sexual harassment may be verbal (sexual innuendo, threats, jokes, sexual propositions, or suggestive comments, etc.); non-verbal (making suggestive or insulting noises, leering, whistling or making obscene gestures, or displaying sexually explicit or offensive pictures or other illustrations, etc.); or physical (touching, pinching, brushing the body, assaulting, or any other contact of a sexual nature).

B. Types of Sexual Harassment
   1. Quid Pro Quo
      - Unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal, non-verbal or physical conduct of a sexual nature constitute “quid pro quo” sexual harassment when:
        a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or
        b. submission to or rejection of such conduct by an individual is used as the basis for an employment decision that affects an individual.
   2. Hostile Work Environment
      - Sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitutes “hostile environment” sexual harassment when the conduct:
        a. was unwelcome;
        b. was based on the victim’s gender;
was sufficiently severe or pervasive to alter the conditions of the victim’s employment and create a work environment that is reasonably perceived as hostile or abusive and that the victim perceives as hostile or abusive; and

d. is imputable to the employer.

C. The victim, as well as the accused, may be a female or a male. The victim does not have to be of the opposite sex. The accused may be an employee’s direct supervisor, a supervisor in another division, a co-worker, or a non-employee. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

D. Sex-based offensive behavior in the workplace is prohibited by law. Even if the behavior may be tolerated by some individuals outside of the workplace, it will not be tolerated within the workplace. The ignorance or intentions of the harasser are irrelevant.

IV. EMPLOYEE RESPONSIBILITIES

If an employee believes that sexual harassment has occurred, the employee shall take the following steps:

A. Inform the offending person that his/her conduct is unwelcome and should cease immediately. It is important for the victim to communicate that the conduct is unwelcome, particularly when the alleged harasser may have some reason to believe that the behavior may be welcome. However, a victim of harassment need not confront his/her harasser directly, so long as the victim’s conduct demonstrates that the harasser’s behavior is unwelcome.

B. If the alleged harassment does not cease, report it promptly to the agency’s Fair Practices Officer, EEO Officer, supervisor or another management representative.

C. If an employee’s immediate supervisor is the alleged harasser, report the incident to the person directly in charge of the supervisor, the agency’s Fair Practices Officer, EEO Officer or other management representative.

V. AGENCY RESPONSIBILITIES

A. When an alleged incident of sexual harassment is reported, the agency has 30 days in which to thoroughly investigate the complaint, and issue a written decision.

B. The agency shall take immediate and appropriate corrective action when it determines that sexual harassment has occurred.

C. The Office of the Statewide Equal Employment Opportunity Coordinator (OSEEOC) may be consulted to assist with the investigation, if necessary.

D. The agency must inform the Complainant of his/her right to pursue an allegation of sexual harassment with the Maryland Commission on Human Relations or the U.S. Equal Employment Opportunity Commission.

E. The agency should also inform the Complainant that it will take every reasonable effort to handle the complaint in a manner that protects the confidentiality of all parties.

F. The agency should follow-up with the Complainant and any other individuals implicated in the investigation to ensure that no further incidents have occurred. Follow-up efforts should be documented.

G. The agency must ensure that employees who make complaints of sexual harassment or provide information related to such complaints will be protected against retaliation.

DRUG FREE POLICY

Maryland School for the Deaf is committed to providing a safe and healthy workplace and promoting the health and wellbeing of its employees. As a State agency, Maryland School for the Deaf complies with EXECUTIVE ORDER 01.01.1992.20 Executive Agency Policy on Smoking, which provides a smoke free workplace for everyone. The law defines smoking as the “act of lighting, smoking chewing or carrying a lighted or smoldering cigar, cigarette or pipe or chewing tobacco of any kind.

MSD is committed to providing a positive and drug free environment for students and staff, COMAR 13A.08.01.08; 13A.08.01.11

The sale or use of tobacco in any form is prohibited in school buildings. School vehicles, and on school grounds at all times. COMAR 13A.02.04.01 Tobacco products include, but are not limited to, any substance containing tobacco, or any vaporizing device with liquid nicotine (e.g. electronic cigarettes, cigars, pipes)
Scope
The Smoke-Free/Tobacco-Free Workplace policy applies to
- All buildings on school grounds
- School/Agency grounds which means all the land owned or leased by the school
- All company-sponsored off-site conferences and meetings.
- All vehicles owned or leased by the company.
- All visitors (customers and vendors) to company premises.
- All contractors and consultants and/or their employees working on company premises.
- All temporary employees.
- All student interns.

Procedures
Employees who violate this smoking policy will be subject to disciplinary action up to and including immediate discharge.

Consequences for violation of either the Executive Order or the COMAR regulation listed above:
Employees found to be in noncompliance shall be reprimanded in the following order:
(i) For a first offense, be directed to the personnel unit for counseling on the provisions of this Executive Order and referral to the Wellness Program;
(ii) For a second offense, be required to attend a smoking education or succession program.
(iii) For a third offense, receive a written reprimand; and
(iv) For a fourth or subsequent offense, be disciplined in accordance with State progressive discipline procedures.

SOCIAL MEDIA POLICY
All employees are expected to serve as positive ambassadors for our school and to remember they are role models to students in this community. MSD employees’ speech and behavior when not working at MSD is generally not restricted; however, when that speech or behavior affects MSD, MSD may take action against the employee. Even if employees are not engaged in MSD-related communication, employees should understand that their speech and behavior may be brought to the attention of MSD.

MSD requires employees to observe the following rules when referring to the school, students, programs, activities, employees, volunteers and community on any social media networks:

A. Employees must be respectful and professional in all MSD-related communications and when using MSD equipment or services. When communicating regarding MSD matters or using MSD equipment, MSD staff may not engage in speech or behavior that is harassing, threatening, bullying, libelous, or defamatory; that discusses or encourages any illegal activity or the
inappropriate use of alcohol, use of illegal drugs; sexual behavior, sexual harassment, or any other inappropriate discriminatory practice.

B. Employees must make clear that any views expressed regarding MSD-related matters are the employee’s alone and do not necessarily reflect the views of MSD. Employees may not act as a spokesperson for the school or post comments as a representative of MSD, except as authorized by the Superintendent or the Superintendent’s designee.

C. Employees may not disclose information on any social media network that is confidential or proprietary to the school, its students, or employees or that is protected by privacy laws.

D. Employees may not use or post the school logo on any social media network without permission from the Superintendent, or his designee.

E. Employees may not post images on any social media network of co-workers or students without the co-workers’, students and student’s guardian’s consent.

F. Employees may not post images of students on any social media network without written parent consent.

G. Use of social media for personal use during work hours or on school equipment is prohibited.

H. Teachers and other school employees must restrict one-on-one electronic communications with individual students to accounts, systems and platforms provided by or accessible to the school administrators.

I. Teachers and MSD staff must decline or disregard invitations from students to interact privately through personal texting, email and social networking sites.

J. If, because of an emergency a teacher or other school employee uses a personal communication device or account to contact an individual student, the employee’s supervisor must be copied on the communication or the date, time and nature of the contact must be reported in writing to his or her supervisor on the next school day.

What you write is ultimately your responsibility. If it seems inappropriate, use caution. If you’re about to publish something that makes you even the slightest bit uncomfortable, don’t shrug it off and hit send. Take time to review these guidelines and try to figure out what’s bothering you and fix it. If you’re still unsure, you might want to discuss it with your supervisor. **Ultimately, what you publish is your responsibility.** What you publish is widely accessible and will be around for a long time, so consider the content carefully.

Failure to follow the school policy will constitute misconduct and result in disciplinary actions up to and including termination.

**Things to Consider**

**Ensure the safety of students.** When employees, including coaches/advisors, choose to join or engage with these social networking groups, they do so as an employee of the school and have a responsibility to monitor content and address inappropriate behavior or activity on these networks. This includes acting to protect the safety of minors online.

**Be transparent.** Your honesty—or dishonesty—will be quickly noticed in the social media environment. If you are posting about your work, use your real name and identify your employment relationship with the school. Be clear about your role; if you have a vested interest in something you are discussing, be the first to point it out. If you publish to a site outside the school’s network, please use a disclaimer to state in clear terms that the views expressed are the employee’s alone and that they do not necessarily reflect the views of the Maryland School for the Deaf.

**Protect confidential information.** Be thoughtful about what you publish. You must make sure you do not disclose or use confidential information. Students, parents, and colleagues should not be cited or
obviously referenced without their approval. Public social networking sites are not the place to conduct school business with students or parents.

**Respect your audience and your coworkers.** Always express ideas and opinions in a respectful manner. Make sure your communications are in good taste. Do not denigrate or insult others, including other schools or competitors. Remember that our community reflects a diverse set of customs, values and points of view. Be respectful. This includes proper consideration of privacy and of topics that may be considered objectionable or inflammatory.

**Perception can be reality.** In online networks, the lines between public and private, personal and professional are blurred. Just by identifying yourself as an MSD employee, you are creating perceptions about your expertise and about the school by community members, parents, students, and the general public; and you are creating perceptions about yourself with your colleagues and supervisors. If you chose to join or engage with students and families in a social media context, do so in a professional manner, ever mindful that in the minds of students, families, colleagues and the public, you are an MSD employee. Be sure that all content associated with you is consistent with your work and with the school’s beliefs and professional standards.

**Are you adding value?** There are millions of words out there. The best way to get yours read is to write things that people will value. Communication associated with the Maryland School for the Deaf should help fellow educators, parents, students, and co-workers. It should be thought-provoking and build a sense of community. If it helps people improve knowledge or skills, do their jobs, solve problems, or understand education better—then it's adding value.

**Keep your cool.** One of the aims of social media is to create dialogue, and people will not always agree on an issue. When confronted with a difference of opinion, stay cool. If you make an error, be up front about your mistake and correct it quickly. Express your points in a clear, logical way.

**Be a positive role model.** The line between professional and personal relationships is blurred within a social media context. Educational employees have a responsibility to maintain appropriate employee-student relationships, whether on or off duty. Both case law and public expectations hold educational employees to a higher standard of conduct than the general public.

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**STATE VEHICLE FLEET POLICIES**

Employees who operate MSD (State) vehicles shall adhere to the policies, procedures, rules and other instructions covering the use and operation of MSD vehicles.

The driving record of each authorized driver will be reviewed by the School when the driver signs theAcknowledgement Statement. Drivers with State of Maryland licenses will have their records reviewed through the MVA’s Special Attention Code Flag System. Drivers with out-of-state driver’s licenses must provide a certified copy of their driver record with the Acknowledgement Statement and annually thereafter.

Moving Violation Reporting – an authorized driver charged with a moving violation or a “must appear” violation while driving a State Vehicle must notify the Fleet Manager immediately and no later than the following business day. Failure to timely report may result in disciplinary action.

**General Rules:**
1. All drivers must have a driver’s license valid in the State of Maryland.
2. All drivers shall operate MSD vehicles in a manner that reflects concern for safety and courtesy toward the public.
3. An employee having a driver’s license with five (5) or more points for moving violations shall not operate a MSD vehicle.
4. MSD vehicles shall be only driven by authorized employees. Employees must attend a Driver Improvement Program before operating a vehicle and must be re-certified every two years to be authorized.
5. MSD vehicles shall not be used to conduct personal business or to transport members of the family. Passengers must be authorized persons on School business.
6. No person may drive or ride in a State vehicle unless properly restrained by the occupant restraint device or in the case of children an appropriate child safety seat. It shall be the driver’s responsibility to ensure that the passengers use the available restraint devices.
7. All traffic and parking laws are to be obeyed. All violations and fines incurred shall be the responsibility of the driver involved.
8. Operators of MSD vehicles are personally responsible for vehicles operated by them. Should damage to a MSD vehicle result through misuse or gross negligence, the operator may be required to make restitution to the State. All accidents are to be reported to agency headquarters, within twenty-four (24) hours after the accident, even if another vehicle is not involved or there are no apparent injuries or damages.
10. If a mobile communication device must be used by an employee while driving a State vehicle, a hands free device must be used. Drivers are encouraged to keep mobile communications device use to a minimum. Whenever possible, employees should not make or receive calls while driving. Only in the case of an emergency is the use of a hand-held mobile communications device without a hands-free device permitted.
11. Vehicle use is restricted to State business, which does not include attendance at a Dispute Resolution Procedure Conference (DRP), or a grievance conference or hearing.

Insurance Coverage:

The State of Maryland is self-insured. Damage to other vehicles, property and persons who are non-State employee passengers are covered by this insurance. The Worker’s Compensation Program provides insurance for employees.

**SUBSTANCE ABUSE POLICY (State of Maryland)**

A drug free workforce is fundamental to efficient, effective and responsible government, as well as a safe and secure work environment. The State of Maryland is committed to maintaining a drug free workplace. The State of Maryland Substance Abuse Policy provides for drug and alcohol education for State employees and can help employees find appropriate counseling and treatment for drug and alcohol problems. COMAR 17.04.09.04 also require an employee arrested for an alleged controlled dangerous substance offense shall report the arrest to the employee’s appointing authority on the employee’s next scheduled work day, or within 1 week, whichever is earlier. Failure to report the arrest shall result in disciplinary action, up to and including dismissal. Employees, under Executive Order 01.01.1991.16, are further required to report a finding of guilty, acceptance of a plea of nolo contendere, or probation before judgment (PBJ) within 5 work days if it is in relation to a drug or alcohol offense. If you have questions regarding the State of Maryland Substance Abuse Policy or its Drug Testing Program, please contact the Personnel Office.
Drug Testing

In order to maintain a drug free workplace, all employees are subject to drug testing if an employee's appointing authority has reasonable suspicion that the employee has used drugs illegally or is impaired by drug or alcohol use at the worksite. Those employees working in sensitive positions or sensitive classes, as designated by the Maryland State Executive Director, Office of Personnel Services and Benefits, can also be tested randomly. An employee in a sensitive position or class can also be tested if s/he is currently participating, or within the past year has participated, in a drug rehabilitation program, or if there is a triggering incident. The drug test screens for the following drugs: amphetamines, barbiturates, benzodiazepines, cocaine, marijuana/cannabinoids, opiates, and phencyclidine (PCP). Results of the test will be forwarded to the State Medical Director who acts as the Medical Review Officer. The Medical Review Officer informs the appointing authority and the employee of the test results. All drug test results remain confidential, with only those members of management who have a need to know being informed of test results. Refusal to take a drug test may result in disciplinary action, up to and including termination.

Non-Sensitive Positions (Classes)

Employees, who are not designated as “Sensitive”, will be classified as Non-Sensitive and may be tested if there are reasonable and specific grounds to believe that a drug abuse test will produce evidence of use of one or more illegal drugs. When both the initial and confirmatory tests indicate positive for the presence of drugs, you will be contacted by the State Medical Director. He will discuss with you all factors that might have contributed to a positive test result. If the Medical Director determines the positive results to be valid, your Appointing Authority will be notified. The Appointing Authority shall institute whatever disciplinary action considered appropriate. Employee’s continued employment or eligibility for reemployment, if terminated, may be conditioned on the employee’s enrollment in and satisfactory completion of a drug rehabilitation program.

Sensitive Positions (Classes)

Are designated by the Appointing Authority for the Maryland School for the Deaf (MSD) If any one of the following statements is true:

- You have a substantially significant degree of responsibility for the safety of others and there is a potential that impaired performance on your part could result in death of or injury to others;
- You are required to carry a firearm;
- You are directly involved in efforts to stop the flow of narcotics; or
- You are directly involved with narcotics law enforcement.

As a Sensitive Class/Position Employee, you will be tested if any one of these five circumstances occurs:

- You are being considered for appointment to a sensitive classification or sensitive position and have not been eliminated at an earlier stage of the recruitment process.
- Your name has been selected by a computer for random testing.
- You have notified your Appointing Authority that you are voluntarily participating in a drug rehabilitation program. Employees participating in a drug rehabilitation program may be tested throughout the program and during a one-year period immediately following successful completion of the program.
- You have been directly involved in an accident which caused injury, death, or property damage of $2500.00 or more.
- There are reasonable and specific grounds to believe that a drug abuse test will produce evidence that you have used one or more illegal drugs. Your Supervisor may recommend that you be tested if he or she has reasonable and articulate grounds to believe that you have used illegal drugs. Factors which may be considered in reaching that conclusion could include:

  A. action, appearance, or conduct is indicative of the use of controlled substances;
  B. a pattern of abnormal conduct or erratic behavior;
  C. arrest or conviction for drug-related offenses, or identification of the employee as the focus of a criminal investigation into illegal possession, use or trafficking;
  D. information provided by reliable and credible sources or independently corroborated; or
  E. newly discovered evidence that the employee has tampered with a previous drug test and
  F. a drug test would provide evidence of the illegal use of drugs.
Supervisors will be required to meet and discuss the Reasonable and Specific Grounds for requesting a Drug Test with the MSD Agency Technical Representative/Personnel Director for a decision whether a drug test should be ordered.

Refusal
Employees in sensitive classifications are required to participate in random drug testing as a condition of employment. Refusal to be tested or to have test results shared with MSD personnel officials may be grounds for termination.

Testing Positive on a Random Test for Illegal Drugs
When both the initial and confirmatory tests are positive for the presence of drugs in your urine, you will be contacted by the State Medical Director who will discuss with you all factors that might have contributed to a positive test result. If the Medical Director determines the positive results to be valid, you will be suspended without pay for a period of 15 working days. You will also be required to enroll, within those 15 days, in a certified drug rehabilitation program lasting at least 6 months and involving periodic drug testing throughout. If any urine tests performed during or after your enrollment in a rehabilitation program begins indicate the presence of illegal drugs in your system, you will be immediately dismissed. At the conclusion of the rehabilitation program, the employee shall submit to the Personnel Office documentation from the attending physician, certified chemical dependency counselor, licensed social worker, or licensed psychologist associated with the rehabilitation program certifying, under oath, that the employee has successfully participated in a drug rehab program of at least 6 months duration; and not tested positive for any of the screened drugs at any point during the rehab program. If the employee does not enroll a drug rehab program during the 15 days suspension period or fails to successfully complete the program, the employee will be terminated.

Health Benefits While on a Suspension Without Pay
Since the 15-day suspension is without pay, your Health Benefits package will not be subsidized by the state. This means you will pay the full premium for that period. You will receive the bill after you have been returned to paid status. As long as you pay the bill in full by the payment due date, your Health Benefits will not lapse.

Testing Positive on an Incident Triggered or Reasonable Suspicion Based Test
A positive result of an Incident Triggered or Reasonable Suspicion based test may result in immediate dismissal.

How is the Testing Done?
When, for whatever reason, you are called for drug testing:
- Your Agency Technical Representative will inform you of the time and place to report for testing. No more than 48 hours will pass between the time of notification and the time of testing but you may be given less than 6 hour notice. In the case of Reasonable Suspicion testing, testing will be conducted within 48 hours of your being suspected of being impaired.
- You must report to the collection site. This site will not be the same place you report to work every day. Failure to appear will be treated as gross and willful misconduct and may result in disciplinary action, which may include termination from State service.
- You will provide a urine specimen which will be forwarded to the testing laboratory.
- NO ONE WILL OBSERVE YOU PROVIDING THE SPECIMEN!
- Refusal to be tested or to have test results shared with MSD personnel officials may be grounds for termination.

Safeguards and Appeal Rights
A set of safeguards and appeal rights have been established to ensure that testing will remain completely accurate and that you have some recourse when test results are positive. A strictly observed chain of custody from collection of the specimen to transportation before and storage after testing has been formulated to guarantee that every aspect of the testing process is free from error and mishap.

All specimens which test positive for the presence of illegal drugs are kept for one full year and are available at any time for re-testing at your request and expense. All test results, which are confidential, are kept for three years and are available in the event of a court case. If you test positive, you may ask for a test of the original specimen by the same or a different laboratory. This laboratory must be U. S. Department of Health and Human Services (DHHS) certified and licensed in accordance with the laws of Maryland. You will be provided with a list of six certified laboratories from which to make your selection. You are responsible for all costs associated with the retest.
Your request for a re-test does not delay disciplinary action taken against you or referral to a drug rehabilitation program. You have the right to appeal any action taken against you as a result of a verified laboratory positive test through the appropriate disciplinary action or grievance appeal process.

**TRANSPORTATION POLICY**

Employees are prohibited from transporting students in their personal vehicles from school to school functions. Two adults shall be present while transporting a student or students in a State vehicle.

**TUTORING POLICY**

MSD provides a variety of academic supports for struggling students during the school day. For parents who wish to pay for an MSD employee to provide additional tutoring after school hours, the school can assist in locating a tutor who is an employee of MSD. This cannot be one of the students’ current teachers and tutoring cannot be conducted on campus.

All requests for after school or summer tutoring from the students, parents, or teachers will be sent directly to the campus Principal.

**ZERO TOLERANCE FOR VIOLENCE OR THREATS OF VIOLENCE POLICY**

MSD will not tolerate any violent acts or threats of violence. Disciplinary action will be imposed for any violent acts. In addition, all threats of violence will be taken seriously. Disciplinary action will be imposed for any threat of violence or other expressions which substantially disrupt or materially interfere with school activities or the educational process.

An employee may be disciplined or terminated for:

1. Engaging in intentional misconduct, without justification, which injures another person, causes damage to property or threatens the safety of the work place.
2. Being unjustifiably offensive in the employees conduct towards fellow employees, wards of the State or the public

**SECTION II: INTRODUCTION AND Employee Status**

**ALLOCATION OF BUDGETED POSITIONS**

In accordance with Maryland regulations, the Superintendent has the exclusive management prerogative for the allocation of budgeted positions (referred to as PINs/Position Identification Numbers). There is no implied or explicit guarantee of a transfer to a budgeted position to any contractual employee.

**CARD-KEY ACCESS SYSTEM AND EMPLOYEE IDENTIFICATION CARDS**
All employees will be issued a Maryland School for the Deaf photo identification card. Employees are required to wear their ID card while on campus. The ID card will include card-key access to designated buildings and the time and day access will be allowed. Temporary employees such as coaches or substitute teachers/teacher aides will not be issued identification cards.

Security access and request for changes to current security access (permanent or temporary) will be determined by the Campus Principal, Administrative Program Manager, or Personnel Director as designated.

**Access cards that are lost must be reported immediately (by next business day) to be disabled to protect the School’s staff, students, and physical assets.** Replacement cards that have been lost or damaged will cost the employee $5.00 for replacement costs. Payment must be received in the Business Office before the Card-key Access ID card will be reissued.
CONTRACTUAL EMPLOYMENT AGREEMENT - SAMPLE

MARYLAND SCHOOL FOR THE DEAF
CONTRACTUAL EMPLOYEE AGREEMENT

This Agreement, made as of the ___________ day of ____________, ________ by and between the Maryland School for the Deaf, Frederick Campus, an agency of the State of Maryland, located at 101 Clarke Place, P.O. Box 250, Frederick, Maryland 21701-0250 (hereinafter called the “School”), and

______________________________
(Name)

______________________________
(Address)

(hereinafter called the “Contractual Employee”), the parties hereby agree as follows:

1. Scope and Location of Contract. The School hereby retains the Contractual Employee to provide the services listed below at the following locations:

2. Contract Term. The term of the Agreement shall begin on ____________ and terminate on ____________.

3. Compensation and Payment.

(a) As compensation for satisfactory performance of the work described in Paragraph 1 above, the School will pay the Contractual Employee a salary of ____________ with compensation for the contract not to exceed $ ____________.

(b) The Contractual Employee will maintain a special payments payroll form for each period involved and will submit to the Personnel Office a W-4 form so that taxes may be withheld. The State will withhold social security contributions as required by law.

(I) Positive time reports shall be submitted bi-weekly on forms supplied by the School for payment, which shall be made on a bi-weekly basis and only for the hours or days worked in the bi-weekly time period.

(II) If applicable, shift differential payment will be made in the same manner and at the same rates as for other employees; shift differential is not included in the rate of pay, but costs are included in the contract maximum.

(c) Social Security Number of the Contractual Employee is ____________.

(d) Voluntary deductions are not permitted except deferred compensation, savings bonds and authorized charitable contributions, such as United Way/CICHA.

4. No Benefits. The Contractual Employee is employed as a contractual employee pursuant to the State Personnel and Pensions Article, Title 13 of the Annotated Code of Maryland and is not a Maryland State employee. The Contractual Employee shall not be entitled to the benefits afforded permanent employees such as, but not limited to, retirement, annual leave, personal leave, sick leave, paid holidays, health insurance and increment, nor is the Contractual Employee covered by the Merit System of the State Personnel and Pensions Article, of the Annotated Code of Maryland or any other similar rights or protection afforded to employees of the State.

5. Insurance. The Contractual Employee shall be covered by Workmen’s Compensation Insurance, and if otherwise legally provided for, Unemployment Insurance.

6. Payment For Jury Duty. The Contractual Employee may receive the Contractual Employee’s regular hourly rate of pay for jury service and only when the Contractual Employee’s jury service occurs on the Contractual Employee’s scheduled workday. A Contractual Employee who receives a notice to appear for jury service shall notify the Contractual
Employee’s supervisor without delay. If, after reporting for jury duty, the Contractual Employee is dismissed for the day, the Contractual Employee shall return to work if time permits. This payment will be prorated based on the Contractual Employee’s percentage of employment. An individual employed less than 50 percent of the workweek will not receive payment for jury service.

7. **Travel Expenses.** The Contractual Employee shall be entitled to reimbursement for travel expenses as governed by the standard State of Maryland travel regulations.

8. **Materials, Supplies and Equipment.** Materials, supplies and equipment for work, which are required by the School, will be furnished by the School, unless otherwise specified.

9. **Records, Documents and Work Papers.** All records, documents, reports and other work papers and work products developed in the performance of the contract shall be the property of and available to the State for its use without payment of royalty or additional cost and shall not be the subject of an application for a copyright or patent by, or on behalf of, the Contractual Employee.

10. **Availability of Funds.** This contract is subject to the availability of funds as appropriated by the General Assembly of the State of Maryland.

11. **No Assignment.** Neither this Agreement nor the services to be rendered hereunder may be assigned or transferred by the Contractual Employee.

12. **Non-Discrimination.** The non-discrimination provisions of applicable Federal and State laws apply to this contract.

13. **Maryland Law Prevails.** The provisions of this Agreement shall be governed by the laws of Maryland.

14. **Termination for Convenience.** The School may terminate this contract, in whole, or in part, without showing cause, upon reasonable notice, unless circumstances dictate that no notice be given, whenever the School shall determine that such termination is in the best interest of the State of Maryland or the School.

15. **Termination for Default.** If the Contractual Employee fails to fulfill his/her obligations under this Agreement properly and on time, or otherwise violates any provision of the Agreement; the School may terminate the contract by written notice to the Contractual Employee. The notice shall specify the acts or omissions relied on as cause for termination. All finished or unfinished supplies and services provided by the Contractual Employee, shall at the School’s option, become the School’s property. The School shall pay the Contractual Employee fair and equitable compensation for satisfactory performance prior to the receipt of notice of termination, less the amount of damages caused by the Contractual Employee, and the Contractual Employee will remain liable after termination and the School can affirmatively collect damages.

16. **Dispute Clause.** Any disputes, problems or inquiries regarding the terms of this contract must be made in writing and first referred to ________________________.

17. **Hold Harmless.** The Contractual Employee shall reimburse, indemnify and hold harmless the School for all loss to the School resulting from the negligence of the Contractual Employee in the performance of this Agreement and for all loss to the School resulting from the nonperformance thereof, except those losses otherwise specifically excluded by the School.

18. **Entire Contract.** This Agreement represents, in its entirety, the mutual understanding of the parties. No subsequent agreements or modifications hereof, whether expressed or implied, shall bind the parties unless a new contract, signed by the parties is executed.

**CONTRACTUAL EMPLOYEE**

BY: _________________________

(Name) (Signature)

(Date)

**MARYLAND SCHOOL FOR THE DEAF**

BY: _________________________

Superintendent

(Title)

This contract form was approved for form and legal sufficiency by the Assistant Attorney General for Maryland State Department of Education May 2003.
EMPLOYEE RESPONSIBILITIES

During official working hours, employees are responsible for devoting their time and attention to the duties of their positions. Recurring or unwarranted tardiness, unauthorized absences, leaving early and extended lunches are not permitted and can lead to termination. Since the instructional faculty is paid to work throughout the day including the lunch period, lunch duty is therefore included in their regularly scheduled daily work hours as determined by their Department Head. Exceptions to that can be made upon request and approval by their Department Head.

Attending to personal affairs during business hours should be kept to a minimum. This includes the use of School phones, cell phones, pagers, personal communication devices and the Internet. Failure to abide by Departmental policy regarding their use could result in disciplinary action, up to and including termination of employment.

Each MSD employee is responsible for providing the appropriate Principal or Department Head at the beginning of each School year:

1. The name, address and telephone number of an individual who can be contacted in event of a medical emergency, and
2. The name telephone number of his/her personal physician.

Information should be updated as necessary.

Employees will be issued keys by their supervisors. The keys will be signed out and the employee is responsible for their safekeeping. Keys may not be loaned to any other employees nor may an employee make duplicates of keys issued to them by the school. Keys must be turned in at the end of every school year to the department head for ten month employees. There will be a charge for each key which is lost. Being in possession of a key other than the one which was appropriately issued to you or in possession of an unauthorized duplicate may result in suspension from work without pay.

State employees play a significant role in influencing the public’s attitude toward state government. State employees are expected to maintain a neat, clean, and business-like appearance during working hours. Employees’ behavior should be appropriate to the efficient and dignified conduct of state business (meeting the educational needs of our students and families). In their conduct with the public, business community and each other, state employees are expected to be courteous, considerate, professional and prompt.

STANDARDS OF CONDUCT POLICY

1. All MSD staff, including Volunteers and Interns, whether full-time or part-time, will take all appropriate steps to ensure the safety of children at MSD. Staff will not allow children to be abused physically, emotionally, or sexually and will immediately report as required by MSD’s reporting policy.

2. Staff will refer students with questions or concerns about sex, drugs, alcohol, etc. to the school counselor/nurse and will document that referral.

3. Staff will not attempt to contact students electronically or in written form without either notifying their supervisor or by sending a copy of the communication to their supervisor.

4. If staff members are contacted electronically by students, they must keep a copy and forward it to their supervisor. If they receive an electronic communication but are not sure who sent it, they should forward it to their supervisor for review.

5. Staff members are to follow these policies for all current and former MSD students until the student receives their high school diploma or turns 21 years age.
**EMPLOYEE STATUS**

Personnel reform legislation, introduced as House Bill 774 and signed by the Governor as Chapter 347, abolished the Classified and Unclassified categories of employees and created four new services: Executive, Management, Professional, and Skilled Service.

**Executive Service**

This service is limited to agency heads, deputy secretaries, and assistant secretaries. Employees in this service are not required to take competitive employment tests and are not selected from an eligible list. Employees serve at the pleasure of the Board of Trustees. Employees may be disciplined or fired for any legal reason.

**Management Service**

Employees in this service are not required to take competitive employment tests and are not selected from an eligible list. Employees may be disciplined or fired for any legal reason. An appeal of a disciplinary action is decided by the Superintendent and the employee has no further appeal.

**Professional Service**

This service includes employees who hold positions which require an advanced degree or professional license in order to perform assigned work. Employees are hired through competitive examination and may be disciplined or fired only "for cause." An appeal of a disciplinary action goes to the Superintendent and then to the Department of Budget and Management. If necessary, the Department of Budget and Management will send an employee's appeal to the Office of Administrative Hearings for a final administrative decision.

**Skilled Service**

This service includes positions governed by the State Personnel Management System. Most employees are hired through competitive examination and may be disciplined or fired only “for cause”. An appeal of a disciplinary action goes to the Superintendent and then to the Department of Budget and Management. If necessary, the Department of Budget and Management will send an employee's appeal to the Office of Administrative Hearings for a final administrative decision.

**PART-TIME EMPLOYMENT**

Employees working less than a standard 40 hour workweek are considered part-time. Employees, however, cannot be required to work part-time, nor is it an entitlement. Employees holding permanent status (employees who have successfully completed probation) are eligible for transfer between full-time and part-time positions. An employee who works a minimum of 50% of the full work week receives all the rights and privileges of full time employees, except that leave is prorated by the number of hours worked. An employee who works less than 50% of the full work week is not eligible to earn leave. These employees may purchase health insurance at the full cost of the benefits without State subsidy.

Instructional staff may request changes to their full-time/part-time status through the Principal's office during contract renewal time. Requests will be honored based upon instructional needs and periodic review will be made throughout the school year to determine continued part-time status.
SECONDARY EMPLOYMENT

MSD employees who may be employed in two separate capacities at MSD or employed at MSD and another State agency, need prior approval from the Superintendent. The maximum amount of hours worked must also be approved by the Superintendent.

SHORT TERM EMPLOYMENT

Contractual
Employees who are hired under short-term contracts with MSD are bound by the terms of their respective contractual employee agreement.

WORK SCHEDULES
(10 month, 10.5 month, 11 month & 12 month)

MSD employees are assigned work schedules based on the school’s needs. Positions can be 10 months, 10.5 months, 11 months or 12 months.
Recruitment & Conditions of Employment

EMPLOYMENT ELIGIBILITY
(Immigration Reform and Control Act of 1986)

All U.S. employers must complete and retain a Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens. On the form, the employer must examine the employment eligibility and identity document(s) an employee presents to determine whether the document(s) reasonably appear to be genuine and relate to the individual and record the document information on the Form I-9. The list of acceptable documents can be found on the last page of the form.

FACULTY TRANSFERS

Faculty employees who desire to transfer to the Campus other than the one to which they are assigned, can make formal application during posted recruitment cycles. A written request for transfer shall be made to their current Campus Principal. Final approval of the transfer must be given by the Superintendent.

RECRUITMENT

Find your future with Jobs Apps, the new online State application system. Applicants for State employment will enjoy many advantages over filing paper applications, including:

- Apply any time, day or night
- Create an application once; once created, you simply update it as necessary
- Use one application to apply for multiple positions
- Save money on postage and the time that it takes to mail the application
- Update your profile whenever necessary, on-line, at any time
- Enjoy the ability to see your application status whenever you are logged in
- Sign up to be alerted when jobs in your chosen field are open

The Department of Budget and Management’s new Online State Application system has a menu selections to the left will guide you to information you need for seeking employment with the State of Maryland. If the information for which you are searching is not in this space, please contact us at application.help@maryland.gov.

Frequently Asked Questions

How do I apply for a job:
The State of Maryland utilizes an on-line application. You can access current vacancies and complete the on-line application. Simply click on “Apply.”

Do I need an email account to apply for a job on-line?
Yes, you will need to have an active email account to apply for a job on-line, but if you do not have one, it is easy to sign up for free email services to obtain one. There are many websites such as mail.yahoo.com, mail.AOL.com, mail.hotmail.com, and mail.google.com to name a few that will permit you to set up a free email account.
I don’t have a computer, so how do I apply for a job on-line?
If you do not have Internet access, you may visit your local library; most have computers available for public use. Additionally, you may consider visiting a Maryland One-Stop Career Center. Find a convenient location by visiting http://www.dllr.state.md.us/county/. These centers permit visitors to use computers to aid in job searches. You may also visit the Gerard Moylan Employment Center to use a State computer. The Center is located in Room 510A at 301 West Preston Street Building. The hours are from 8:30 a.m. to 4:30 p.m., Monday through Friday (excluding Holidays).

If I need help with the application process, who do I call?
If the position for which you are applying includes contact information in the announcement, it may be best to contact that individual for assistance. Another source of assistance is to contact the Recruitment and Examination Division (RED) of the Department of Budget and Management. RED may be contacted by telephone at 410-767-4850.

How will I know that my application has been received?
You will be notified via email that your application was received. One of the more exciting aspects of the on-line application process is that you will be able to track your application through the process.

How do I provide documentation to support my application if I am applying on-line?
You will have the ability to upload attachments to your application by following the instructions that are embedded in the on-line application.

Can I still file a paper application?
While on-line employment applications are encouraged, paper applications may also be submitted. Paper applications should be mailed to the human resources office of the hiring agency and must be received on or before the closing date. Maryland State Application
Salaries & Compensation

**ACTIVITY SPONSOR COMPENSATION**

Instructional staff accepting assignments as coaches or advisors of specified activities which occur beyond the school day will be compensated according to the Activity Sponsor Compensation Schedule. Non-MSD employees hired to perform any of the activities must undergo the same interview/hire process and requirements as all new hires. The following principles of pay will govern eligibility, selection, and compensation of personnel for such assignments:

a. Upon approval of the Dean of Student Affairs/Principal, instructional staff may receive activity sponsor compensation for up to four activities during the school year.

b. An assignment for activity sponsor pay shall be made for the period of such activity and shall automatically terminate at the conclusion of the activity as verified by the Dean of Student Affairs/Principal.

c. The specific activity and the number of instructional staff assigned to each activity shall be determined by the Dean of Student Affairs/Principal with the approval of the Superintendent. Activity sponsor compensation may be split among activity sponsors.

d. Payment for the activity shall be rendered to the instructional staff in one lump sum upon the completion of the activity as verified by the Dean of Student Affairs/Principal. The instructional staff shall be notified of the amount paid for each activity with the paycheck in which such payment is made.

e. Credit for experience is based on the number of **years** as a head or assistant coach or sponsor at the middle school or higher level.

   A – 1,2,3 years of experience
   B – 4,5,6 years of experience
   C – 7,8,9 years of experience
   D – 10+ years of experience
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<tr>
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<tr>
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<td>2483</td>
<td>2822</td>
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<tr>
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<td>3214</td>
<td>3738</td>
<td>4513</td>
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<td>Battle of the Books</td>
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<td>Drama</td>
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<td>Flying Orioles Advisor</td>
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<td>Freshman Class Advisor (2)</td>
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<td>High School SBG Advisor</td>
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<td>International Orioles Advisor</td>
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<tr>
<td>Junior BDA Advisor</td>
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<td>Junior NAD Advisor</td>
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<td>Math Bowl</td>
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<td>Middle School SBG Advisor</td>
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<td>National Honor Society</td>
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<td>New York City Trip Advisor</td>
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<td>Senior Class Advisor (2)</td>
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<td>Space Camp Advisor (2)</td>
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<td>Student Leader</td>
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</tr>
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<td>Yearbook Advisor</td>
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</table>
ADJUSTED WORK SCHEDULES

MSD Employees have a pre-printed schedule on their timesheet. With prior approval from their supervisor and/or department head, ten and eleven month faculty employees may request an adjusted work schedule to attend their child’s IEP or IFSP meeting here at the Maryland School for the Deaf or a parent/teacher conference at another private/public school system. The employee may make up the time spent away from their job within the pay period impacted by the absence. Making up the absence is limited to two (2) times during the school year; sufficient notice must be given to the immediate supervisor/department head so that the employee’s work schedule can be adjusted to meet the needs of the department. The absence needs to be made up within the pay period of the IEP/IFSP. Signed documentation from the principal or team leader certifying that the employee did attend must be attached to the timesheet.

Twelve month faculty administrators and MSD Employees in the skilled/professional service who earn annual, compensatory, and personal leave may use their leave to attend their child’s IEP or IFSP meeting or parent-teacher conference.

Appropriate leave must be requested and used for all other events related to your child’s school (such as discipline, programs, illness, etc.).

Part-time Faculty: With prior approval from the supervisor and/or department head a part-time ten or eleven month faculty employee may work an Adjusted Work Schedule when a holiday impacts their regularly-scheduled hours. Part-time employees receive the pro-rated amount of holiday time equal to their percentage of employment.

Full-time Ten and Eleven month Faculty: With prior approval from the supervisor and/or department head a full-time ten or eleven month faculty employee may work an Adjusted Work Schedule to accommodate the needs of their department, for example, Back to School Night. Indicate “AWS” in the Notes section of the timesheet.

Student Life Counselors and Nursing Staff: With prior approval from the Dean of Students and/or Principal may work an Adjusted Work Schedule for staff days, training and work-weeks that are impacted by state and school holidays. Indicate “AWS” in the Notes section of the timesheet.

Dietary Staff: With prior approval from the Deputy Chief Operating Officer, Chief Operating Officer or Campus Principal may work an Adjusted Work Schedule for staff days, training and work-weeks that are impacted by state and school holidays. Indicate “AWS” in the Notes section of the timesheet.

BRIDGE PROJECT EVALUATORS

Bridge Project Evaluators work at the Frederick Campus only, and will be paid $20.00 per project.

PAYROLL - DISTRIBUTION OF PAYCHECKS, POSC, & DIRECT DEPOSIT

Paychecks are distributed by the State’s Central Payroll Bureau (CPB) in Annapolis, not by MSD’s Personnel Office. Employees who wish to print or view paystubs should self-serve on the Payroll Online Service Center (POSC) website at: https://interactive.marylandtaxes.com/Extranet/cpb/POSC/User/Start.aspx. All employees are encouraged to register for this free service. Note that password resets can only be handled by following the online prompts.

Direct Deposit of payroll is mandatory for all employees. Exemptions are made only for those who do not have bank accounts, and an exemption certificate must be processed through the Personnel Office. For those who are not enrolled in direct deposit, hard copy paychecks are mailed from Annapolis on pay day.

Employees who are newly enrolled in direct deposit – or changing their bank accounts used for direct deposit – may temporarily receive hard copy paychecks via postal service to their address on record.
EXPENSE REIMBURSEMENTS

Staff who are permanently assigned to a particular campus are eligible for mileage reimbursement if required to travel to another campus for a work related reasons. Staff should attempt to utilize a school vehicle if available. The State travel reimbursement policy is in effect for these situations; Employees who are included in OLT, CCAT and FCAT and other designated Administrative staff who supervise staff on both campuses are assigned to both campuses therefore they do not qualify for the travel reimbursement.

There are two exceptions to this Policy:

(1) Opening Day events in August and

(2) Staff Day in May. On those days, all MSD Staff are assigned to the campus where the event is scheduled. The location of the events will alternate between each campus. Fleet vehicles including buses are available to transport staff on a first come first serve basis. In addition, staff members are encouraged to carpool with other employees as feasible.

Employees that receive payroll funds by direct deposit will also receive their expense reimbursements by direct deposit.

Employees may obtain reimbursement expenses incurred in connection with attendance at a grievance conference or hearing, the same does not apply for attendance at a Dispute Resolution Procedure (DRP) conference. Further, use of a State vehicle by employees is restricted to official State business, which does not include attendance at Dispute Resolution Procedure (DRP) conference or hearing. Therefore, employees are also not entitled to use a State vehicle to attend a DRP conference.

INCREMENTS (STEPS)

Most Skilled, Professional and Management Service employees are paid in a pay grade which has a base rate of pay and twenty additional “increment steps.” The pay of an employee whose performance is satisfactory or better is increased one step each year until the employee reaches the maximum step when/if approved by the Maryland General Assembly. Increment step dates are set by the employee’s initial employment date. An employee beginning State employment between January 1 and June 30, will normally receive an increment step on January 1. An employee beginning work with the State between July 1 and December 31 will have an increment step date of July 1. Step increases can be denied for a number of reasons; for example if the employee is still on probation or has been on disciplinary suspension within the past year. Step increases may also be denied if the employee receives an overall unsatisfactory performance evaluation, and/or the Superintendent believes there are significant circumstances which adversely affect the employee’s value to the State. Employees may appeal the denial of a step increase through the grievance process. Instructional staff is paid on thirty increment steps.

INSTRUCTIONAL STAFF SALARIES

The salaries of all instructional staff are governed by Annotated Code of Maryland, Education Article §8-313. All 10-month instructional staff has the option of being paid in either 21 or 26 installments. All 10.5 month, 11-month instructional staff and 12-month Administrators will be paid in 26 installments in accordance with Central Payroll Bureau’s bi-weekly pay schedule.

All new or reinstated instructional staff will be placed on the proper level and step of the MSD Faculty Pay Plan according to their education (official transcript status) and verified experience. Credit for practicum student teaching will be applied as college credit and not applied as experience when determining salary placement.

Years of experience credit will be given for verified previous teaching experience (Pre-school, Elementary, Middle School, High School and College or University) in duly accredited schools upon initial employment.
Additional credit, not to exceed two (2) years for military experience, or alternative civilian service required by the Selective Service System, appropriate Peace Corps, VISTA, National Teaching Corps work, or time spent on a Fulbright Scholarship will be given upon initial employment.

Years of experience credit will be given to those specialized/licensed faculty in conjunction with their professional classification, i.e. School Psychologist, Guidance Counselor, Speech Therapist, etc.

All part-time instructional staff (.5 or more) in a benefited position shall receive health insurance benefits in accordance with Personnel Regulations. Salary, sick leave, and personal leave shall be prorated for all part-time instructional staff.

Step increases are prorated in accordance with percentage of employment for part-time employees. Part-time instructional staff members who are employed 60% or more will receive a full step for the school year.

When a 10-month faculty member becomes a faculty administrator, placement on the Faculty Pay Plan shall be determined by pro-rating a 10-month faculty salary to a 12-month faculty salary. Then the new faculty administrator salary is determined by locating the salary immediately above the salary of a 12-month faculty on the pay schedule plus one step. If a faculty member’s salary when pro-rated to a 12-month administrator salary does not place them on Step 1 of the administrative pay column, their step will remain at step one for the current school year. (Pro-rate calculation: 10-month annual salary x 1.2).

Any individual hired from outside MSD for any administrative position will be placed on the salary schedule by applying the following steps:

1. Determine number of years of classroom teaching experience.
2. Determine salary that the new employee would be entitled to as a 12-month teacher based upon transcripts and experience.
3. Take the 12-month teacher salary and locate the salary immediately above that salary on the administrative pay schedule and add one step. For those individuals whose salary when converted to 12 months will not place them on Step 1 of the administrative pay column, the step will remain at one for the current school year unless there is previous administrative experience.
4. Determine the number of years of administrative experience of the new employee.
5. Take the final figure determined in (Step 3) above and add to it the appropriate number of steps under the Administrative salary schedule to reflect the years of administrative experience determined in (Step 4) above.

Teacher Aides with the exception of short term contractual on-call substitutes will be placed at the proper level and step of the MSD Faculty Pay Plan according to their education and experience.

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<thead>
<tr>
<th></th>
<th>Minimum Education</th>
<th>Minimum Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aide I</td>
<td>High School</td>
<td>None</td>
</tr>
<tr>
<td>Aide II</td>
<td>High School</td>
<td>Two years related experience</td>
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<tr>
<td>or</td>
<td>60 college level credits</td>
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<td>Aide III</td>
<td>High School</td>
<td>Three years related experience</td>
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<tr>
<td>or</td>
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MISCELLANEOUS DEDUCTIONS

Employees may have deductions taken from their check to make donations to the Maryland Charity Campaign.

ON CALL

Some employees, due to the responsibilities of their positions, may be required to serve periods “on-call,” i.e., they must be available to report to work on very short notice. Employees are not compensated for such periods unless their freedom of movement and activity is unreasonably restricted.

OVERTIME & COMPENSATORY TIME

An eligible MSD employee who works (including paid leave) in excess of the normal workweek will receive additional compensation. To work overtime, proper paperwork and approval by the employee’s supervisor is required.

The Maryland State Executive Director, Office of Personnel Services and Benefits, in accordance with the Fair Labor Standards Act, determine which classifications are eligible for cash overtime pay. Payments are paid at one and one half hours (1 1/2) the employee’s regular rate of pay if work is in excess of 40 hours per week. The agency may offer the employee compensatory (comp) time at the rate of one and one half hours (1 1/2) for each overtime hour worked instead of cash overtime pay. Employees who are given compensatory time in lieu of cash overtime pay must be compensated for all accrued compensatory time upon separation from State service. After employees have accrued the maximum amount of compensatory time allowed, they must be paid cash for their overtime hours. Maximum hours for accrued compensation hours is job specific.

*Employees cannot earn Compensatory Time & Overtime in the same pay period.

Non-faculty professional, executive and administrative staff, which are not designated by the Maryland State Executive Director, Office of Personnel Services and Benefits as eligible for cash overtime payments, are not required to be compensated for working beyond the normal workweek. These employees may receive compensatory time, on an hour for hour basis (CTR), at the discretion of their supervisors. An employee may earn compensatory time only after the employee has worked at least one-half hour beyond the employee’s standard workday. Upon separation from State employment, executive, professional and administrative employees receive compensation for up to two days of unused accrued compensatory time. *Also see the Policy Section*

Cash Overtime-Eligible Leave (COE) does not expire. Compensatory Time Regular Leave (CTR) expires one (1) year from the date it is earned. This information is located at the Top of all PIN timesheets.

PAYROLL ADVANCES

In certain circumstances, payroll advances may be given to employees with prior approval of the personnel and fiscal department heads. Employees, who accept advances, agree to repay the advance when the first paycheck is received or when they are actually compensated for the monies owed them. The School has the option of accepting as payment the endorsed paycheck in which case the employee will be issued an MSD Working Fund check for the difference. Payment by personal check or money order should be made payable to the MSD Working Fund. Failure to repay the money in a timely manner will result in the account being sent to collections.
PAY RATES FOR STATE EMPLOYEES ARE SET BY THE LEGISLATURE THROUGH THE STATE BUDGET PROCESS, AND ARE NOT SUBJECT TO THE GRIEVANCE PROCEDURES. SALARY, MINIMUM EDUCATION, AND EXPERIENCE REQUIREMENTS FOR STATE POSITIONS ARE DETERMINED BY THE EXECUTIVE DIRECTOR, OFFICE OF PERSONNEL SERVICES AND BENEFITS AND POSTED IN EACH POSITION VACANCY NOTICE. FOR FACULTY ADMINISTRATORS AND STAFF, MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS ARE DETERMINED BY MSD AND POSTED IN EACH POSITION VACANCY NOTICE.

SALARY AND PLACEMENT FOR STUDENT LIFE PERSONNEL IS COMMENSURATE ACCORDING TO EDUCATION AND EXPERIENCE. MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS FOR STUDENT LIFE STAFF ARE POSTED IN EACH POSITION VACANCY NOTICE. STUDENT LIFE PERSONNEL ARE TEN MONTH EMPLOYEES (FOLLOWING THE SCHOOL CALENDAR). SHIFT DIFFERENTIAL IS PAID IN ACCORDANCE WITH COMAR TITLE 17.04.02.04 AND .05 TO QUALIFYING EMPLOYEES. ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE PERSONNEL OFFICE.

SHIFT DIFFERENTIAL

MSD SHALL COMPENSATE MAINTENANCE STAFF, HOUSEKEEPING STAFF, REGISTERED NURSES, HEALTH AIDES, STUDENT LIFE COUNSELORS AND STUDENT LIFE COUNSELOR SUPERVISORS IN ACCORDANCE WITH COMAR 17.04.02.04 AND .05.

STATE SALARY SCHEDULES

SALARIES FOR THE NON-FACULTY STAFF AT MSD ARE DETERMINED BY THEIR PLACEMENT ON THE STATE SALARY PLAN. THE PLAN LISTS THE JOB TITLE, CLASS CODE, SALARY, AND OTHER ATTRIBUTES FOR JOB CLASSIFICATIONS WITHIN THE STATE PERSONNEL MANAGEMENT SYSTEM, AS OF AUGUST 23, 2011. TO VIEW THE CURRENT FISCAL YEAR SALARY SCHEDULES, PLEASE REFER TO CENTRAL PAYROLL BUREAUS WEBSITE:

http://compnet.comp.state.md.us/Central_Payroll_Bureau/General_Information/Salary_Scales

TEACHER CERTIFICATIONS

INITIAL CERTIFICATION:

IF A TEACHER IS HIRED BEFORE THE NEW ACADEMIC SCHOOL YEAR BEGINS, S/HE IS REQUIRED TO MEET WITH THE TEACHER CERTIFICATION COORDINATOR, AND SEND ALL REQUIRED PAPERWORK FOR A CONDITIONAL CERTIFICATE TO MSDE BEFORE ARRIVING AT MSDE FOR THE NEW TEACHER ORIENTATION. IF A TEACHER IS HIRED OR ARRIVES AT MSD AFTER THE NEW TEACHER ORIENTATION, S/HE WILL MEET WITH THE TEACHER CERTIFICATION COORDINATOR WITHIN ONE WEEK, AND SEND ALL REQUIRED PAPERWORK TO MSDE BY THE END OF THE TEACHER'S FIRST MONTH. ONCE THE PROBATIONARY TEACHER RECEIVES CONDITIONAL CERTIFICATION, THE TEACHER HAS TWO YEARS TO COMPLETE ALL REMAINING REQUIREMENTS TO RECEIVE A STANDARD PROFESSIONAL CERTIFICATE (SPC 1) FROM MSDE. BASED ON MSDE'S EVALUATION, GUIDELINES ARE PROVIDED FOR NECESSARY COURSE WORK AND/OR PRAXIS TEST TO BE COMPLETED WHILE ON THE CONDITIONAL CERTIFICATE. THE TEACHER WILL PROVIDE DOCUMENTATION TO THE ASSISTANT PRINCIPAL AND THE TEACHER CERTIFICATION COORDINATOR TO CONFIRM THE COURSEWORK OR THE PRAXIS TESTS ARE COMPLETED. PROGRESS WILL BE NOTED IN THE MID-YEAR AND END OF YEAR EVALUATIONS.

RE-CERTIFICATION:

TEACHERS AND ADMINISTRATORS ARE REQUIRED TO KEEP THEIR CERTIFICATION CURRENT. FAILURE TO RENEW CERTIFICATION WILL LEAD TO A DEMOTION OR NON-RENEWAL OF CONTRACTS. UPON RECERTIFICATION, THEY MAY RE-APPLY FOR ADMINISTRATIVE OR TEACHING POSITIONS THE FOLLOWING SCHOOL YEAR.

TRANSCRIPT REVIEWS

SALARY ADJUSTMENTS FOR INSTRUCTIONAL STAFF EARNED AS A RESULT OF INCREASED PROFESSIONAL TRAINING SHALL BE MADE EFFECTIVE THE BEGINNING OF THE SCHOOL YEAR AND FEBRUARY. CREDITS FOR SALARY ADJUSTMENTS MUST BE EARNED PRIOR TO THE ABOVE-MENTIONED DATES AND IF EVIDENCE OF SUCCESSFUL COMPLETION IS RECEIVED WITHIN THIRTY (30) DAYS OF THE ABOVE DATE, SALARY ADJUSTMENTS WILL BE RETROACTIVE TO THAT ADJUSTMENT DATE. OFFICIAL TRANSCRIPTS MUST BE SUBMITTED TO THE PERSONNEL OFFICE. PLEASE NOTE THAT PERSONNEL WILL ACCEPT OFFICIAL TRANSCRIPTS THAT ARE EMAILED FROM THE ATTENDING SCHOOL.
Benefits

**BLOOD DONOR PROGRAM**

Blood donor program - The blood donor program, run in conjunction with the American Red Cross, provides blood to all who need it. Employees are encouraged to donate blood during State sponsored drives.

**FAMILY AND MEDICAL LEAVE ACT**

The Federal Family and Medical Leave Act (FMLA or the Act)\(^1\) took effect on August 5, 1993.\(^2\) The most recent changes to the FMLA became effective January 16, 2009 and October 28, 2009. The Act is intended to balance the demands of the workplace with the needs of families by allowing leave for certain medical reasons, promoting the stability and economic security of families, and promoting national interests in preserving family integrity. It was intended that the Act accomplish these purposes in a manner that accommodates the legitimate interests of employers and employees. Congress expected the FMLA to benefit employers as well as their employees. Congress found that a direct correlation exists between stability in the family and productivity in the workplace. FMLA will encourage the development of high-performance organizations; when workers can count on durable links to their workplaces, they are able to make their own full commitments to their jobs. FMLA allows for a total of twelve weeks paid and unpaid leave to be used under certain conditions. Eligible employees are entitled to 12 workweeks of leave in any 12 month period for any of the following reasons:

1. the birth or adoption of a child;
2. the serious health condition of a child under age 18, or an adult child who cannot care for himself or herself;
3. the serious health condition of a spouse or parent; or
4. the employee's own serious health condition that prevents the employee from performing his or her job functions.

Under Section 102(e) of the FMLA the employee shall provide not less than 30 days notice before the leave is to begin. In those cases where 30 days notice is not practical, an employee is required to give notice no later than one or two working days after learning of the need for leave. The Personnel Office will provide employees with the "Request for Family/Medical Leave" form (MS 410).

Note: Leave qualifying under the FMLA of 1993 and The Service Member Family Leave may not be considered cause for counseling.

**II. Service Member Family Leave** – effective January 28, 2008

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to an absence of up to a total of 26 workweeks of unpaid leave in a single 12 month period for the following reason:

(a) To care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness.

(b) An employee may be entitled to a combined total of 26 work weeks in a single 12 month period when using leave under I and II of this section.

**FMLA / CHRONIC SICK**

Employees with Chronic Health Issues are required to submit FMLA paperwork to the personnel office. FMLA/Chronic Sick may be approved for intermittent or long term absences depending on the doctor's notes.
HEALTH BENEFITS

Employees are provided the opportunity to purchase a variety of health benefits through the State. Health benefit options cover medical, dental and vision care, prescriptions, mental health/substance abuse, and personal accident, death & dismemberment. Life and Long Term Care insurance plans are also available. An employee may also set aside money before taxes are deducted for a Dependent Care Spending Account or a Health Care Spending Account.

New employees may sign up for coverage under any of these plans within 60 days after starting their employment. If an employee waits beyond 60 days, or wishes to make changes in plans chosen, or in coverage levels, s/he must wait until the open enrollment period, which usually occurs each fall. Changes in coverage levels due to changes in family status such as the birth of a child, marriage, divorce, etc., can be made within 60 days of the qualifying event.

The employee's share of the insurance premium is deducted from his/her salary. Employees are eligible for coverage from their first day of work. In most cases, however, coverage does not begin until after the employee's share of the premium begins to be deducted from his/her paycheck. If an employee wishes to have coverage from the first day of employment, s/he will have to fill out a retroactive adjustment form, which can be obtained from the Director of Personnel. With retroactive adjustments, the employee will also have to pay any premiums which were not deducted from the employee's check.

Upon separation from State service, eligible employees and/or their covered dependents have the option of continuing their health insurance coverage. Separated employees must pay the entire benefit premium if they chose to continue their benefits.

Please visit http://dbm.maryland.gov/benefits/Pages/HBHome.aspx for more information.

THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

In March 2010, President Obama signed the Patient Protection and Affordable Care Act (PPACA) into federal law. PPACA impacts, among other things, employer-sponsored group health plan design, cost, and eligibility. July 1, 2011 was when the first of those changes went into effect for the State Employee and Retiree Health and Welfare Benefits Program. Below is a summary of the changes effective July 1, 2011 through January 1, 2014.
The Requirement to Buy Coverage Under the Affordable Care Act

Beginning in 2014

Do any of the following apply?
- You are a member of an Indian tribe.
- Your income is below the threshold for filing a tax return ($10,000 for an individual, $20,000 for a family in 2013).
- You have to pay more than 6% of your income for health insurance, after taking into account any employer contributions or tax credits.

Were you insured for the whole year through a combination of any of the following sources?
- Medicare.
- Medicaid or the Children’s Health Insurance Program (CHIP).
- TRICARE (for service members, veterans, and their families).
- The veteran’s health program.
- A plan offered by an employer.
- Insurance bought on your own that is at least the Bronze level.
- A grandfathered health plan in existence before the health reform law was enacted.

Start here.

No

There is a penalty for being without health insurance.

Yes

The requirement to have health insurance is satisfied and no penalty is assessed.

2014

Penalty is $95 per adult and $47.50 per child (up to $285 for a family) or 1.0% of family income, whichever is greater.

2015

Penalty is $325 per adult and $162.50 per child (up to $755 for a family) or 2.0% of family income, whichever is greater.

2016 and Beyond

Penalty is $695 per adult and $347.50 per child (up to $2,055 for a family) or 2.5% of family income, whichever is greater.

Key Facts:
- Premiums for health insurance bought through Exchanges would vary by age. The Congressional Budget Office estimates that the national average annual premium in an Exchange in 2016 would be $4,500–5,000 for an individual and $12,000–12,500 for a family for Bronze coverage (the lowest of the four tiers of coverage that will be available).
- In 2012 employees paid $951 on average towards the cost of individual coverage in an employer plan and $4,316 for a family of four.
- A Kaiser Family Foundation subsidy calculator illustrating premiums and tax credits for people in different circumstances is available at https://healthreform.kff.org/subsidycalculator.aspx.
**HEALTH INSURANCE MARKETPLACE COVERAGE OPTIONS**

**PART A: General Information**

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace and employment-based health coverage offered by your employer. For employees of the State of Maryland coverage is provided under the State of Maryland’s State Employee and Retiree Health and Welfare Benefits Program (the Program).

**What is the Health Insurance Marketplace?**

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

**Can I save money on my health insurance premiums in the Marketplace?**

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage, or offers coverage that doesn’t meet certain standards. The savings on your premium that you’re eligible for depends on your household income.

**Does employer health coverage affect eligibility for premium savings through the Marketplace?**

Yes. If you have an offer of health coverage from your employer that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer’s health plan. However, you may be eligible for a tax credit that lowers your monthly premium, or a reduction in certain cost-sharing if your employer does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from your employer that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provided does not meet the “minimum value” standard set by the Affordable Care Act, you may be eligible for a tax credit.¹

Even if your employer intends your coverage to be affordable, you may still be eligible for a premium discount through the Marketplace. The Marketplace will use your household income, along with other factors, to determine whether you may be eligible for a premium discount. If, for example, your wages vary from week to week (perhaps you are an hourly employee or you work on a commission basis), if you are newly employed mid-year, or if you have other income losses, you may still qualify for a premium discount.

If you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you may lose the employer’s contribution (if any) to the employer-offered coverage. Also, this employer contribution – as well as your employee contribution to employer-offered coverage – is excluded from income for Federal and State income tax purposes.

¹ An employer-sponsored health plan meets the "minimum value standard" if the plan’s share of the total allowed benefit costs covered by the plan is not less than 60 percent of such costs.
How can I get more information?

For more information about the coverage offered under the State of Maryland’s State Employee and Retiree Health and Welfare Benefits Program, please check the plan documents or contact the Department of Budget and Management’s Employee Benefits Division at (410) 767.4775 or (800) 307.8283, or view our website at www.dbm.maryland.gov/benefits.

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. Please visit www.marylandhbe.com for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area (including Maryland).

PART B: Information about Health Coverage Offered by Your Employer

Employer Name: State of Maryland – Department of Budget and Management
4. Employee Identification Number (EIN): 52-6002033
5. Employer Address: 301 West Preston Street, Room 510
6. Employer Phone Number: (410) 767.4775
10. Who can we contact about employee health coverage at this job? Employee Benefits Division
11. Phone number (if different from above) N/A
12. Email Address: ebd.mail@maryland.gov

Here is some basic information about health coverage offered under the State of Maryland’s State Employee and Retiree Health and Welfare Benefits Program:
• We offer a health plan to:
  • All permanent employees,
  • Contractual employees, and Part-time employees,
  • With respect to dependents, we offer a health plan to:
  • Spouse (opposite and same sex)
  • Children:
    • Biological children,
    • Adopted children,
    • Step-children,
  • Legal Wards,
  • Other child relatives, and
  • Disabled children

Note: Dependent coverage is offered through the end of the month in which an eligible dependent child turns 26 unless they meet the criteria for a disabled child. Additional criteria must be met for grandchildren, legal wards, and other child relatives.

All of the coverage options under the State of Maryland’s State Employee and Retiree Health and Welfare Benefits Program meet the minimum value standard when a medical plan election is combined with prescription drug coverage at the Employee-Only coverage level. In addition, the Program offers several Employee-only coverage options that meet the affordability standard for most full-time permanent employees. Please contact the Employee Benefits Division at (410) 767.4775 or (800) 307.8283, or view our website at www.dbm.maryland.gov/benefits, for details.
SUPPLEMENTAL RETIREMENT

The State offers its employees supplemental retirement plans that give employees the opportunity to invest for retirement. The plans allow participants to contribute through payroll deductions. There is no waiting period to enroll in the plans. For more information, contact a representative at the Maryland Teachers and State Employees Supplemental Retirement Agency at 1-800-545-4730 or visit their website at http://msrp.state.md.us. Employees may enroll on line by visiting http://www.marylandDC.com.

TRAINING

Maryland School for the Deaf offers training in a number of areas and encourages employees to take advantage of these opportunities. Documentation for training should be attached to the timesheet before it is submitted for processing, if it is not submitted with the timesheet, than the signature of the supervisor is verifying and approving the training for that employee.

WORKERS COMPENSATION

Employees may be eligible to receive paid medical treatment and, in some cases, a portion of their weekly wages (see Accident Leave) if the employee is injured on the job. If injured, the employee or supervisor shall provide oral or written notice of the injury to the Personnel Services Staff. Supervisors must finalize documentation by completing a "First Report of Injury Form" within 24 hours after the injury occurs. Eligibility for workers' compensation payment is governed by the Maryland Workers' Compensation Act. Refer to Accident Leave on page 100 regarding compensation.
Leave (Paid & Unpaid)

**ACCIDENT LEAVE**

An employee who is injured in the actual performance of his/her duties may receive up to six months of paid leave. Payment is 2/3 of the employee's regular rate of pay and is not subject to either federal or state income tax. Employees must notify their supervisor and the Director of Personnel immediately after the injury and appropriate medical documentation is required within three working days of the injury. The accident leave ends when a physician certifies, in writing, that the employee is able to return to work. The employee continues seniority and leave accruals based on the employee’s regular pay and does not lose health care benefits. Accident leave does not extend beyond 1 year from the injury date.

**ADMINISTRATIVE LEAVE**

Paid administrative leave may be authorized by the Governor or Agency head under certain conditions:

1) Emergency related conditions.
2) As an incentive award.
3) While investigating a work related conduct or employee.

**DELAYED OPENINGS**

If the start time for the children is delayed due to inclement weather, contractual faculty are expected to arrive at the new start time. Arriving earlier than the start of school requires approval from the supervisor.

**LEAVE OF ABSENCE (Paid & Unpaid)**

**Facts**

LWOP will automatically be requested by the Superintendent when the employee is called to active military duty, is injured in the line of duty and has exhausted all available leave, or is temporarily incapacitated due to physical or mental illness. Under most circumstances, employees returning from LWOP are not guaranteed the same position upon their return. See the Director of Personnel for more detailed information. An employee in the State Personnel Management System may apply for, and the appointing authority may grant, a leave of absence without pay for personal reasons for a period not to exceed 30 calendar days. (Title 17.04.11.24)

**Faculty (Teachers, Teacher Aides, & Administrators)**

Any faculty member may apply for, and the Superintendent may grant, a Leave of Absence without Pay (LWOP) for: Personal Illness; Birth or adoption of a child; Service that is Government Sponsored; and/or Subsidized; Service in a Professional or Employee Organization or Study. The Superintendent or his designee and the Employee must agree upon the precise time period of such leave in advance. Application for a LWOP should be made as soon as possible, but not less than three (3) months prior to the effective date when circumstances are foreseeable. However, if good cause is shown for giving notice of less than three (3) months, the Superintendent may, at his discretion, entertain such requests. In considering the School's position regarding the length of leave, the Superintendent may take into account the needs of the School, the School's ability to replace the Employee for the time period requested and other legitimate concerns. Employee will receive written notification of the Superintendent's decision.
Faculty - Leave of Absence for Study

Study Leaves must be taken for the purpose of pursuing studies in an area related to the faculty member's work at MSD. Only one (1) Study Leave may be granted for each six years employed as a faculty member at MSD. The determination as to whether the proposed subject area for study is so related, falls within the sole discretion of the Superintendent. A faculty member shall not receive increment/service credit for time spent on a LWOP, if such leave exceeds one semester. No leave earnings are accrued during a LWOP.

Skilled, Professional & Management Service Personnel

(Non-faculty administrators, Fiscal Personnel, Secretaries, Personnel Services, Student Life, Maintenance, Housekeeping, Dietary and Nurses) - may apply for, and the Superintendent may grant, a Leave of Absence without Pay (LWOP) for: Personal Illness; Birth or Adoption of a child; Service that is Government Sponsored and/or Subsidized; Service in a Professional or Employee Organization or Study. The Superintendent or his designee and the Employee must agree upon the precise time period of such leave in advance. Application for a LWOP should be made as soon as possible, but not less than three (3) months prior to the effective date when circumstances are foreseeable. However, if good cause is shown for giving notice of less than three (3) months, the Superintendent may, at his discretion, entertain such requests. Skilled, Professional and Management Service Personnel will not receive increment/service credit for time spent on LWOP. No leave earnings are accrued during a LWOP.

(SEE RETURN TO DUTY SECTION UNDER POLICIES)
Evaluations

PERFORMANCE APPRAISAL

Faculty
Timelines for observations and evaluations:

All first and second year teachers on probation receive:

- Four (4) observations annually
- Two (2) evaluations annually
  *This may include teachers (third year and above) identified as in need of additional curriculum guidance and staff development.

All Third year teachers and beyond receive:
- Two (2) observations annually
- Two (2) evaluations annually

Skilled, Professional & Management Services
The appraisal system for the State Personnel Management System evaluates employee performance and increases the level of communication between employees and their supervisors. Employees in the Skilled, Professional and Management Services shall be evaluated during the same timeframe each year in June or December based on the employee's entry-on-duty date.

Each appraisal includes suggestions for ways the employee and the employee's supervisor can enhance with employee's contribution to the School's mission, goals and objectives and identifies training or other methods to enhance the employee's skills. Employees may be rated in one of 3 categories; outstanding, satisfactory, unsatisfactory.

When an employee has been given an overall rating of unsatisfactory on an annual performance appraisal, the employee's supervisor shall inform the employee that he/she has 180 days from issuance of the rating to improve to the level of "meets standards". Midway through the 180 day period, the employee and the employee's supervisor shall meet to evaluate the employee's progress toward satisfactory performance. Failure to function at a satisfactory level at the end of the 180-day period shall result in the employee's termination.

An employee may not be denied a pay increase unless substantial reasons of performance were cited on the employee's final performance appraisal forms.
Performance Evaluation forms can be accessed at the Department of Budget and Management website – www.dbm.maryland.gov under State Employees.

PROFESSIONAL IMPROVEMENT PLAN (PIP)

Professional Improvement Plans (PIP's) will be developed any time during the term of a contract or employment when the supervisor identifies specific problems related to work performance and/or conduct.
**Probationary Period**

**PROBATIONARY PERIOD**

Upon initial appointment, each employee in the Skilled, Professional, and Management services must successfully complete a probationary period. Employees who are reinstated within one year after they leave State Service are not required to serve a new probationary period if they are reinstated into a classification in which they have already served a probationary period. Employees who advance through competitive promotion are also subject to a minimum probationary period of six (6) months.

The minimum probationary period is six months. Employees in salary grade seven and higher may have their probationary periods extended up to an additional six months while employees assigned to a salary grade six or below may have their probationary periods extended up to three additional months. When an employee begins probation, the supervisor must provide the employee with a written position description which describes the essential duties and functions of the position. At the end of the first 90 days of probation, the supervisor must evaluate the employee's performance in writing. If an employee's probationary period is extended, the employee must receive a written evaluation at the end of the initial probationary period and at the midpoint of the extension period.

An employee may be disciplined or terminated while serving a probationary period. The appeal rights of an employee on initial probation differ from the rights of an employee on probation following reinstatement or promotion. An employee serving probation as a result of reinstatement or competitive promotion may not be terminated for performance reasons. If such an employee cannot do the work of the new position, the employee may be returned to the employee's former position, reassigned or demoted. An employee serving probation as a result of reinstatement or competitive promotion may appeal the agency's action in the same manner as other employees in the same Service category. Instructional Faculty employees (administrators, teaching faculty, non-teaching faculty, and teacher aides) serve a probationary period of two school years. (See sample MSD Faculty Contract).
Removal & Separation

DISCIPLINE

Faculty, Skilled Service, Professional Service & Management Service
There are two categories of employee discipline: conduct-related disciplinary actions and performance related disciplinary actions. Conduct-related discipline results from some form of employee misconduct, either an action or inaction of the employee that is a violation of a statute, regulation, policy, directive or order. Performance-related discipline includes but are not limited to: that the employee is incompetent or inefficient in the performance of his/her duty; is an individual with a disability who with a reasonable accommodation cannot perform the essential functions of the position; or is not qualified for the position. After acquiring knowledge of unsatisfactory performance, the Appointing Authority has 30 days to take disciplinary action. The time period may be extended for any time that the employee is unavailable. Before discipline is imposed on an employee in the skilled or professional service for reasons related to the employee’s performance, the Appointing Authority shall investigate the most recent performance appraisals; notify the employee of the deficiency and provide an explanation of why their performance is unsatisfactory; meet with employee to hear the employee’s explanation, unless the employee is unwilling to meet; and after determining the appropriate disciplinary give the employee written notice of the disciplinary action to be taken, the effective date and the employee’s appeal rights. Refer to “Performance Appraisals” regarding disciplinary-related action for failure to meet standards during the rating period. There are several acts of misconduct enumerated in the State Personnel and Pensions Article which automatically result in the employee’s dismissal from his or her job, if Appointing Authority proves the employee committed one of the acts.

Appointing Authority has five (5) work days from the employee's last shift to complete the investigation of the conduct-related and/or performance-related infraction to recommend the imposition of a suspension without pay. Within this five (5) workday period, Appointing Authority must meet with the employee to consider any mitigating evidence and determine the appropriate disciplinary action. The employee must be advised of the disciplinary action being taken and his appeal rights in writing.

For disciplinary actions that do not warrant a suspension without pay, Appointing Authority has thirty (30) calendar days to complete the investigation of the alleged misconduct, meet with the employee, consider any mitigating evidence, determine the appropriate disciplinary action, impose the discipline, and advise the employee in writing of the employee’s appeal rights.

DISCIPLINARY APPEAL PROCESS

Faculty
Faculty Employees may file a written appeal to the Superintendent, stating the issues of the fact and law that would warrant overturning the discipline within 15 calendar days from the date of the notice of discipline. These employees bear the burden of proving that Appointing Authority's disciplinary action was illegal (discriminatory) or unconstitutional. Within 15 calendar days after receiving an appeal the Superintendent shall issue the Faculty Employee a written decision. The decision of the Superintendent is the final administrative decision.

Skilled & Professional Service
Employees in the Skilled or Professional Service may file a written appeal within 15 calendar days of notice of the appointing authority’s disciplinary action. The Superintendent’s decision is final.
Terminations

FAIR EMPLOYMENT PRACTICES MEDIATION

The Employee Relations Division offers confidential mediation assistance to employees in the workplace. Mediation is a form of Alternate Dispute Resolution (ADR) which involves a neutral party (a Personnel Employee Relations Specialist) meeting privately with the disputants to seek a mutually agreeable resolution to a problem. Mediation is a method of resolving workplace conflict at a lower level of the complaint process hierarchy. During times of conflict, a potentially explosive situation can be avoided in its early stages by simply slowing down the emotional roller coaster long enough to explore options and utilize available resources. Interested employees should contact the Employee Relations Division at 410.767.4943 or 1.800.411.5123, fax 410.333.7603

SEPARATION

Faculty

Upon completion of the two-year probationary period, and except as otherwise provided in this contract, the faculty member may be suspended or dismissed only for cause during the term of each annual contract. “Cause” includes but is not limited to: immorality, misconduct, insubordination, willful neglect of duty, incompetency, misappropriation of funds, engaging in outside activities which conflict with faculty responsibilities without the express permission of the Superintendent or his designee, excessive absenteeism, and knowingly failing to report suspected child abuse in violation of Section 5-704 of the Family Law Article of the Maryland Code. The faculty member will receive written notice and an opportunity for a hearing before the Superintendent for a suspension or termination.

Non-Faculty

Termination for Convenience - The School may terminate this contract, in whole, or in part, without showing cause, upon reasonable notice, unless circumstances dictate that no notice be given, whenever the School shall determine that such termination is in the best interest of the State of Maryland or the School.

Termination for Default - If the Contractual Employee fails to fulfill his/her obligations under this Agreement properly and on time, or otherwise violates any provision of the Agreement; the School may terminate the contract by written notice to the Contractual Employee. The notice shall specify the acts or omissions relied on as cause for termination. All finished or unfinished supplies and services provided by the Contractual Employee, shall at the School’s option, become the School’s property. The School shall pay the Contractual Employee fair and equitable compensation for satisfactory performance prior to the receipt of notice of termination, less the amount of damages caused by the Contractual Employee, and the Contractual Employee will remain liable after termination and the School can affirmatively collect damages.

RESIGNATIONS

Skilled, Professional and Management Service Employees who wish to resign and remain in good standing are required to give at least two weeks’ notice in writing to their appointing authority. If an employee fails to give at least two weeks’ notice in writing, s/he may be barred from employment in certain agencies or classes. Employees can use no more than two weeks’ worth of annual, personal or compensatory leave, or any combination of these types of leave, after tendering their resignation. Faculty employees are required to follow the Contract Renewal procedure in the MSD - Faculty Contract. Faculty employees who wish to resign during the School year and remain in good standing are required to give the Superintendent information regarding extenuating circumstances that were not foreseeable at Contract Renewal.
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2014 – 2015
EMPLOYEE HANDBOOK ACKNOWLEDGEMENT
& ANNUAL ONLINE STAFF TRAINING
~ Mandatory for All Staff ~

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

By signing below, I acknowledge that I have been made aware of where I can access the Maryland School for the Deaf Employee Handbook for the above referenced school year, and further acknowledge my obligation to read and comply with its contents.

I understand that:
• The Handbook is a reference for State and MSD policies, procedures, benefits and rules, but does not represent all such policies, procedures, benefits and rules currently in effect.
• The information in the Handbook is not intended to create a contract of employment.
• The State and MSD have the right to change existing policies, procedures, benefits and/or rules and to formulate and put in effect additional policies, procedures, benefits and/or rules without notice.

The electronic version of the applicable Handbook is available via the following link:
Contractual – http://www.msd.edu/forms/employee_contractual_handbook.pdf

______________________________  ________________________________  ___/___/_____
Printed Name                  Signature                          Date

ANNUAL ONLINE STAFF TRAINING

All staff must complete the following Online Staff Training. Coordinate with your supervisor to arrange a time and location for this training within 30 days of Staff Opening Day (annually in August) or your start date of employment.

• FAPE (Free & Appropriate Public Education) / FERPA (Family Educational Rights & Privacy Act)
• Bloodborne Pathogens
• Domestic Violence
• DIP (Driver Improvement Program) – if applicable (check with supervisor)

Access courses via the following link: http://www.msd.edu/employment/training.html