

# Top Eight Employment Mistakes Your District is Absolutely (Maybe) Making

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MICKES  
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## Mistake #1

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## Taking Corrective Action without Understanding the Termination Process

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**#1 Confusion Regarding Termination Process**

- How to terminate an employee depends on **legal status** of employee and **reason** for termination
- For example, method for terminating a 7-year principal is different than terminating a 4-year principal

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**Solution**

- Learn rules regarding termination of principals who have been re-employed 5 times
- Determine if an administrator has acquired tenure as a teacher
- Determine the employee is at-will or under contract (and what type of contract)

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**Mistake #2**

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## Not Correctly Classifying Employees

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## #2 Executive Classification

- Primary duty is management
- Directs the work of 2+ employees
- Authority to hire or fire employees or to make recommendations as to hiring, firing, advancement, promotion

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### Solution

- Review job descriptions for exemptions
- Executive Exemption Test
  - Director of Maintenance
  - Director of Custodians
- Ensure job descriptions and job duties reflect Executive Exemption

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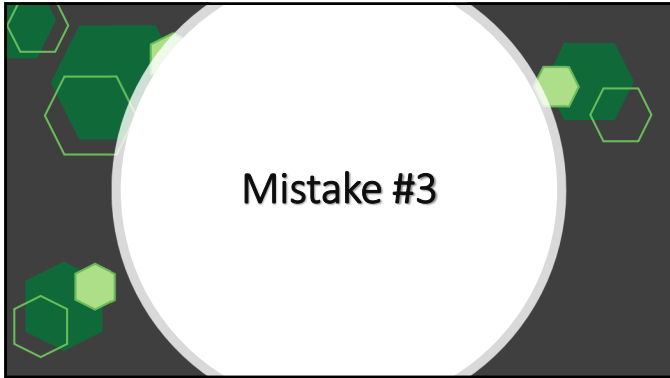
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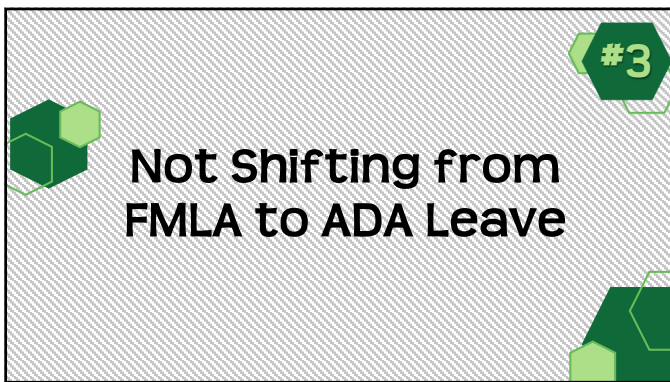
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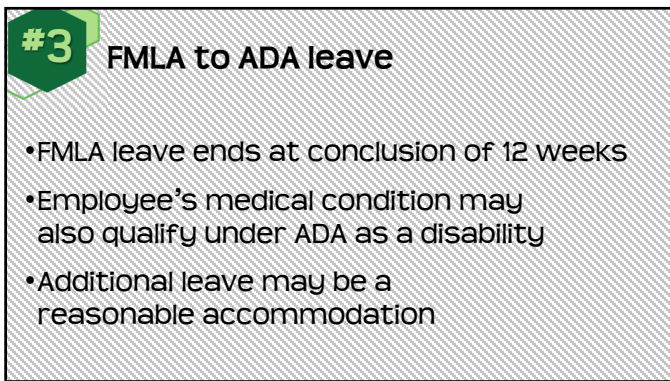
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**Solution**

Look ahead: 2 Weeks before the end of FMLA leave, reach out to employee to see if they are fit to return at end of leave

If not, provide letter and ADA forms to determine if an additional leave of absence is required under the ADA

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**Mistake #4**

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**#4**

**Not Providing Legal Training for Supervisors in all Departments**

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#4

## Supervisor Training

Supervisors are not only leaders in your District but are legal representatives

Supervisors' actions and inaction can create legal risk

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### Solution

- Train on specific areas of the law (e.g. Title IX, search and seizure, retaliation)
- Train on handling staff complaints
- Train on handling leave requests
- Train on disciplining employees
- Mickes O'Toole Trainings
  - Title IX Series
  - Spotlight Series
  - Client Alerts
  - In-services

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## Mistake #5

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## Understanding KEY Employment Board Policies

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## #5 Read Your Policies

- Staff Conduct Policy
- Discrimination and Harassment Policy
- Drug Free Workplace
- Leave Policies

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### Solution

- Review key policies at start of every year
- Review protocols, procedures, and forms related to key policies
- Schedule time throughout year to discuss key policies with administrative team

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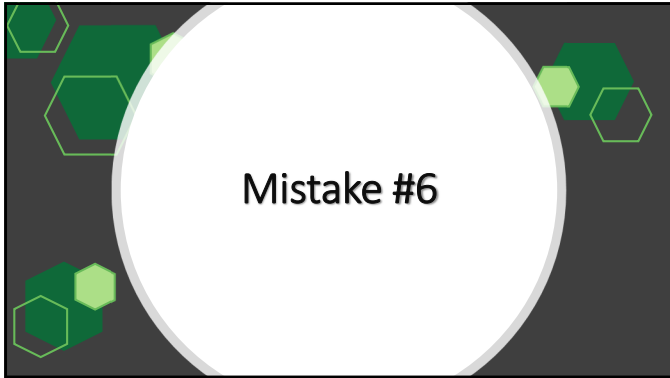
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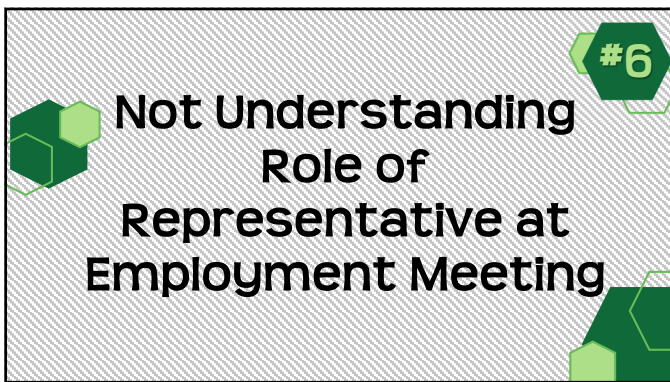
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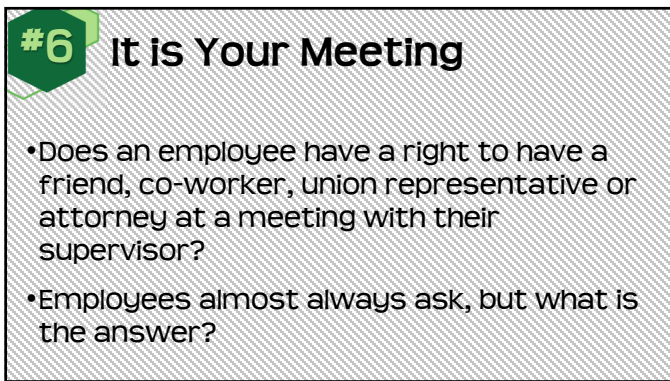
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**Solution**

- Purpose of the meeting?
  - Investigation
  - Disciplinary
- Remember CBAs
- Consistent with past practice

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**Mistake #7**

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**#7**

**Not Understanding  
Tenure Math**

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#7

## Tenure Exceptions

- Tenure period shortened by 1 year if teacher has 2+ years experience
- Re-employed teacher who was tenured regains tenure after first year
- Pro-rated tenure period

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### Solution

- Review tenure status of all probationary teachers at start of each school year
- Develop protocols at building and central office levels for tracking tenure, especially for tricky situations (e.g., mid-year hires, long-term subs)
- Remember tenure of administrators as teachers

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### Mistake #8

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## Not Updating Handbooks & Policies Not Matching Practices

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## #8 Inadvertent Conflict

- FERPA & Directory Information
- Dismissal of Students
- Police interviews of students on campus
- Grievance Procedures
- Contact Information

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## Solution

- Review key sections of staff and student handbooks before start of each year
- Periodic audit for legal compliance
- Gather information from staff on actual practices in buildings and compare with policy & handbook

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# Questions

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