

Employee Handbook



**WISCONSIN
ASSOCIATION OF
SCHOOL BOARDS**

ABOUT THE WISCONSIN ASSOCIATION OF SCHOOL BOARDS *EMPLOYEE HANDBOOK*

The Wisconsin Association of School Boards (WASB) has prepared the *Employee Handbook* as a reference document for school districts. As a reference document, the *Employee Handbook* may be used in full or in part to develop a district's own *Employee Handbook*. The purpose of the *Employee Handbook* is to inform employees about District expectations and policies, provide legal protection for the District, notify employees of their legal rights, serve as a reference guide on important terms and conditions of employment and clarify questions that an employee may have about his/her working relationship with the District.

Please note that the terms of the *Employee Handbook* cannot contravene terms in a collective bargaining agreement, individual contract, or the law.

All cited references are to sections of the Wisconsin Statutes as amended to date. The references also may be found in WASB's *Updated Wisconsin School Laws*.

The WASB *Employee Handbook* is designed to provide general information and commentary as a service to members. It should not be relied upon as legal advice. If legal advice is required, please contact either the WASB staff counsels at 833-320-5333 (toll-free) or the District's legal counsel.

EMPLOYEE HANDBOOK LEGEND AND EXPLANATORY NOTE ON INTERACTION OF:

- **No Highlighting:** Provisions without highlighting indicate that the *Employee Handbook* does not contain additional optional language choices.
- **Yellow:** Provisions highlighted in yellow indicate that they are optional and perhaps not appropriate for all school districts.
- **Blue & Grey:** Provisions highlighted in either blue or grey indicate that the section contains a choice between multiple options the board may consider and adopt.
- **Green:** Provisions highlighted in green indicate that either the WASB provided additional notes, guidance and/or commentary on that particular item or you are required to insert additional information, insert references to board policies or take some other action with respect to that item.

Please remove Editor's notes before providing the *Handbook* to staff.

[Editor's Note: Please note that the board should remove all of the highlighted notes, comments and unused optional language prior to adopting the final document for use within the district.]

[Editor's Note: Please contact one of the WASB staff counsels [833-320-5333 (toll-free)] for clarification on any item listed in this Handbook.]

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The District expects all employees to be neat, clean, and to wear appropriate dress for work that is in good taste and suitable for the job at hand. The District will not tolerate dress or attire from school employees that the principal or supervisor considers disruptive, inappropriate, or which adversely affects the educational atmosphere.

The District will require custodians, maintenance, and food service personnel to wear uniforms provided by the school system. Appropriate safety gear shall also be worn at all times as deemed necessary. Designated employees (e.g. custodial, cleaning, maintenance, transportation, food service et al) are prohibited from wearing open-toed or slip-on shoes during regular work hours.

3.30 Personal Property

- A. Liability: The District does not assume any responsibility for loss, theft or damages to personal property. In order to minimize risk, the District advises employees not to carry unnecessary amounts of cash or other valuables. If employees bring personal items to work, they are expected to exercise reasonable care to safeguard them. The District is not liable for vandalism, theft or any damage to cars parked on school property. The District does not carry accident insurance or other insurance coverage for any loss or injury for which the District does not have legal responsibility.

3.31 Personnel Files

[Editor's Note: With respect to personnel files, the limitation set forth below of at least two times per year is set forth in Section 103.13(2), Wis. Stats. The District can allow for more frequent inspection of the file if it so chooses.]

An employee shall have the right, upon request and consistent with the timelines and content limitations specified in state law, to review the contents of his/her personnel file, at least two times per calendar year, while in the presence of the administrator or his designee. The employee is entitled to have a representative accompany him/her during such review. This examination must be accomplished in the presence of the person officially charged by the District Administrator with custody of those files. The removal of this file from the safekeeping place will be done by the official personnel file custodian. The employee's personnel file or any part thereto may not be removed from the visual presence of the official custodian. An employee shall have the right, upon request, to receive copies of any documents contained in the personnel file except those delineated in § 103.13(6), Wisconsin Statutes, upon payment of the actual cost for making such a copy.

If the request to review personnel records is pursuant to an active grievance filed by that employee, the District will provide copies of the records to the employee, at the employee's expense, and the employee and his or her representative may examine the copies outside of the presence of the administrator/records custodian.

After reviewing his or her personnel records, the employee has the right to request that records he or she believes to be inaccurate or obsolete be removed from his or her file. If the District denies the request, the employee has the right to file a written rebuttal statement and have that rebuttal attached to the disputed record. If the District intends to release the disputed record to a third party, the District must also release the attached employee rebuttal statement to the third party. § 103.13(4), Wis. Stats.

[Editor's Note: The WASB reminds districts to maintain employee medical records, including genetic information regarding an employee, separately from an employee's other personnel records. See, e.g., 29 C.F.R. § 1635.9.]

3.32 Personnel – Student Relations

[Editor's Note: Districts should work with their school board's attorney to address whether (and if so, to what extent) the following provisions/expectations/prohibitions will apply to student employees and recent graduates who have been hired as employees (e.g., extracurricular advisors and/or coaches) and are in romantic relationships with current students. While the new anti-grooming provisions contained in s. 948.072

of the statutes (2025 WI Act 88) do not apply to a person who has not attained the age of 19 (provided a child is not more than 4 years younger and certain exceptions do not apply), s. 948.098 of the statutes does not contain any such age-based exceptions. Section 948.098 provides that any school staff member or volunteer who commits an act of physical or verbal sexual misconduct (as defined in s. 948.098) against a pupil enrolled in a school in this state is guilty of a Class I felony. Please also ensure that the following provisions align with any existing board policies on grooming behaviors and appropriate communications, including the policy that the board has adopted pursuant to section 118.07(7), Wis. Stats.]

District staff members are expected to conduct themselves in a manner that promotes the health, safety, and wellbeing of students, including by establishing and maintaining role-appropriate communicative, physical, emotional, and social boundaries in their interactions with students. This requires every staff member to consistently exercise sound judgment that is context dependent and that gives due consideration to the staff member's District-assigned role and responsibilities.

In performing their responsibilities and interacting with students, District staff members are expected to (1) uphold the rights of students, as established by state and federal law and under District policies; (2) comply with the District's separate policy that establishes standards for appropriate content and appropriate methods of communication with students; and (3) model behaviors that are expected of students, including by following applicable rules, engaging in respectful interpersonal interactions, and acting in an ethical manner. When interacting with students, no staff member may engage in any activity or communication that constitutes, encourages, or invites (1) unlawful conduct; (2) conduct that would unreasonably endanger the safety or wellbeing of any person; or (3) conduct that compromises relevant boundaries and jeopardizes the staff member's ability to serve effectively in his or her District-assigned role, such as by engaging with students in an inappropriate, peer-like relationship that affects the staff member's ability to serve as an effective authority figure.

Examples of unlawful conduct that is, of course, also prohibited as a matter of District policy and that would be among the most serious types of misconduct that a staff member could commit in interactions with students include any conduct that (1) constitutes an assault; (2) constitutes abuse; or (3) reflects the elements of a crime defined under Chapter 948 of the Wisconsin Statutes. Other egregious misconduct would include a staff member (1) engaging a student in a relationship that a reasonable person would perceive as being sexual or romantic in nature; or (2) engaging in communication or other conduct, or any course of conduct, that manipulates, coerces, or grooms a student to engage in, or to consider engaging in, an inappropriate relationship or other inappropriate behavior that endangers the welfare of a student. For these purposes:

- Grooming includes communications that are part of any course of conduct or pattern of behavior that a reasonable person would view as conditioning, seducing, soliciting, luring, or enticing a student to engage in, or to consider engaging in, inappropriate behavior.
- Grooming can occur, for example, by exploiting a student's vulnerabilities, by creating inappropriate emotional dependence, or by normalizing or desensitizing the student to inappropriate conduct. Grooming often involves, but is not limited exclusively to, sexual or romantic contexts.
- Specific examples of conduct or behaviors that might be part of a violation that involves prohibited manipulation, coercion, or grooming of a student include the following:
 1. Using written, electronic, or digital communications or devices, including but not limited to, text messages, emails, social media, local bulletin board services, or online services or platforms, to seduce, solicit, lure, or entice a student for any exploitative purpose.
 2. The provision or promise of gifts, favors, privileges, inordinate special attention, or other items of value with the intent to lower a student's inhibitions, gain and exploit trust, or create emotional dependence.
 3. An act intending to isolate a student, or to encourage a student to separate from, or stop communicating with, family, peers, guardians, or other trusted adults.

4. Comments, suggestions, or conversations of a sexual nature directed toward a student, such as commenting on sexual attractiveness, using sexual innuendo, sharing information about a student's or an adult's sexual experiences, or communicating other sexually explicit content or sexualized subject matter.
5. Exploiting a power dynamic, such as by offering improper benefits or privileges or by inappropriately threatening to impose negative consequences in a quid pro quo posture.
6. Sexualized or other inappropriate physical contact or attempts to initiate such contact.
7. Using threats, bribery, fear, intimidation, harassment, embarrassment, or guilt to facilitate the start or continuation of an inappropriate relationship or other inappropriate conduct.
8. Soliciting or encouraging secrecy or concealment to avoid detection, oversight, or accountability for inappropriate communication or inappropriate conduct.

3.33 Physical Examination

- A. Examination: Upon initial employment and thereafter, physical examinations shall be required of District employees in accordance with section 118.25 of the Wisconsin statutes. Upon initial employment, evidence that employees are of sound health, sufficient to perform the essential functions of their assignment, is necessary to make binding the offer of employment or the initial contract, as applicable, with the District.
- B. Fitness for Duty: The District may require a physical and/or mental examination at the expense of the District where reasonable doubt arises in the minds of the District concerning the current health of the employee and/or the ability of the employee to perform essential functions of the job with or without reasonable accommodation, and consistent with the limitations imposed by applicable state and federal law. Failure to comply with this request or failure to provide a doctor's certification of sufficiently sound health to perform duties assigned may result in discipline up to and including discharge/termination.

[Editor's Note: If your school district has 15 or more employees, the WASB recommends that you include the following paragraph on all forms that require medical information (e.g., FMLA medical certification or fitness-for-duty forms, medical certification of disability under the ADA, etc.):

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by GINA. Accordingly, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information" includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. An exception to the prohibition outlined in this paragraph is family medical history for situations in which the employee is asking for leave to care for a family member with a serious health condition (e.g., under the Family and Medical Leave Act).]

[Editor's Note: The WASB reminds districts to maintain employee medical records, including genetic information regarding an employee, separately from an employee's other personnel records. See, e.g., 29 C.F.R. § 1635.9.]

3.34 Political Activity

Employees may exercise the rights and privileges of any citizen in matters of a political nature consistent with the following restrictions:

- A. No school employee shall (1) in the presence of any student and (2) during hours for which pay is received or while the employee is otherwise acting within the scope of their employment, engage in any activity for the solicitation, promotion, election, or defeat of any referendum, candidate for public office, legislation, or political action except for the narrow exception as set forth hereafter. Exceptions may be made for political discussions between teachers/staff members and students that are an integral aspect of the established curriculum and that are part of that teacher's/staff person's personal professional responsibilities (e.g., teaching a particular social studies course, American literature course, etc.) provided the teacher or staff member does not express a preference for a political candidate, party, referendum, or platform during such discussions.
- B. During established hours of employment or while an employee is engaged in his/her official duties, no employee or other person may solicit or receive from any employee any contribution or service for any political purpose, where a "political purpose" includes an act done for the purpose of influencing the election or nomination for election of a person to office. Furthermore, no person may enter any District building, office or facility in order to request, make or receive a contribution for a political purpose.
- C. No school employee shall use in any way the classrooms, buildings or pupils for the purpose of solicitation, promotion, election, or defeat of any referendum, candidate for public office, legislation or political action. This provision does not apply to use of District facilities by employees for events or activities that are not within their scope of employment and that are held pursuant to the District's policies regarding facilities use by third parties.
- D. No school employee shall make use of school equipment or materials for the purpose of solicitation, promotion, election, or defeat of any referendum, candidate for public office, legislation or political action.
- E. This section does not apply to the provision of information by school employees in connection with any election, referendum or legislation where authorized by the School Board or District Administrator and where consistent with legal limitations on the use of public funds and school District resources.

3.35 Position Descriptions

Position descriptions are available for inspection for each District employee. At a minimum, the descriptions will include the job title and description, the minimum qualifications, and the essential functions of the position. Employees must be able to perform the essential functions of the job description.

3.36 Severance from Employment

An employee's employment relationship shall be broken and terminated by:

- A. Termination pursuant to the terms of this *Handbook* and the employee's individual contract (if any);
- B. voluntary resignation;
- C. retirement;
- D. nonrenewal of the employee's contract (unless the contract being non-renewed is for an extracurricular or temporary/seasonal assignment and the staff member remains employed with the district in another capacity);

Notice of Initial Job Assignment for a New Hire (Non-Contracted Hourly Staff)

Date: [insert date]
To: [insert employee name]
From: [insert supervisor/administrator's name and job title]
Re: Assignment Upon New Hire

Congratulations on your new position and welcome to the District! The particulars of your initial job assignment are identified below.

- EMPLOYEE NAME:
- HIRE DATE:
- INITIAL START DATE:
- POSITION TITLE:
- TYPE OF POSITION (check one of the following):
 - ☐ School-year position (the District will notify you of the annual start dates and end dates)
 - ☐ 12-month (i.e., year-round) position
 - ☐ Other (describe): _____
- PRIMARY ASSIGNED WORK LOCATION(S):
- REGULAR HOURLY WAGE:
- NORMAL NUMBER OF SCHEDULED WORKDAYS PER FULL WORK WEEK:
- NORMAL SCHEDULED HOURS OF WORK PER DAY:
- NORMAL SCHEDULED HOURS OF WORK PER FULL WORK WEEK:

Additional Important Information about Your Position:

1. The days, hours, and location(s) the District requires you to work may vary from the normal schedule/assignment listed above.
2. You are not authorized to work beyond the work hours assigned by the District without the express approval of a supervisory District official. Working beyond your scheduled/approved hours without obtaining permission to do so may result in disciplinary consequences.
3. The job assignment identified in this letter/notice may be changed at the District's discretion.
4. This letter of assignment does not constitute an employment contract, and you have not been employed for a definite term of employment. **[Editor's Note: The next sentence of this paragraph would need to be modified if the district has altered the at-will status of the employee due to commitments made in a separate employment contract, the local employee handbook, or in some other district policy.]** Subject to all applicable laws, your employment is considered to be "at will," and either you or the District generally may terminate your employment at any time.

5. Leave allotments and other non-wage benefits of the position that are not dictated by law are determined at the discretion of the school board, and the current benefits applicable to the position are documented in the Employee Handbook. Such discretionary benefits are subject to change.
6. If any portion of this letter/ notification conflicts with the District's employee handbook or any other formal District policies applicable to your position, the employee handbook or other District policy takes precedence over this letter/notification.

If, at any time, you believe that your actual work assignment has changed in a manner that is not accurately/sufficiently reflected in your most recent letter of assignment, you may request and the District will provide you with an updated letter of assignment.

Please contact me if you have any questions or concerns about the information provided above or about your new position in general.

Employment Posters / Notices

As a general matter, school districts should prominently post the following posters/notices in a place where notices to employees are customarily posted in the workplace. If your district is a federal government contractor or subcontractor, please be aware that there may be other posting requirements for you.

Affordable Care Act – Notice to Employees of Coverage Options

For employers who offer a health plan to some or all employees:

English: <https://www.dol.gov/sites/dolgov/files/ebsa/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/model-notice-for-employers-who-offer-a-health-plan-to-some-or-all-employees.pdf>

Spanish: <https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/model-notice-for-employers-who-offer-a-health-plan-to-some-or-all-employees-es.pdf>

For employers who do not offer a health plan:

English: <https://www.dol.gov/sites/dolgov/files/ebsa/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/model-notice-for-employers-who-do-not-offer-a-health-plan.pdf>

Spanish: <https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/model-notice-for-employers-who-do-not-offer-a-health-plan-es.pdf>

Bone Marrow and Organ Donation Leave Act

English <https://dwd.wisconsin.gov/dwd/publications/erd/pdf/erd-18114-p.pdf>

Spanish <https://dwd.wisconsin.gov/dwd/publications/erd/pdf/erd-18114-s-p.pdf>

COBRA –

Model General Notice

English <https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/cobra/model-general-notice.docx>

Spanish <https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/cobra/model-general-notice-spanish.docx>

Model Election Notice

English <https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/cobra/model-election-notice.docx>

Spanish <https://www.dol.gov/sites/dolgov/files/EBSA/laws-and-regulations/laws/cobra/model-election-notice-spanish.docx>

Copyright Basics

English <http://www.copyright.gov/circs/circ01.pdf>

Employee Protections Against Use of Honesty Testing Devices - Wisconsin

English <https://dwd.wisconsin.gov/dwd/publications/erd/pdf/erd-10861-p.pdf>

EEOC's Know Your Rights

English https://www.eeoc.gov/sites/default/files/2023-06/22-088_EEOC_KnowYourRights6.12.pdf

Spanish https://www.eeoc.gov/sites/default/files/2023-06/22-088_EEOC_KnowYourRightsSp6.12.pdf

Fair Employment Law - Wisconsin

English <https://dwd.wisconsin.gov/dwd/publications/erd/pdf/erd-4531-p.pdf>

Spanish <https://dwd.wisconsin.gov/dwd/publications/erd/pdf/erd-4531-s-p.pdf>
