

**PERSONNEL POLICY FOR CLASSIFIED EMPLOYEES WORKING LESS THAN  
20 HOURS PER WEEK**

This policy is enacted for the benefit of employees of the Spearfish School District 40-2 working less than 20 hours per week who are not members of the Spearfish Classified Education Association. This Policy is in addition to all other policies of the School District applicable to its employees.

1. *At Will Employment Relationship.* The employment relationship between the School District and any employee subject to this Policy is intended and shall be construed as terminable "at will" as defined under SDCL 60-4-4, and this Policy is not and shall not be deemed to be a contract of employment or to imply any "just cause" or "for cause" suspension or termination policy. Each such employee is employed at the will and discretion of the School Board, and conditions of employment shall be prescribed by the School District. No employee subject to this Policy accrues seniority or is eligible for any reduction-in-force, layoff or recall program. Employees subject to this Policy may be suspended without pay, and may be transferred to another position in the School District.
2. *Paid Leave Benefit.* Each employee subject to this Policy will be credited with days of personal leave on a monthly basis pro-rated from the following totals: 9 month employee - 6.5 days; 10 month employee – 6.5 days; 11 month employee - 6.5 days; 12 month employee - 7 days. An employee shall earn sick leave at the rate of one-half (1/2) day for each month employed by the School District. Unused personal and sick leave days may accumulate without limit, but no employee subject to this policy shall be entitled to any compensation for unused personal and sick leave upon cessation of the employment relationship, whether by resignation, death, disability or termination by the School District. Personal and sick leave shall only be used with the prior approval of the employee's supervisor except in the event of sickness. Except as provided for personal and sick leave, no employee subject to this Policy shall be eligible to receive any School District employee benefits (such as any insurance coverages or retirement benefits or other paid leaves).
3. *Family Medical Leave.* Pursuant to the Family and Medical Leave Act, 29 U.S.C. Sec. 1201, et. seq., an eligible employee subject to this Policy shall be granted, upon written request, up to a combined total (paid and unpaid) of twelve (12) weeks of leave per year. *See School Board Policy Code 4410 for qualifications.*
4. *National Guard or Reserve Duty.* National Guard or Reserve Duty will be granted without pay to an eligible employee subject to this Policy. Upon returning the employee will receive prompt reinstatement to his/her former position or the position he/she would have attained, plus any benefits permitted under this Policy as if he or she would not have been absent, plus any training or retraining that might be necessary to fulfill the duties of the position. The employee will also be granted sufficient time before and/or after leave to be rested before leaving for or returning from military leave.

Adopted: 7/12/2004  
Revised December 11, 2006  
Revised April 11, 2016  
Reviewed January 9, 2023