

# DCCCHS



## STAFF HANDBOOK 2020-2021

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# DCCCHS Non-Discrimination Statement

## AFFIRMATIVE ACTION STATEMENT

Deming Cesar Chavez Charter High School is an Equal Opportunity employer. It is the policy of the school district to not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, handicap, national origin, ancestry, physical disability, marital status, sexual preference or political affiliation. The school district promotes the principle of equal employment opportunity.

Accordingly, all recruiting, hiring and promoting for all job classifications is made without regard to race, color, religion, age, sex, handicap, national origin, ancestry, physical disability, marital status, sexual preference or political affiliation, except where age, sex, or type of handicap is a bona fide occupational qualification. The school district makes diligent efforts to assure that all personnel actions, such as recruitment, job advertising, employment, rates of pay or other forms of compensation, promotion, transfer, demotion, layoff, termination, discharge, selection for training, discipline, application or administration of any bargaining agreements, or any rule, regulation or policy relating to the terms and conditions of employment will be administered without regard to race, color, religion, age, sex, handicap, national origin, ancestry, physical disability, marital status, sexual orientation or political affiliation, except where age, sex, or type of handicap is a bona fide occupational qualification.

Any employee believing there has been discrimination or non-compliance with these protections may file a grievance under the established Title VII of the 1964 Civil Rights Act Grievance Procedure by contacting an affirmative action officer, Office of Civil Rights, Denver, Colorado.

## Introduction

VISION: Develop responsible, caring individuals who will take advantage of the world's opportunities.

MISSION: Providing our students an excellent education with effective life skills.

What **We Do** At Deming Cesar Chavez Charter High School:

1. We practice the Fish Philosophy. The 4 tenets are **Be there, Make their day, Choose you Attitude, and Play.**
2. We employ William Glasser's Choice Theory, which includes his psychological underpinnings of what Dr. Glasser terms '**Quality World**'. This is embodied in his Quality Schools writing.
3. We love our kids, and our school family. We understand that our kids ARE our work. We are supportive of each other.
4. We collaborate. We discuss what we do, how we do it, and whether it was effective or not. Everyone is part of this discussion.

5. We employ our own brand of **intervention**. We meet weekly, we review student work or issues, we make concrete plans to intervene for whichever kids need more help or guidance or support.
6. We **Empower Students**. That means we understand that we DO NOT CONTROL students, they control themselves. As such, each student must develop his or her voice to advocate, to ask for help, to drive her or his own learning and growing.
7. We use the processes that we learn in **Quantum Learning**. This ongoing training is applied in our classrooms with our students. We practice the 8 Keys of Excellence and apply them as the 4 tenants in Fish Philosophy. The 8 Keys of Excellence are **Integrity, Failure leads to success, Speak with good purpose, This is it!, Commitment, Ownership, Flexibility, and Balance**.
8. We all **ROW THE BOAT!** This means we each do our part to help the students get from this shore to the other shore, where graduation and life skills are part of their next steps for success as a contributing adult.

All employees are expected to understand, support and participate in these 8 things that we do at DCCCHS. Our students' success depends on the unified staff doing our work together, without drama or division. None of us at DCCCHS is an island—our work is collective, and our participation with each other is completely necessary.

This Employee Handbook provides a summary of employee benefits and guidelines with respect to your employment. It does not cover all aspects of your employment with DCCCHS. You are responsible for reading and understanding this Employee Handbook. If you have any questions, please discuss them with the Director.

This Employee Handbook replaces any earlier DCCCHS Employee Handbook. In addition, this Handbook may be revised from time to time, as needed, without prior notice as business, employment, legislative and/or economic conditions dictate. Any such revisions apply to existing as well as future employees. Revisions will be made as they are approved.

Only the Director of DCCCHS or his/her designee may alter or modify any of the provisions of this Employee Handbook.

This Handbook is not a contract or any part of a contract of employment, express or implied. This is a general publication prepared for all DCCCHS employees. If a conflict arises between an item in this Employee Handbook and an item in a negotiated agreement, the terms in the Negotiated Agreement will govern without nullifying any other items in this Handbook. If a conflict arises between an item in this Employee Handbook and an item in DCCCHS Governing Council Policies and Procedural Directives, the terms in the DCCCHS Governing Council Policies and Procedural Directives will govern without nullifying any other items in this Handbook. Nothing in the school's policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment; employees have the right to engage in or refrain from such activities.

# Workplace Standards

## Open Communication

DCCCHS encourages you to discuss any issue you may have with a co-worker directly with that person. If a resolution is not reached, please arrange a meeting with the Director to discuss any concern, problem or issue that arises during the course of your employment. Retaliation against any employee for the appropriate use of communication channels is unacceptable. Please remember it is counterproductive for employees to create or repeat rumors or gossip.

## Student, Family, and Community Relations

The success of DCCCHS depends upon the quality of the relationships between DCCCHS, our employees, students and their families, and community. Our students and families' impressions of DCCCHS and their interest and willingness to send their children to our schools are greatly influenced by the people who serve them. You are an ambassador of DCCCHS. The more goodwill you promote, the more our students and families will respect and appreciate you, DCCCHS and the programs we offer to students.

## Harassment and Discrimination

DCCCHS intends to provide a work environment that is pleasant, professional, and free from intimidation, hostility or inappropriate behavior which might interfere with work performance. Harassment or discrimination of any sort will not be tolerated.

Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, e-mail jokes or statements, pranks, intimidation, physical assaults, physical contact, or violence. Harassment may or may not be sexual in nature and may not be directed to the individual but take place within their range of hearing. Other prohibited conduct includes retaliatory action against an employee for discussing or making a harassment complaint.

Sexual harassment may include unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature when such conduct creates an offensive, hostile or intimidating working environment and/or it prevents employees from effectively performing the duties of their position. It also encompasses such conduct when it is made a term or condition of employment or compensation, either implicitly or explicitly and when an employment decision is based on an individual's acceptance or rejection of such conduct.

**Responsibility:** All DCCCHS employees have a responsibility for keeping our work environment free of harassment and discrimination. Any employee, who becomes aware of an incident of harassment or discrimination, whether by witnessing the incident or being told of it, must report it to the Director. When the Director becomes aware of the existence of harassment

or discrimination, he/she is obligated by law to take prompt and appropriate action, whether or not the victim wants the Director to do so.

## **Reporting Harassment or Discrimination**

If there is no threat of violence, DCCCHS encourages you to communicate directly with the alleged harasser and make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, although you are not required to do so. In addition, if you believe you have been subject to harassment or discrimination, you are required to immediately notify the Director. All complaints will be investigated promptly and as discreetly and confidentially as is reasonably possible. If harassment or discrimination by an employee is established, DCCCHS will take appropriate disciplinary action against the offender. Disciplinary action can range from verbal warnings to termination/discharge, depending on the circumstances. Retaliation of any sort will not be permitted. No adverse employment action will be taken for any employee making a good faith report of alleged harassment. DCCCHS accepts no liability for harassment or discrimination of one employee by another employee.

The individual who makes unwelcome advances, threatens or in any way harasses or discriminates against another employee is personally liable for their actions and the consequences. DCCCHS may or may not provide legal, financial or any other assistance to an individual accused of harassment or discrimination if a legal complaint is filed.

DCCCHS prohibits any employee from retaliating in any way against anyone who has raised any concern about harassment or discrimination against another individual.

## **Reasonable Accommodation of Individuals with Disabilities**

DCCCHS makes reasonable accommodations to qualified employees with disabilities for the performance of essential job functions without undue hardship to DCCCHS. Accommodations are reviewed case by case in accordance with the Americans with Disabilities Act (ADA) and any state or local laws that prohibit disability discrimination.

## **Drug Free Workplace**

### **DRUG-FREE CAMPUSES AND WORKPLACE POLICY**

A. "Substance abuse" means the unauthorized possession, distribution, dispensing, manufacture, sale, or use or being under the influence of controlled substances that are identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC, Statute 812

The Deming Cesar Chavez Charter High School Governing Council realizes that on-the-job substance abuse is a pervasive problem throughout the American society. The School recognizes that substance abuse in the work place can seriously injure the health of employees, adversely impair job performance, and endanger the safety and well-being of other employees, students, and members of the community. In addition, increased health care problems arising from

substance abuse can cause increased health care costs to the employee and School in the form of treatment costs and increased insurance costs.

Therefore, in response to this significant problem, the Governing Council has adopted this policy and will make a good faith effort to maintain a drug-free work place.

### Prohibited Practices

Substance abuse in the work place, on school premises, during school programs, or while on school business is prohibited. The unauthorized manufacture, distribution, dispensation, sale, possession, or transfer, use or being under the influence of controlled substances (as proscribed by the Controlled Substances Act and Schedules I through V of the Federal Drug Free Work Place Act of 1988) or any other substance abuse in the work place, on school premises, during school programs, or while on school business constitutes a violation of this policy. Also prohibited is possessing, selling, giving away or using any equipment or apparatus used for measuring, packaging, distributing or facilitating the use of drugs.

### Disciplinary Actions

Any violation of these prohibited practices by an employee may result in disciplinary action up to and including dismissal, reprimand, suspension with or without pay, termination or discharge from employment and referral for investigation and/or prosecution by law enforcement agencies. A disciplinary action may also include the satisfactory completion of a rehabilitation program at the individual's expense. However, when an employee acknowledges having an alcohol and/or drug abuse problem and willingly undergoes treatment, his/her job rights and job security will not be jeopardized.

Any violation by staff of these prohibited practices may result in suspension or expulsion from school or in suspension or dismissal from participation in and attendance at extracurricular activities.

The following definitions are used in this policy:

(United States code, Title XXI, Chapter 13) or in implementing regulations, 21 CFR Sections 1308.11 to 1308.15 where the use is neither authorized by law nor a valid prescription, or the misuse of a legal substance, including but not limited to prescription drugs, that may affect an individual's ability to perform his or her job in a safe, adequate and secure manner. Controlled substances include, but are not limited to marijuana, barbiturates, anabolic steroids, cocaine, (including crack), amphetamines, heroin, PCP, hallucinogens, and certain prescription drugs. Substance abuse shall also include the unauthorized use or possession of, or being under the influence of, alcohol or alcoholic beverages on school premises or during school programs and look-alike drugs. Also included are solvents or inhalants used for intoxication and any substances that are represented to be controlled or illegal substances.

B. "School premises" means any school building and any school property, any school-owned vehicles and any other school-approved vehicle used to transport students to and from school activities or for school business.

C. "School programs" means any school sponsored or approved activity, event or function, on or off school premises where students are under the jurisdiction of the School; or during any period of time school employees are supervising students on behalf of DCCCHS or are otherwise engaged in school business. Collectively, school premises and school programs constitute the work place.

#### Federal Funding Requirements

Deming Cesar Chavez Charter High School is a recipient of federal funding and is subject to the Federal Drug Free Work Place Act of 1988. As a condition of employment each employee shall notify his or her employer of such employee's conviction of any criminal drug statute for a violation occurring in the work place no later than five (5) days after such conviction.

As a condition of employment, each employee shall abide by the terms of this policy. Any employee who violates the terms of this policy may be disciplined, up to and including dismissal, reprimand, suspension with or without pay, termination or discharge from employment and referral for investigation and/or prosecution by law enforcement agencies for violation of the standards of conduct or may be required to participate in and satisfactorily complete a drug abuse assistance or rehabilitation program approved by the School at the employee's expense.

#### DRUG FREE SCHOOL ZONES

It is the responsibility of the Director to take all steps required by statute and regulation of the State of New Mexico to identify each separate school property under the jurisdiction of the Deming Cesar Chavez Governing Council and the area within 1000 feet of the campus as a Drug Free School Zone.

## **Use of Legal and Prescription Drugs Authorized By a Physician**

Certain legal and prescription drugs can produce changes in persons that might indicate intoxication or illegal drug use and could result in a "positive" result on a substance abuse screening test. Employees may continue to work for DCCCHS while taking prescription drugs at the direction of a doctor for the treatment of an illness or non-prescription drugs used for the purposes and in the manner intended, provided the medication does not adversely affect the employee's ability to perform his or her work in a safe and efficient manner. Each employee is responsible for being aware of and following all cautions associated with the use of prescription or non-prescription drugs. If any prescription or non-prescription drugs being taken by an employee could have side effects which could affect the employee's job performance, the employee must advise his or her supervisor of the drug being taken and the potential side effects.

DCCCHS has the right to determine whether an employee who is receiving legal medication should be allowed to continue working during his or her treatment due to possible safety and/or performance problems that could arise from certain legal drug use. Employees failing to disclose such usage may face disciplinary action, up to and including discharge or termination.

## **Drug and Alcohol Testing**

DCCCHS has adopted drug testing procedures to ensure the enforcement of DCCCHS policies and to safeguard the well-being of students, parents and employees. The Governing Council reserves the right at any time to require the submission of blood, breath, or urine samples by any such employees for testing by an authorized testing laboratory. Testing positive for the use of a controlled substance, except medications prescribed by a physician which do not impair work performance, will result in discipline up to and including discharge or termination.

## **Violence in the Workplace**

### **PROHIBITING VIOLENCE AND AGGRESSIVE CONDUCT BY SCHOOL EMPLOYEES**

DCCCHS prohibits violence in the workplace. Threatening, intimidating or coercing fellow employees on or off district property at any time, for any purpose will not be tolerated. This applies to all persons involved in DCCCHS' operations, including personnel, vendors, contractors, temporary employees and anyone else on DCCCHS property. Any act or threat of violence will result in disciplinary action, up to and including termination/discharge, and/or referral to law enforcement.

All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate manager or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, former employees, family members, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible. Any employee who has been threatened with serious bodily injury or property harm in any context (including a personal relationship) must notify the district of the threat. The district will not take any adverse employment actions against an employee who notifies the district of a threat of violence because of the notification. Further, in any circumstance in which the threat relates to a personal relationship the district will not mandate that the employee pursue criminal charges. The district will review each situation as confidentially as possible with the employee and determine whether additional precautions for the workplace are necessary on a short- or long-term basis.

All suspicious individuals or activities should also be reported as soon as possible to the Director. Do not place yourself, students, or coworkers in peril.

DCCCHS will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the district may suspend employees, either with or without pay, pending investigation. Failure to cooperate in an investigation may result in disciplinary action up to and including termination. In order to ensure a safe work environment a fitness for duty evaluation may be required before an employee may return to work.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including discharge or termination.

Examples of workplace violence include, but are not limited to:

- a. All threats or acts of violence occurring on DCCCHS property, regardless of the relationship between DCCCHS and the parties involved.
- b. All threats or acts of violence occurring off DCCCHS property involving someone who is acting as a representative of DCCCHS.
- c. Grabbing, hitting or shoving an individual.
- d. Threatening an individual or his/her family, friends, associates or property with harm.
- e. Intentional destruction of or threats to destroy DCCCHS property.
- f. Making harassing or threatening phone calls.
- g. Harassing surveillance or stalking.
- h. Unauthorized possession or inappropriate use of firearms or weapons.
- i. Intimidating or harassing students, staff or parents.

## **Family Violence and Your Workplace**

Family (Domestic) violence falls into the categories of child abuse, partner/spousal abuse, sibling abuse, elder abuse and dating violence. It is a pattern of assault and coercive behaviors—including physical, sexual, psychological attacks and economic coercion—which results in hurt, fear, injury, suffering or death. Currently, most instances of family violence in the workplace are in the form of partner abuse. Cases of domestic violence often spill into the work setting. If you find yourself or know of a coworker experiencing family violence, it is imperative that you seek assistance. Following are contacts for assistance and information:

- National Domestic Violence Hotline: 800-799-7233
- S.A.F.E House Hotline: 800-773-3645
- Adult Protective Services: 800-797-3260
- New Mexico Coalition Against Domestic Violence: 505-246-9240
- Violence Against Women Division (for referrals): 505-222-9034

# Weapons

## WEAPONS POLICY

DCCCHS prohibits all persons who enter District property from carrying handguns, firearms, knives or other weapons of any kind regardless of whether the person is licensed to do so. DCCCHS also prohibits all employees from having handguns, firearms, knives or other weapons of any kind in their personal vehicle when that vehicle is being used on DCCCHS business. The only exceptions to this policy are police officers, security guards or other persons who have been given written consent by DCCCHS to carry a weapon on the property or in their vehicle.

# Smoking

## SMOKE/TOBACCO FREE POLICY

The use of tobacco products E-cigarettes (electronic) and E-cigarette products by students, school staff, parents, and school visitors in school buildings, on school property, and for students at school functions away from school property is prohibited including any district-owned vehicle or in any vehicle used to transport students.

This policy shall be communicated to students, staff, parents, visitors, and the community by: posting a copy of the policy at strategic locations on school buildings and providing all staff members with a copy of the policy.

All school supervisory personnel and school administrators shall be responsible for enforcing provisions of this policy.

If it is determined that a student or staff member is in violation of this policy, the violation will be dealt with by the Principal. If the violation is caused by a parent, visitor, or community member, he/she will be informed of the policy and infraction and asked to appropriately dispose of the tobacco product being used or to go off school property. If the individual refuses, law enforcement will be contacted to escort him/her off school property.

# Employee Technology Acceptable Use

## INTRANET/INTERNET SAFETY POLICY DISTRIBUTION AND MAINTENANCE PLAN

The use of school technology resources is a privilege granted to employees for the enhancement of job-related functions. **All employees shall use their DCCCHS assigned email accounts to conduct all school/district business.** Employees may have limited access to these resources for personal use, if they comply with the professional standards and the school's acceptable use policies. Violations of this policy may result in the revocation of this privilege. Employees may

also face disciplinary action up to and including termination/discharge, civil litigation, and/or criminal prosecution for misuse of these resources.

DCCCHS does not attempt to articulate all possible violations of this policy. In general, users are expected to use DCCCHS computers and computer networks in a responsible, polite, and professional manner.

## **Social Media**

Social media technology can serve as a powerful tool to enhance education, communication, and learning. This technology can provide both educational and professional benefits, including preparing DCCCHS students to succeed in their educational and career endeavors.

The district is committed to ensuring that all DCCCHS stakeholders who utilize social media technology for professional purposes, including staff and students, do so in a safe and responsible manner. DCCCHS strives to create professional social media environments that mirror the academically supportive environments of our schools.

Social Media training will be provided to give guidance regarding recommended practices for professional social media communication between DCCCHS employees, as well as social media communication between DCCCHS employees and DCCCHS students.

In recognition of the public and pervasive nature of social media communications, as well as the fact that in this digital era, the lines between professional and personal endeavors are sometimes blurred, the Social Media training will also address recommended practices for use of personal social media by DCCCHS staff.

## **Gifts**

No DCCCHS employee shall accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, or other item having monetary value whose market value exceeds \$100, excluding approved educational awards, honoraria, plaques, trophies, and prizes.

## **Dress Code and Personal Appearance**

### **STAFF DRESS CODE**

You are expected to be suitably attired and groomed during working hours and when representing DCCCHS. If the Director determines that your attire and/or grooming is out of place, you may be asked to leave the workplace until you are properly attired and/or groomed. In no case shall the standards for employees be less than those prescribed for students in the district

Student Behavior Handbook. Employees who violate dress code standard may be subject to disciplinary action up to and including termination/discharge.

## **Tutoring or Advising for Pay**

With the exclusion of school personnel receiving stipends for extra- or co-curricular activities, school personnel are not permitted to receive pay for tutoring or advising any students assigned to them for classroom teaching or other school functions.

## **Animals in School/Service Animals**

Animals may be brought to classrooms only if they serve a direct instructional purpose and if the animal can be cared for in a humane manner.

DCCCHS employees and students seeking to use service animals should, in conjunction with the DCCCHS Special Education Department, develop a Section 504 Plan or Individual Education Plan, as appropriate, to identify needed reasonable accommodations and other issues relating to use of a service animal.

## **Standards of Conduct**

Whenever people gather together to achieve goals, some rules of conduct are needed to help everyone work together efficiently, effectively, and congenially. By accepting employment with us, you have a responsibility to DCCCHS and to your fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict your rights, but rather to be certain that you understand what conduct is expected and necessary.

## **Employee Standards of Conduct**

DCCCHS employees serve as positive role models for students and set good examples in conduct, manners, dress and grooming. DCCCHS expects each employee to maintain the highest standards of conduct and act in a mature and responsible manner at all times. Employees must not engage in activities which violate federal, state or local laws or which, in any way, diminish the integrity, efficiency or discipline of the District.

## **Staff Conduct with Students**

Staff members will maintain appropriate professional behavior while working with students and refrain from harassment, malicious or prejudicial treatment, and/or violations of student rights.

# **Conflict of Interest**

## **NEPOTISM POLICY**

As provided in New Mexico Statutes, 1978 Compilation, 5 Amendment 22-5-6, the Director shall not initially employ or approve the initial employment in any capacity of person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law of a member of the Deming Cesar Chavez Charter High School Governing Council or the School's Director. The Council may waive the nepotism rule for family members of the School's Director. Nothing in this policy shall prohibit the continued employment of a person employed on or before March 1, 2003.

A Council member or Director (unless waived) will not vote, become involved in, or solicit any interest or benefit pertaining to a spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister or sister-in-law ("immediate family") of that Council member or Director.

Council members and the Director will advise the rest of the Council any time that he/she has a family member, or personal relationship with a person that is being considered for any position. The Council member may request to abstain from voting on an issue when he/she feels his/her vote might create an impression of conflict of interest with the stated rationale being duly recorded in the minutes of the meeting.

## **PERSONNEL ASSIGNMENTS**

No employee of Deming Cesar Chavez Charter High School shall be assigned a position or job classification in which the immediate supervisor is the spouse, father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law of the assigned employee. As used herein, "immediate supervisor" shall include the Director to which the employee is assigned or any other person responsible for the assigned employee.

# **Unacceptable Activities**

DCCCHS expects each employee to act in a mature and responsible way at all times. If you have any questions concerning any work or safety rule, or any of the unacceptable activities listed below, please see the Director. Note that the following list of unacceptable activities does not include all types of conduct that can result in disciplinary action, up to and including termination/discharge. Nothing in this list alters the at-will nature of employment for some employees of DCCCHS.

1. Violation of any DCCCHS policy or Procedural Directive.
2. Violation of security or safety rules or failure to observe safety rules or DCCCHS safety practices; failure to wear required safety equipment; tampering with DCCCHS equipment or safety equipment.

3. Negligence or any careless action which may endanger the health, safety or well-being of the individual or another person.
4. Being intoxicated or under the influence of a controlled substance, including alcohol, while at work; use, possession or sale of a controlled substance in any quantity while on DCCCHS premises, except medications prescribed by a physician which do not impair work performance.
5. Possession of dangerous or illegal firearms, weapons or explosives on DCCCHS property or while on duty.
6. Engaging in criminal conduct or acts of violence at any time or making threats of violence toward anyone on DCCCHS premises or when representing DCCCHS; fighting, or provoking a fight on DCCCHS property, or negligent damage to property.
7. Insubordination or refusing to obey instructions properly issued by the Director pertaining to your work; refusal to help out on a special assignment or refusing to cooperate in investigations.
8. Threatening, intimidating or coercing fellow employees on or off the premises at any time, for any purpose.
9. Engaging in an act of sabotage; negligently causing the destruction or damage of District property, or the property of fellow employees, customers, suppliers, or visitors..
10. Theft or unauthorized possession of District property or the property of fellow employees; unauthorized possession or removal of any District property, including documents, from the premises without prior permission from management; unauthorized use of District equipment or property for personal reasons; using District equipment for profit.
11. Dishonesty; falsification or misrepresentation on your application for employment or other work records; untruthfulness about sick or personal leave; falsifying reason for a leave of absence or other data requested by DCCCHS; unauthorized alteration of District records or other documents.
12. Spreading malicious gossip and/or rumors; engaging in behavior which creates discord and lack of harmony; interfering with another employee on the job; restricting work output or encouraging others to do the same.
13. Immoral conduct or indecency on District property.
14. Conducting a lottery or gambling on District premises.
15. Unsatisfactory or careless work, failure to meet work productivity or work quality standards.
16. Any act of harassment or retaliation based on disability, race, ethnicity, color, sex, sexual orientation, national origin or ancestry, religion, age, veteran status, HIV status and/or any other protected status as defined by law.
17. Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of your supervisor; stopping work before time specified for such purposes.
18. Sleeping or loitering during working hours.
19. Excessive use of telephones or electronic devices for non-business related activities including but not limited to personal calls, text messaging, social networking, etc. .
20. Smoking on District property or in District vehicles.
21. Creating or contributing to unsanitary conditions.
22. Failure to report an absence or late arrival; unauthorized or excessive absences or lateness.

23. Obscene or abusive language toward any supervisor, employee, parent, or student; indifference or rudeness; any disorderly/antagonistic conduct on District premises.
24. Speeding or careless driving of District vehicles.
25. Failure to immediately report damage to, or an accident involving, District equipment.
26. Unauthorized soliciting during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during business hours, or at a time or place that interferes with the work of another employee on District premises.
27. Failure to use required timesheets, alteration of your own timesheet or records or attendance documents, punching or altering another employee's timesheet or records, or causing someone to alter your timesheet or records.
28. Sharing or disseminating personal, sensitive, or confidential information about an employee, student, or parent. No employee will disclose confidential information unless legal requirements demand such information be revealed or disclosure is necessary to prevent serious and foreseeable harm.
29. Negligence or any careless action which allows others access to personal or confidential information about employees or students. Willfully providing someone access to personal or confidential information about employees or students.
30. Any other act or omission which impairs or restricts the ability of the District to provide a safe and healthy environment for employees and students.

## **Progressive Discipline Process**

**6.60.9.10 FAILURE TO COMPLY WITH THIS CODE:** The PED finds that adherence to this code of ethical responsibility has a significant bearing on licensed personnel's competence, turpitude or the proper performance of their duties. It makes the same finding for any other person providing instructional or education-related services in a school who holds any license, certificate or written authority issued by the instructional or education-related services in a school who hold any license, certificate or written authority issued by the PED. Both the code of ethics and standards of professional conduct are intended to provide a valuable framework of personal ethics to assist educators and administrators in their interaction with colleagues, students and parents. However, the standards of professional conduct establish minimal standards of acceptable professional conduct with which all educators and administrators are required to comply. Therefore, the PED through the educator ethics bureau may revoke, suspend or take other appropriate action against any educator license of any person, or may deny applications for initial licensure or continuing licensure to any person, who is within the scope of this rule, and who after hearing, is found to have engaged in ethical misconduct, by failing to comply with one or more of the enumerated provisions of the standards of professional conduct set forth in 6.60.9.9 NMAC, above, exclusive of the preamble. All hearings and attendant notices shall be conducted and served pursuant to the Uniform Licensing Act 61-1-1 through 61-1-31, NMSA 1978 and either 6.68.2 NMAC or 6.68.3 NMAC.  
[6.60.9.10 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

**6.60.9.11 DISSEMINATION OF THIS CODE:** The PED shall adopt measures to ensure

that this code of ethical responsibility receives the widest possible dissemination to all persons falling within its scope. Such measures include but are not limited to:

- A. providing information about the code of ethical responsibility directly through the PED and the PED's application process;
- B. providing information about the code of ethical responsibility to all school districts, charter schools, and non-public schools accredited by the PED;
- C. notifying any school district, charter school or private school accredited by the PED of the decision and order of the PED after the PED has taken final licensure action against one of that school's PED licensed employees based in whole or in part on a failure to comply with the standards of professional conduct;
- D. any other reasonable measure that is calculated to result in the widest dissemination of the PED's code of ethical responsibility and notification of the consequences of failure to comply with the standards of professional conduct.

[6.60.9.11 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

**6.60.9.12 REPORTING REQUIREMENT:** It is the duty of each school superintendent or charter school administrator to provide prompt written notification to the director of the educator ethics bureau after taking final action to discharge or terminate the employment, based in whole or in part on a violation of the standards of professional conduct in this rule, of any certified or licensed school employee, or any other person providing instructional or education-related services in a school under written authority of the PED.

[6.60.9.12 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]

**HISTORY OF 6.60.9 NMAC:**

**PRE-NMAC REGULATORY FILING HISTORY:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

SBE Regulation No. 90-4, Professional Licensure Unit Operational Bylaws of the Professional Standards Commission including Code of Ethics of the Education profession, filed November 21, 1990.

SBE Regulation No. 93-16, Professional Licensure Unit Operational By laws of the Professional Standards Commission including Code of Ethics of the Education Profession, filed July 20, 1993.

**NMAC HISTORY:**

6 NMAC 4.2.1.1, Operational Bylaws of the Professional Standards Commission Including Code of Ethics of the Education Profession, filed December 11, 1998.

**HISTORY OF REPEALED MATERIAL:** [RESERVED]

The Director may use a number of methods to motivate, correct, and/or discipline employees, including but not limited to warnings, reprimands, suspension with or without pay, and termination/discharge, as determined to be appropriate in each individual circumstance.

Progressive discipline may be used to correct employee behavioral or performance problems. However, there may be situations where the severity or seriousness of the offense justifies the omission of one or more of the steps in this process. Likewise, there may be situations where a disciplinary step is repeated.

Employees always have the opportunity to respond to disciplinary action in writing to the Director which notifies the employee of the action.

### **Administrative Leave Pending Possible Disciplinary Action**

If you are suspected of violating DCCCHS policies, procedures, or work rules you may be placed on administrative leave with or without pay, pending an investigation of the situation.

The New Mexico School Personnel Act, particularly NMSA 22-10A-24 and NMSA 22-10A-25, also provides an opportunity for an employee to state his or her response to being terminated, in the event disciplinary action results in termination.

## **Employment Matters**

### **Employee Background Check**

#### **Background Check Policy**

1. PURPOSE
  - 1.1 It is the policy of the Governing Council of DCCCHS to maintain a safe environment for the children of the school. Individuals seeking employment at DCCCHS must demonstrate a background free of criminal activity. The DCCCHS office will keep up-to-date records of all employees by maintaining personnel files on all employees.
  
2. SCOPE
  - 2.1. This policy applies to all employees and applicants for positions of employment at DCCCHS.
  
3. REFERENCES/RELATED policies
  - 3.1.1 NMSA 1978, 22-10A School Personnel Act
  - 3.1.2 NMSA 1978, 61-5A-27 Criminal Offender Act

#### 4. RESPONSIBILITIES

4.1 It is the Responsibility of the DCCCHS office to maintain personnel records.

4.2 It is the responsibility of the DCCCHS employees to provide a clear background check.

#### 5. DEFINITIONS

5.1.1 None

#### 6. POLICY

##### 6.1 Personnel Background Checks

6.1.1 Pursuant to the New Mexico School Personnel Act NMSA 1978, 22-10A-5 DCCCHS may conduct work history, education-history, and or reference investigations on each candidate recommended for the hire including, but not limited to, permanent full-time and part-time employees, substitutes, and temporaries. Each candidate will be subject to a criminal background investigation, including mandatory fingerprinting, at the candidate's expense, as a condition of further consideration for employment.

6.1.2 Any offer of employment is contingent upon the satisfactory completion of all background investigations. Conviction of a crime shall not automatically bar an applicant from obtaining employment with DCCCHS, but pursuant to NMSA 1978, 61-5A-27 "Criminal Offender Employment ACT," may be the basis for refusing employment.

6.1.3 Criminal background checks, described in 6.1.1 shall also be conducted upon each contractor or contractor's employee, at the expense of the contractor or the contractor's employee has unsupervised access to students. In such cases, contracts shall be subject to the satisfactory completion of background checks.

6.1.4 With regard to existing employees, DCCCHS may conduct equivalent background investigations if DCCCHS becomes aware of facts, circumstances or conduct giving rise to a reasonable suspicion that the employee has a history which, if substantiated, may adversely affect his/her fitness to continue in employment with DCCCHS.

6.1.5 If the applicant for employment meets all the other criteria for employment in the school, but doesn't have the results of a background check to be conducted based on the applicant's social-security number. If this background check is clear, the applicant may be employed on the temporary basis for up to ninety (90) days pending his receipt of the felony records search results as described in 6.1.1. if, after ninety (90) days, the results of the background check are not received by the school, the applicant will not receive an offer of permanent employment. If the applicant is offered permanent employment following the review of the records search, the search fee, if any, will be reimbursed to the school by the employee up to a maximum of \$40.00.

6.1.6 Every employee will have a new criminal background investigation conducted, based on finger prints, every five years.

## **Use of School-Owned Vehicles and Use of Personal Vehicles on School Business**

An employee whose work requires operation of a district-owned vehicle must present and maintain a valid New Mexico driver's license and driving record acceptable to our insurer. Periodically, DCCCHS will check your driver's license and driving record or you may be asked to submit a copy of your driving record to DCCCHS. Any change in the status of your driver's license must be reported to your supervisor immediately. Failure to do so may result in disciplinary action, up to and including termination/discharge.

## **Per Diem**

If you are authorized to travel on DCCCHS business, you will be reimbursed for food and lodging expenses at the applicable per diem rate. If you are authorized to use your personal vehicle to conduct DCCCHS business, you will be reimbursed based on the applicable mileage rate.

## **Health Examinations**

DCCCHS may require an employee's participation in an examination to determine the employee's ability to perform his/her essential job functions.

## **Personnel Files**

Keeping your personnel file up-to-date is important to you with regard to pay, deductions, benefits and other matters. If you have a change in any of the items listed below, notify the Human Resources Department as soon as possible. You may review information in your personnel file except for confidential materials relating to pre-employment. Contact the Human Resources Department.

- a. Legal name
- b. Home address; home telephone number
- c. Marital status
- d. Driving record or status of driver's license, if you operate an DCCCHS vehicle
- e. Military or draft status
- f. Exemptions on your W-4 tax form
- g. Required training certificates
- h. Required professional license(s)

## **Medical Records Files**

Medical records are kept in a separate confidential file. DCCCHS maintains this information in the strictest confidence in accordance with HIPAA.

# **Employment Classification**

At the time you are hired or transferred to a new position, you are classified as a regular fulltime, regular part-time, short-term, or temporary employee. In addition, you are classified as non-exempt or exempt in accordance with the Fair Labor Standards Act (FLSA) and applicable state law. If you are unsure into which classification your position fits, please ask the Director.

## **Non-Exempt and Exempt Employees**

Employees in certain types of jobs are entitled to overtime pay for hours worked in excess of forty (40) hours per work week. These employees are referred to as "non-exempt". This means that they are not exempt from (and therefore should receive) overtime pay. Exempt employees are those whose duties and responsibilities exempt them from statutory overtime pay provisions.

## **Regular Full-time Employees**

An employee, other than a substitute teacher/substitute educational assistant, who is regularly scheduled to work at least 30 hours per week, is considered a regular full-time employee.

## **Regular Part-Time Employees**

An employee who is regularly scheduled to work less than 30 hours per week is considered a regular part-time employee.

## **Substitute Teachers/Substitute Educational Assistants**

Substitute Teachers/Substitute Educational Assistants hired to substitute for licensed teachers or educational assistants on an as-needed basis are not entitled to receive benefits or leave unless specifically stated.

## **Short-Term Employees**

DCCCHS hires employees for specific periods of time or for the completion of a specific project. An employee hired under these conditions will be considered a short-term employee. The job assignment, work schedule and duration of the position will be determined on an individual basis. Normally, a short-term position will not exceed nine (9) months in duration, unless specifically extended by a written agreement.

If the position will exist for a pre-designated period of time, such as a federal grant period, the employee will receive a short-term assignment. The employee will be informed of the nature and duration of the assignment a short-term employee does not become a regular full-time employee by virtue of being employed longer than the agreed upon specified period.

## **Temporary Employees**

Temporary employees include, but are not limited to, hourly, summer employees and interns.

## **Work Schedule**

### **Business Hours**

The DCCCHS Governing Council and Administrators use a basic guideline of 8:00 a.m. – 4:00 p.m. or 7.5 hours as duty hours for all staff. Please check with the Director for exact time. Professionals do not punch a time clock but are able to manage their time to effectively get the job done well. Emphasis is placed on doing the job well rather than putting in time. Professionals need to work hours other than those mentioned above and should be allowed some flexibility. Before leaving the building, teachers need to notify the Director. Staff may be assigned to hall duty, playground, plays, athletic events, or duties in any other scheduled school activities. Staff are guided by the regulations of the Director in matters not covered by provisions or in specific extensions of general statements herein.

### **Absence or Lateness**

#### **ABSENCE OF STAFF**

If you are unable to report to work, or if you will arrive late, contact your supervisor immediately. If you know in advance that you will be absent, you must request this time off directly from your supervisor. A consistent pattern of absences can be considered excessive. In addition, excessive lateness or leaving early may carry the same weight as an absence. Other factors, like the degree and reason for the absences or lateness, will be taken into consideration. Unauthorized or excessive absences, lateness, or leaving early may lead to disciplinary action, up to and including termination/discharge. Upon return to work the employee must check in with the Administrative Assistant to sign the leave form and to pick up messages. Leave forms must be signed in order for substitutes to be paid.

### **Severe Weather and Emergency Conditions**

The best resource for information on school delays and closings is the DCCCHS website at [ww2.DCCCHS.edu](http://ww2.DCCCHS.edu). Information will also be available through [Facebook](#) , [Instagram](#) , local media, and administration notifications.

Reporting times for DCCCHS employees during severe weather conditions varies depending on contract and work site. The following information outlines reporting times for employees on days when schools are delayed, released early or closed.

## **Abbreviated Days (2-Hour Delay)**

If schools are on a two-hour delay:

- **All** employees (school based and non-school based) are expected to report for duty as close to their regular report time as is safely possible. This allows a **maximum** delay of two hours. Arriving late to work is only acceptable when severe weather causes hazardous driving conditions, not due to mechanical issues caused by cold weather.
- If an employee does not report to work, she/he shall -take eight hours of annual leave or one personal leave day.

## **Early Dismissals**

### **EARLY DISMISSAL OF INDIVIDUAL CLASSES**

If administrative offices are dismissed early:

- There will be no loss of pay or leave for those employees who reported to work.
- If an employee does not report to work, she/he shall take eight hours of annual leave or one personal leave day.

If schools are dismissed early:

- School-based staffs are also dismissed after the last student is picked up, since the school will be locked up. This includes the Director, custodial staff , and clerical staff. There will be no loss of pay or leave for those employees who reported to work.
- All district administrative and support personnel are expected to remain on duty at their work locations until their regular release time.

## **Building Access by Employees**

DCCCHS will customarily be opened, closed, and secured only by the Director, assigned custodian or another school employee specifically designated to perform those functions. The Director may allow other employees to apply for access privileges and building keys under certain circumstances that are beneficial to the school and or the operation of the building in question. DCCCHS employees shall not give building keys to an outside organization or person not employed by the school. Any employee granted access privileges is required to enforce and abide by all school policies and procedural directives regarding the use of the building and any equipment therein.

# General Employee Safety

## WORKERS COMPENSATION

### *Procedures:*

1. Employees **must** report any on-the-job accident/injury, no matter how trivial, to his/her supervisor within 7 calendar days from the date of the accident or injury.
2. When reporting an accident/injury, a Notice of Accident Form must be completed by the employee and the supervisor. Both the employee and supervisor must sign and date this form. The yellow copy of the Notice of Accident Form should be given to the employee. The white original is forwarded to the Front Office and the Director keeps a Xerox copy.
3. The supervisor must also conduct an investigation of the accident and complete an Accident Report Form to be submitted to the Director. Worker's Compensation Act Posters are to be posted at each in the Staff Lounge and in the office of the Administrative Assistant (Accident forms are available with the posters).
4. It is very important that we all understand the procedure for reporting accidents and injuries. You must report **ALL** accidents and injuries even if you don't think you are seriously hurt. If an accident is not reported when it happens and medical attention is necessary at a later date, the workman's compensation insurance carrier may disallow the claim.
5. All bills pertaining to an accident or injury should be submitted to CCMSI. All bills pertaining to an accident or injury should be submitted to the Workman's Compensation Carrier. The name of the workman's compensation carrier is available from the school secretaries or payroll department.
6. Employees are free to choose the initial health care provider for Workman's Compensation Accidents/Injuries. An employee must have written permission from Workmen's Compensation before changing from his/her initial health care provider. After 60 days the Workman's compensation Carrier can change you to one of their physicians for your medical care.
7. For complete details please see the Administrative Assistant

## BENEFITS

1. There is a seven (7) day waiting period during which no worker's compensation benefits will be paid. An employee having accumulated sick leave will automatically be paid sick leave benefits to the extended accumulated during this waiting period. An employee may

refuse to use his/her accumulated sick leave days by serving written notice to the business office.

2. Under the new law, Workman's Compensation will now coordinate benefits. The employee will not receive more than 100% of Workman's Compensation benefits as provided by statute.
3. Workman's Compensation benefits shall be paid to the employee as required by law, but shall be paid in care of the school by the Authority. This will give the school and employee opportunity to communicate and resolve problems. In case of long-term compensation, the school may request checks to be sent directly to the employee.
4. Please be aware that once an employee begins drawing Workman's Compensation benefits at 66-2/3% of his/her School Salary, he/she becomes immediately responsible for their share of the insurance premiums. The school will continue to pay their share of the employee's insurance premiums.
5. To make an employee's total pay, the employee may use a combination of 66-2/3% of Workman's Compensation and 33-1/3% of his/her sick/personal/reduced personal/annual/comp leave pay from the School if he/she has accumulated enough leave to do so.

## **Reporting Safety Issues**

DCCCHS complies with regulations governing injury and accident prevention and employee safety consistent with the needs of our industry. If you are ever in doubt about how to safely perform a job, it is your responsibility to ask the Director for assistance. Any suspected unsafe conditions and all injuries that occur on the job must be reported immediately. Compliance with these safety rules is considered a condition of employment. The Director shall make the safety of employees an integral part of her/his regular management functions. Each employee shall accept and follow established safety regulations and procedures.

## **Non-Life-Threatening Injuries**

- Notify the Director.
- Submit completed New Mexico Workers' Compensation Administration Notice of Accident Form to the Director within fifteen (15) days of the accident or injury. If an injury does not require medical attention, a Supervisor and Employee Report of Accident Form (add link to forms page) must still be completed in case medical treatment is later needed and to ensure that any safety hazards are corrected.

## **Life-Threatening Emergencies**

- **Call 911 or seek immediate attention at the nearest hospital emergency facility.**

Federal law requires that we keep records of all illnesses and accidents that occur during the workday. The New Mexico State Workers' Compensation Act also requires that you report any workplace illness or injury, no matter how slight. If you fail to report an injury, you may jeopardize your right to collect workers' compensation payments as well as health benefits.

## **Workers' Compensation Insurance**

Workers' compensation fraud costs everyone. It is against state law. If you are aware of a potential fraud or abuse of the workers' compensation system, report it using the Fraud Report Form.

## **Time Off for Medical Appointments**

If the worker returned to work, the law does not require the employer to let the worker use paid work time for medical appointments. If the worker must take unpaid time off from work to go to medical appointments and if the total time exceeds seven (7) work days, the claim will become indemnity claim and the worker will be entitled to indemnity benefits.

## **Parking Areas**

You are encouraged to use the parking areas designated for employees. Remember to lock your car and park within the specified areas. DCCCHS is not responsible for any loss, theft, or damage to your private vehicle or any personal property. If you should damage another car while parking or leaving, immediately report the incident, along with the license numbers of both vehicles and any other pertinent information you may have to Police.

# **Compensation**

## **Pay Information**

### **INSTRUCTIONAL STAFF PAYROLL**

Deming Cesar Chavez Charter High School paydays are the 5<sup>th</sup> and the 20<sup>th</sup> day of the month. If these days are holidays or on a weekend, the staff will be paid on the working day before the 5<sup>th</sup> or the 20<sup>th</sup> of the month.

Each paycheck will be 1/24 of the employee's contract. Any adjustments needed because of rounding will be made on the last check on or near June 20 of each calendar year. These rounding adjustments will always be less than 25 cents.

Instructional Staff will receive their first checks of the new school year on or near August. All checks will have a ½ month insurance deducted for those who participate in the insurance plan. Instructional staff's final check will pay ½ of the September insurance premium. Employees who

leave the employment of the School must go to the Business Manager to complete exit paperwork and to pay the remainder of the insurance premium, if desired.

The Business Manager can be available to answer questions or to provide additional information.

You will receive your pay via direct deposit or by paper check.

If you were hired after a payroll deadline your first paycheck may be delayed. You will, however, be paid from the day you started. If you do not receive your check or you believe that any amount on the check is in error, notify the Business Manager immediately.

## **Direct Payroll Deposit**

Direct payroll deposit is the automatic deposit of your paycheck directly into a financial institution account. Contact the Business Manager for details and the necessary authorization forms. DCCCHS encourages you to use this benefit.

## **Mandatory Deductions from Paycheck**

### **PAYROLL DEDUCTIONS**

DCCCHS is required by law to make certain deductions from your paycheck. Among these are your federal, state and local income taxes, your contribution to Social Security and Medicare, and New Mexico Retirement and Retiree Healthcare. These deductions are itemized on your check stub. The amount of the deduction depends upon your earnings and the information you furnished on your W-4 form. Other mandatory deductions that may be made from your paycheck, such as court ordered garnishments, will be explained whenever DCCCHS is ordered to make such deductions.

Payroll deductions required for **unpaid leave or the third and fourth personal days** will be deducted from the employee's check, reconciled by final pay period.

## **Overpayment of Earnings**

If you have been overpaid in your paycheck, you must contact the Business Manager immediately. Any overpayment must be returned to DCCCHS in full upon request by the Business Manager.

## **Overtime Pay**

If you are a non-exempt employee, you are eligible to receive overtime pay at the rate of one and one-half (1 1/2) times your regular hourly wage for hours worked over forty (40) hours in one (1) work week. Hours away from the job because of a job-related injury, holiday, jury duty,

vacation, or sick leave are not counted as hours worked for the purpose of computing eligibility for overtime pay. All overtime must be approved in advance by your supervisor. DCCCHS retains sole discretion to determine when employees must work overtime. Working unauthorized overtime hours may result in disciplinary action.

## **Compensatory Time Off**

Non-exempt employees have the option of receiving compensatory time off ("comp time") instead of overtime pay for overtime hours worked. Compensatory time off is earned at the rate of one and one-half (1 1/2) times for hours worked over forty (40) hours in one (1) work week. The use of accrued comp time must be approved and scheduled through the Director. If the Director approves comp time, the employee must take the comp time within twenty working days or it is paid as overtime automatically.

## **Records of Time Worked**

Non-exempt employees who record time worked via time cards or time sheets are responsible for recording their own time. No one may record hours worked on another's timecard or timesheet. Tampering with another's time record is cause for disciplinary action, up to and including termination, of both employees. In the event of an error in recording your time, report the matter to the Director immediately.

# **Performance Reviews**

### **EVALUATION PROCESS**

DCCCHS periodically conducts a formal review for each employee. DCCCHS' goal is to conduct this review on an annual basis. A review may also be conducted in the event of a promotion or change in duties and responsibilities. Your review provides an opportunity for collaborative, two-way communication between you and your supervisor. This is a good time to discuss your interests and future goals. Your supervisor can recommend further training or additional opportunities for you and answer any questions you may have about the performance review process.

The Director shall provide a system of periodic evaluation for all employees of the school, with written reports prepared and reviewed with each employee and kept on file. The plan for evaluation for each class of employees shall meet any state regulatory or statutory requirements and shall be reviewed by the Governing Council.

No evaluation report shall be placed in an employee's file without review and discussion between the employee and employee's supervisor.

An employee in disagreement with the contents of the evaluation report may submit a written rebuttal to be attached to the report and kept on file. Such a rebuttal must be submitted within five school days of the evaluation review. The Evaluation Process is not subjected to the Grievance Process.

The Director shall observe each teacher's classroom practice to determine the teacher's ability to demonstrate the state-adopted competencies.

At the beginning of each school year, each teacher and the Director shall devise professional development plans for the coming year, and performance evaluations shall be based in part on how well the professional development plan was implemented.

If a level two or three-A teacher's performance evaluation indicates less than satisfactory performance and competency, the Director may require the teacher to undergo peer intervention, including mentoring, for a period the Director deems necessary. If the teacher is unable to demonstrate satisfactory performance and competency by the end of the period, the peer mentor may also recommend termination of the teacher.

We will utilize the “New Mexico’s 3-Tiered Licensure Performance Evaluation Handbook”.

## **Promotion and Transfer Policy**

DCCCHS provides employees with an opportunity to apply for a promotion or transfer to other positions within the school. Approval of promotions or transfers depends largely upon training, experience, and work record. DCCCHS is an equal opportunity employer and will consider qualified applicants within and outside the school.

## **Benefits**

DCCCHS sponsors a comprehensive benefits program for all eligible employees. DCCCHS periodically reviews its benefits program and may make modifications as appropriate. DCCCHS reserves the right to amend, add to or terminate these plans at any time. This right of amendment/termination shall apply equally to all participants, including retirees. Benefits information in its entirety can be found on the Benefits website.

## **Social Security**

In accordance with the applicable federal law, all employees are required to participate in and contribute to Social Security. DCCCHS also makes a mandatory matching contribution on behalf of employees. Contribution levels are established by law, and are subject to change. To obtain information about Social Security and related programs, you may contact the local Social Security office.

# Leaves

## **LEAVE OF ABSENCE, (*without pay*)**

Leave of absence is that leave which is for a period of more than twenty working days. Leave of absence is granted by the Director upon petition from the person desiring the leave.

The Director will grant leave of absence only (1) extension of sick leave, (2) government service, or (3) full-time pursuit of additional training. Leave of absence requests approved by the Director are not to be viewed as precedent forming nor should patterns of approval be implied therein. Each leave request is acted upon in its own dominion and cannot have as supportive documentation reference to actions taken on other leave requests.

The nature of continued employment upon return to duty of an employee granted unpaid leave by the Director shall be a part of the agreement made at the time the leave is granted. The Director, in granting unpaid leave, is obligated to agree to re-employ the person upon expiration of the leave, but may reserve the right to alter the job description or the job assignment if no significant financial penalty results and if the new assignment is generally compatible with the qualifications of the employee. Terms of continued employment are not a factor when the unpaid leave is granted administratively.

## **UNPAID LEAVE**

In the event an employee has used all accrued sick and personal leave, but needs additional sick leave days, the employee must request unpaid leave in advance. If the additional unpaid sick leave is less than 5 days, the employee must submit a letter to the Director requesting unpaid sick leave and state the specific dates of the unpaid leave. If the unpaid sick leave will be more than 5 days, the employee should submit a request for Family Medical Leave.

## **UNPAID LEAVE (FMLA)**

The Family and Medical Leave Act (FMLA) of 1993 is a federal law that compels employers to permit eligible employees to take up to 12 weeks of unpaid leave during a 12 – month period without having to worry about the employee’s job security.

Reasons for requesting for FMLA leave include: the birth of a child, placement of a child for adoption or foster care, the employee needs to recover from a serious illness, and / or the employee needs to care for a family member who has serious health condition.

A serious health condition is a condition wherein an illness, injury, impairment, or physical or mental condition needs either in – patient care or continuing treatment by a physician in hospital or a medical facility.

For an employee to be eligible to take advantage of the FMLA leave he should have rendered at least 12 months of service in his company and must have worked at least 1250 hours in the last 12 months, otherwise, the employee will not be eligible for leave under the FMLA.

Temporary employees working on a contract which is under 12 months, intermittent employees, Washington, D.C. government employees, and those covered under Title 1 of the FMLA on the other are not eligible to avail the FMLA leave.

However, should an employee decide to request for leave under FMLA, the said employee must exert a good enough effort not to disrupt the operations of business if FMLA leave is taken due to a serious health condition.

While on FMLA leave, an employee continues to enjoy group health insurance coverage along with dental and vision insurance coverage with no change in terms and conditions as if the employee did not go on leave. The employee has the option to pay for the employee share on a current basis or may choose to pay the premium upon return to work.

An employee has the option to take leave under the FMLA in the form of unpaid absence from work for up to 12 weeks or may go intermittent leave or reduced work schedule. The employee may opt for the intermittent leave or reduced work schedules in order to care for a family member who has a serious health condition. The employee can also go on intermittent leave or have a reduced work schedule if the family member's condition is intermittent or when care obligations are shared with other parties and the employee is only needed intermittently.

Upon return from leave under FMLA, the employee should provide supporting documents such as medical certifications and the like if the employer requests it. The employee can also expect to be reinstated to his former position or in an equivalent position with equivalent pay, status, benefits and other terms and conditions of appointment

### **SICK LEAVE**

Twelve days of sick leave per year are allowed. All accrued sick leave days may be accumulated by permanent employees of the system. *Sick leave is defined as absence of the employee because of personal illness or accidental injury, or because of illness, accidental injury, or death of relatives. The definition of relatives applies to the employee's spouse, children, parents, in-laws, step children, and siblings.*

Sick leave is awarded for a period from July 1 to June 30, with the annual twelve days available to employees after they have served at least one full duty day during this period. The sick leave for employees who are hired after July 1 will be given the number of days that are commensurate with their prorated employment through June 30 (for example, if an employee's first day of work is November 1, he/she would be given 8 sick days upon reporting to work for the first day of employment).

A pertinent statement from a physician must be submitted upon request of the school for any absence of three or more consecutive days to be charged to sick leave. The statement must support the absence fully or salary shall be deducted for the entire period of absence.

In connection with any sick leave considered, the Director shall have the right to require an examination of any employee in the system at any time by a competent physician designated by the Director, at Governing Council expense, and may refute a sick leave claim or may require any employee to go on sick leave, or in the absence of sick leave time, personal leave.

### **OTHER LEAVE**

Jury Duty is to be classified as “other” leave with pay. Employees may not accept compensation by the court for jury duty except for meal and travel expenses. If the compensation for meals and travel includes compensation for jury duty, the compensation amount for jury duty must be reported to the Director and the same amount will be deducted from the employee’s paycheck.

Supervision of students during activity or athletic trips shall be classified as “Other Leave” with pay.

### **PAYROLL DEDUCTIONS**

Payroll deductions required for **unpaid leave or the third and fourth personal days** will be deducted from the employee’s check, reconciled by final pay period.

## **Accrual Balances**

Contact the Director’s Administrative Assistant for accrual balances.

## **Leave Types and Processes**

Learn more about each type of leave and its associated process:

- Administrators Sick Leave Bank
- Adoption Leave
- Advance Study Leave
- Annual/Vacation Leave
- Assault Leave
- Association Leave (refer to appropriate Negotiated Agreement)
- Bereavement (Funeral) Leave
- Catastrophic Illness or Injury Leave
- Court Leave
- Domestic Violence Leave
- Family Medical Leave Act (FMLA)
- Holiday Leave
- Illness in the Immediate Family Leave
- Intermittent Medical Leave
- Lactation/Breastfeeding Leave
- Medical Leave
- Medical Appointment Leave
- Military Leave
- Military Family Leave

- Parental (Maternity) Leave
- Parental (Non-Birth) Leave
- Personal Emergency Leave
- Personal Leave
- Personal Extended Leave of Absence
- Political Leave
- Professional Leave
- Qualifying Exigency
- Religious Leave
- Severe Weather and Emergency Closures
- Sick Leave
- Sick Leave Bank
- Vacation/Annual Leave
- Voting Leave

## **Donation of Leave**

### **Sick Leave Bank Policy**

1. Purpose: To provide leave and coverage to those employees (intending to return) who are experiencing a catastrophic illness, or a temporary disability requiring extended hospitalization or home confinement.
2. Qualification: An employee may submit a Sick Leave Bank request (See Form) with the following information:
  1. Statement of illness or disability;
  2. Doctor's Medical Report
  3. Statement of days needed
3. Director will review Sick Leave Bank request and determine the merit of the request. This process may also include the Director speaking with the employee to help determine need for extra Sick Leave days.  
**NOTE:** All donors to remain anonymous; if request is denied by Director, the employee may follow the grievance policy to appeal the Director's decision.
4. Process: Once Director approves request, all employees are notified of the opportunity to donate leave specifically to the person requesting days. Days may be donated based on 1 donated day per 10 days of accrued sick leave, with a maximum of 4 donated days per donating employee.

# Separation of Employment

There are two types of terminations, Voluntary and Involuntary:

## Voluntary Terminations

DCCCHS will consider you to have voluntarily terminated your employment if you:

- *Resign from DCCCHS*  
A letter of resignation from your employment with DCCCHS must be given to the Director. In some cases a verbal resignation or other form of communication will be accepted.
- *Retire from DCCCHS*  
A letter of retirement must be sent to the Director.
- *Abandonment*
  - Failure to return from an approved leave of absence on the date specified; or
  - Failure to report to work or call in for three (3) or more consecutive work days.

## Time of Notice

Teachers and administrators should give a minimum of 30 days' notice for voluntary termination of employment. All other employees should provide at minimum 14 days' notice for voluntary termination of employment.

## Form of Notice

Include the following information in your Resignation or Retirement letter:

- Name
- Employee #
- DCCCHS Work Location
- Home Address
- Personal Phone #
- Personal Email Address
- Last day of Work
- Clear statement of your intention to resign or retire your position

## Involuntary Terminations

Below are two types of involuntary terminations:

- DCCCHS may terminate/discharge you from your employment for poor performance, misconduct, excessive absences, tardiness, discrimination or other violations of DCCCHS policies. If your employment is at will, you or DCCCHS may terminate the employment relationship at any time and for any or no reason.
- DCCCHS may elect not to renew the expiring contracts of some employees. This is considered **Non-Renewal**.

## **Return of School Property**

ALL School purchased equipment and supplies **MUST** remain at the original work site. This includes but is not limited to:

- Computers/Laptops
- Hardware
- Software
- iPads
- Furniture
- Shredders
- Office and cleaning supplies
- Sound systems

Any property DCCCHS issues to you, such as keys, uniforms, computer equipment, parking passes or vehicles, etc., must be returned to the Director at the time of termination. You will be responsible for any lost or damaged items. The value of property issued and not returned may be deducted from your paycheck. You may be required to sign a wage deduction authorization form for this purpose.

### Tuition Reimbursement Policy

Demonstrating the commitment of Deming Cesar Chavez Charter High School to professional development, the following policy is adopted pertaining to reimbursement of certain educational expenses.

#### **Eligibility**

Under this policy, educational assistance is provided to:

- All full-time employees;
- Who have worked here for three months without interruption before enrolling in a course/courses that are included in a degree program;
- And who are on the payroll upon completion of the course.

#### **Reimbursement Requirements**

- Employees must have approval prior to the commencement of classes from the Director;
- Classes must be aligned to the benefit of Deming Cesar Chavez at discretion of the Director;

- Classes may be undergraduate or graduate level;
- With Director approval, a purchase order for tuition costs will be generated;
- Upon completion of the class with a grade of C or higher, the employee will submit proof of payment and grade received to the business office for reimbursement;
- If the course is scored Pass/Fail or Satisfactory/Unsatisfactory, a “Pass” or “Satisfactory” will meet the grade requirements;
- A maximum of \$ 1,500 will be reimbursed to any individual employee per school year.
- Tuition will be reimbursed, however there will not be reimbursement for associated fees unless otherwise specified by the Director.

## **STAFF GRIEVANCES**

### **(Regulation)**

#### **Definitions**

A grievance is a complaint by a DCCCHS employee alleging a violation or misinterpretation, as to the employee, of any DCCCHS policy or regulation that directly and specifically governs the employee's terms and conditions of employment.

A grievant shall be any employee of DCCCHS filing a grievance. Terms and conditions of employment means the hours of employment, the compensation therefor, including fringe benefits, and the employer's personnel policies directly affecting the employee. In the case of professional employees, the term does not include educational policies of DCCCHS. A day is any day during which DCCCHS conducts business. The immediate supervisor is the lowest-level administrator having line supervisory authority over the grievant.

#### **Informal Level**

Before filing a formal written grievance, the grievant must attempt to resolve the matter by one (1) or more informal conferences with the immediate supervisor. The first of these informal conferences must be conducted within ten (10) calendar days after the employee knew, or should have known, of the act or omission giving rise to the grievance. A second or any subsequent conference must occur within five (5) calendar days after the initial informal conference, or any subsequent conference.

#### **Formal Level**

**Level I.** Within fifteen (15) calendar days after the employee knew, or should have known, of the act or omission giving rise to the grievance, the grievant must present the grievance in writing to the immediate supervisor.

The grievance shall be a clear, concise statement of the circumstances giving rise to the grievance, a citation of the specific article, section, and paragraph of the policy or regulation that directly and specifically governs the employee's terms and conditions of employment that are alleged to have been violated, the decision rendered at the informal conference, and the specific remedy sought.

The immediate Supervisor shall communicate a decision to the employee in writing within five (5) working days after receiving the grievance.

Within the above time limits either party may request a personal conference to attempt to resolve the matter.

***Level II.*** In the event the grievant is not satisfied with the decision at Level I, the decision may be appealed to the Director within five (5) working days after receipt of the decision.

The appeal shall include a copy of the original grievance, the decision rendered, and a clear, concise statement of the reasons for the appeal. The Director shall communicate a decision within five (5) working days after receiving the appeal. Either the grievant or the Director may request a personal conference within the above time limits.

***Level III.*** If the grievant is not satisfied with the decision at Level II, the grievant may, within five (5) working days, submit an appeal in writing to the Director for consideration by the Governing Council.

***General provisions:***

- Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed an acceptance of the decision rendered at that step, and there shall be no further right of appeal. Failure to file a grievance within fifteen (15) calendar days after the employee knew, or should have known, of the circumstances upon which the grievance is based shall constitute a waiver of that grievance. The filing or pendency of any grievance under the provisions of this policy shall in no way operate to impede, delay, or interfere with the jurisdiction of the Governing Council or the Principal.
- No person(s) shall suffer retaliation, recrimination, discrimination, harassment, or be otherwise adversely affected because of the use of the grievance procedure.
- Whenever possible, a grievance conference or hearing, at any level, shall be scheduled during a mutually convenient time that does not conflict with the regularly scheduled school program.
- A grievant requiring the attendance and testimony of other employees shall have the right to bring such witnesses as are willing to testify on behalf of the employee. When hearings must be

scheduled during the work day, any necessary substitutes or released time shall be provided at DCCCHS expense.

- A separate file shall be maintained by DCCCHS for all grievances. All documents produced during the processing of a grievance shall be filed therein. All parties shall maintain confidentiality with regard to the proceedings and the resolution of the grievance shall not be made public unless agreed to by the grievant and the Director, or unless the grievant pursues the matter beyond this policy.
- Nothing contained herein shall be construed to limit, in any way, the ability of DCCCHS and the grievant to resolve any grievance by informal means, and nothing herein shall be construed as requiring resorting to the formal procedures when grievable problems arise.
- A grievant may terminate the process at any level if he/she indicates, in writing, a desire to do so, accepts the resolution at that level, or fails to pursue the grievance by filing at the next level within the specified time limit.
- All grievances shall be filed and processed on grievance forms, and additional pages as needed provided by DCCCHS and made available at the school and building site.
- The time limits at any level may be extended by mutual agreement between the grievant and the appropriate respondent or hearing authority.
- The grievant may be represented by legal counsel or union representative, if applicable, in conferences or hearings, except the informal conference. Any representative who intends to represent a grievant at a conference or hearing shall notify the Director of that intention within 5 calendar days before the conference or hearing. Failure to do so may justify postponement of the conference or hearing or suspension of the deadline while the Director arranges for or consults with DCCCHS legal counsel.
- The grievance proceedings shall focus only on the issues raised by the written grievance as filed and any related issues as the parties in interest may agree to have considered.

### **STAFF GRIEVANCES (Policy)**

Effective communication between DCCCHS employees, the administrative staff, and the Governing Council is essential for proper operation of the schools. The Governing Council, therefore, authorizes the Director to establish a grievance procedure for employees as the prescribed means of resolving grievances at the earliest date and the lowest possible administrative level.

Such procedure shall provide for Governing Council review of any grievance that cannot be resolved at the administrative level. In such instances, the affected individual may request that the Governing Council review the situation. Such request shall be in writing and shall contain the basis for the appeal, including the act or acts out of which the grievance arose, identification

of the Governing Council policies and/or administrative regulations involved, and the remedy sought. Within five (5) working days following notification of the Director's decision, any written request for appeal shall be submitted to the Director for transmittal to the Governing Council. The Governing Council, at a time of its choosing, shall review the grievance and issue a response within fifteen (15) working days following such review.

Limitations: The following situations are not covered by the grievance procedure:

- The discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by the designated evaluator(s).
  
- A personnel decision made by the Director including, but not limited to, a termination or discharge, a demotion, transfer, assignment or Governing Council action directly and adversely affecting an employee's employment that may be subject to redress through provisions of State law and regulation.
  
- Situations in which the Director and the Governing Council are without authority to act or where the power to remedy the employee's concern resides exclusively with some person, agency or authority other than the Governing Council.
- Situations as to which a different procedure for remedy has been provided by the Governing Council, or where DCCCHS procedure is prescribed by State or Federal authority.

The decision of the Governing Council is final.

**STAFF GRIEVANCES**

LEVEL I      GRIEVANCE FORM A

**FORMAL GRIEVANCE PRESENTATION**

To be completed by grievant within five (5) working days after the last informal conference but no later than fifteen (15) calendar days after the employee knew or should have known of the act or omission giving rise to the grievance.

Grievant \_\_\_\_\_

Date of last infor-mal presentation \_\_\_\_\_

School \_\_\_\_\_

Supervisor \_\_\_\_\_

Assignment \_\_\_\_\_

Statement of grievance:

Action requested:

**STAFF GRIEVANCES**

LEVEL I GRIEVANCE FORM B

**DECISION OF SUPERVISOR**

To be completed by immediate supervisor within five (5) working days after formal filing.

Grievant \_\_\_\_\_

Date of formal grievance presentation \_\_\_\_\_

School \_\_\_\_\_

Supervisor \_\_\_\_\_

**Decision of Supervisor and reasons therefor:**

\_\_\_\_\_

\_\_\_\_\_  
Date of decision

\_\_\_\_\_  
(Signature of immediate supervisor)

-----

Grievant's response [to be completed by the grievant within five (5) working days after the decision]:

- I accept the above decision of the immediate supervisor.
- I hereby refer the above decision to the Director, with reasons detailing nonacceptance at Level I and any relief sought (Level II).

\_\_\_\_\_  
Date of response

\_\_\_\_\_  
(Signature of grievant)

**STAFF GRIEVANCES**

LEVEL II      GRIEVANCE FORM C

**DECISION OF PRINCIPAL**

To be completed by the Director within five (5) working days.

Grievant \_\_\_\_\_

Date of formal grievance presentation \_\_\_\_\_

Date appeal received by Director \_\_\_\_\_

Date hearing held by Director (optional) \_\_\_\_\_

Decision of Director and reasons therefor:

\_\_\_\_\_

\_\_\_\_\_

Date of decision

\_\_\_\_\_ (Signature of Director)

Grievant's response [to be completed by grievant within five (5) calendar days after the decision]:

- I accept the above decision of the Director.
- I hereby appeal to the Governing Council for a review of this grievance (Level III).

\_\_\_\_\_

Date of response

\_\_\_\_\_ (Signature of grievant)

**STAFF GRIEVANCES**

LEVEL III (Final Action)      GRIEVANCE FORM D

**REVIEW BY GOVERNING COUNCIL**

Grievant \_\_\_\_\_

Date of formal grievance receipt \_\_\_\_\_

- The attached grievance is hereby appealed to the Governing Council for a review.

**Detail reasons for nonacceptance of grievance decision at Level II and any relief sought:**

Date appeal received by Governing Council \_\_\_\_\_

**GOVERNING COUNCIL RESPONSE:**

- The Governing Council affirms the Director's response.
- The Governing Council rejects the Director's response.
- The Governing Council modifies the Director's response as follows:

**[TO BE COMPLETED WITHIN FIFTEEN (15) WORKING DAYS OF REVIEW]**