

Approved  
September 14, 2011 NMSA Board Meeting  
By All NMSA Council Members



## HUMAN RESOURCE HANDBOOK

2011-2012

*NMSA, a public/private partnership comprised of the New Mexico School for the Arts and School for the Arts – NM, admits students of any race, color, national or ethnic origin, gender, sexual orientation, sexual preference, culture, and religion or with any disability to all of the rights, privileges, programs and activities generally accorded or made available to its students. NMSA does not discriminate on the basis of race, color, national or ethnic origin, gender, sexual orientation, sexual preference, culture, disability, and religion in administration of its educational policies, admissions policies, financial aid programs, arts and other programs.*

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## INTRODUCTORY STATEMENT

This Human Resource Handbook is designed to acquaint employees with New Mexico School for the Arts (NMSA) and provide them with information about working conditions, employee benefits, and some of the policies affecting employment. Employees should read, understand and comply with all of the provisions of the Handbook. It describes many employee responsibilities and benefits.

No Human Resource Handbook can anticipate every circumstance or question about policies. The provisions of this Handbook have been developed at the discretion of the Governing Council and Principal and may be amended at any time at the Governing Council's discretion. Employees will be notified of such changes to the Handbook as they occur.

In addition to the policies and guidelines outlined in this employee handbook, NMSA has a number of policies that have been adopted by the NMSA Governing Council that relate to the governance of our school. They include the:

- Bullying Prevention Policy,
- Complaint Procedure Policy,
- Conflict of Interest Policy,
- Distance Learning Policy,
- Document Retention and Destruction Policy,
- Dual Credit Policy,
- Financial Management Policy,
- Gift Acceptance Policy,
- Grade Change Policy,
- Grant Making Policy,
- Health Services Policy,
- Hiring Policy,
- Intellectual Property Rights Policy,
- Open Meetings Act Policy,
- School Wellness Policy,
- Student Attendance Policy,
- Student Records Policy,
- Student Selection Policy,
- Textbook Policy,
- Tobacco Free Policy,
- Website Policy, and
- Whistleblower Policy.

Employees are required to acknowledge they have read this Handbook and understand and accept its provisions by signing the last page and returning it to the Office Manager. This version supersedes any previous Handbook or unwritten policies.

## GUIDING PRINCIPLES

### **Mission**

NMSA is dedicated to arts mastery and academic excellence assisting passionate young artists in developing their full potential.

### **Statement of Purpose**

New Mexico School for the Arts is a public/private partnership comprised of School for the Arts – NM (SA-NM), a tax exempt arts educational institution, and New Mexico School for the Arts (NMSA), a statewide charter high school. NMSA was created to give New Mexico students who demonstrate exceptional promise, aptitude and passion for the arts the opportunity to work toward mastery in their chosen fields and to earn a New Mexico high school diploma.

### **Core Values**

NMSA envisions its graduates to be diverse and productive members of the artistic and creative workforce, and to be successful in their further learning pursuits.

The School's goals are to:

- Provide access to mastery arts education for New Mexico's talented young artists, regardless of geography or financial capacity;
- create a unique learning environment bolstered by New Mexico's diversity, history, and connection to the arts; and
- prepare a diverse community of students to successfully continue their arts education at institutions of higher learning while inspiring them to lead productive and creative lives that enrich society.
- While at NMSA, students will:
  - receive an education up to, and including, college level instruction in the arts that is aligned with the requirements of entrance into higher education institutions and professional arts programs;
  - excel artistically and graduate with a strong education in the arts;
  - develop discipline, a standard of excellence, and self-efficacy in setting and achieving personal goals;
  - continue their education at post-secondary schools or enter the arts work force; and
  - develop a personal appreciation for the arts that will enrich their future lives.

### **Academic Freedom**

The Governing Council desires that discussion and study of political and social issues be undertaken in a dispassionate atmosphere committed to a search for truth. Teachers are encouraged to foster the study of issues rather than teach particular viewpoints with regard to them.

The Governing Council recognizes that teachers have the right and responsibility to exercise professional judgment, within the limits of the previous statements, when such issues are under study.

Teachers will inform the Principal of names and topics of guest speakers or master teachers appearing in their classrooms or studios.

## **CODE OF ETHICS, DUTY AND BEHAVIOR**

### **Personnel Policy Statement**

The personnel policies of the New Mexico School for the Arts (NMSA) are an essential part of the program of public education in the community. Through its policies, the Governing Council wishes to establish conditions that will attract and hold the highest qualified personnel who will devote themselves to the education and welfare of the students.

The Governing Council encourages cooperative efforts by the administration and employees in the development of personnel policies and regulations. Provisions for the implementation of adopted personnel policies should include channels of communication and procedures for the handling of professional and ethical problems, through which all persons or groups affected, may voice their opinions.

The Governing Council reserves the right to change these policies as its sole discretion.

To achieve the above purposes, the Principal is directed to establish related procedures as needed.

### **Standards of Professional Conduct**

NMSA requires all employees to adhere to the highest standards of professional conduct and will presume that employees will not engage in activity contrary to the interests of the organization or that interferes improperly with the rights of persons, their property, or the property of NMSA. Additionally, standards for professionalism extend to appearance, behavior, language, and mannerism and should be adhered to at all times when representing NMSA whether at school or in the community. Please keep in mind that as a representative of NMSA you are inherently a role model for our students.

Furthermore, all employees are expected to cooperate fully with the School's objective of maintaining a Drug-Free Work Place. Failure to do so is deemed to be a violation of this policy and the standards of conduct prescribed therein. Accordingly, in the event that an employee violates this policy, refuses to submit to a required evaluation for substance abuse, refuses rehabilitation, fails to complete a prescribed rehabilitation program, fails to submit required documentation relative to evaluation, or falsifies any record relative to abuse of any substance, such employee will be subject to disciplinary action up to and including discharge.

### **Nondiscrimination Statement- Equal Opportunity Employer**

New Mexico School for the Arts is an Equal Opportunity employer. It is the policy of the School 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, gender identity or political affiliation. The school promotes the principle of equal employment opportunity.

Accordingly, all recruiting, hiring and promoting is made without regard to race, color, religion, age, sex, handicap, national origin, ancestry, physical disability, marital status, sexual preference, gender identity or political affiliation, except where relevant to a bona fide occupational qualification. The school 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, 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, disability, marital status, sexual orientation, gender identity, or political affiliation, except where relevant to a bona fide occupational qualification.

### **NM PED's Educators' Code of Ethics and NM PED's Standards of Professional Conduct**

The Governing Council expects all staff to instill the highest ethical standards in the students and therefore, expects employees to model the highest ethical standards and adhere to the New Mexico Public Education Department (PED) Educator's Code of Ethics. See [Addendum 1](#) for PED's Code of Ethics.

The NMSA Governing Council acknowledges that ethical values among students cannot exist without moral values among educators. The Governing Council is therefore committed to a code of professional conduct and understands that it provides minimally accepted standards of professional conduct in education. The Governing Council expects employees to adhere to the PED's Standards of Professional Conduct. See [Addendum 2](#) for PED's Standards of Professional Conduct.

## **PROFESSIONAL EXPECTATIONS FOR TEACHERS**

### **Attendance**

Daily attendance is the responsibility of all teaching staff. Teachers will do their best to take attendance using Power School at the beginning of each class period but no later than the end of the day each day. Exceptions will only be made for those teachers without access to Power School. An alternative process will be created for those situations.

### **Reporting of Students' Grades**

It is the responsibility of all teaching staff to update Power School within five (5) school days of any test, quiz or assignment due date. For extensive projects, it is the responsibility of all teaching staff to update Power School within ten (10) school days of the due date.

### **Reporting on Students At-Risk for Failure**

It is the responsibility of the teacher to contact the parent(s) or guardian(s) by telephone or email to inform him/her (them) of a student's failing grades. A failing grade is a D or an F.

It is the responsibility of the Principal to create a system for Progress Reporting to families.

### **Instructional Plans**

The purpose of instructional planning is to assist in the improvement of the School's learning program, to ensure course alignment to NM standards and benchmarks, and to provide for the availability of resources for the entire length of the course.

Teachers will create daily or weekly lessons plans that include:

- the approximate date when the lesson will be taught,
- the content area being addressed,
- the NM standards and benchmarks addressed,
- target goals and outcomes,
- assessments and measures of student learning, and
- plans for differentiation.

Lessons plans must be turned in for retention by the School for two years as defined in state law. Lessons can be turned in on paper or a cd rom. Teachers who fail to turn in lessons plans before leaving at the end of the school year can face disciplinary action.

Also required are Long Range Instructional Plans that reflect a teacher's pacing of a class's content for the length of time that the course is taught.

Substitute Plans should be in place for both planned and emergency absences. Emergency substitute plans will be kept on file in the office and should be turned into the Office Manager.

## **EMPLOYMENT**

### **Applicant Background Investigations**

As a condition of employment at NMSA, all applicants/new employees shall submit to a fingerprint-based background check paid for by the applicant/employee.

NMSA will conduct work and education investigations and personal reference inquiries on each applicant recommended for hire, including but not limited to, substitutes, temporaries, and finalists for position vacancies. Each applicant must sign a statement which authorizes the School to inspect and/or obtain copies of any arrest fingerprint-card-supported record of information from the Federal Bureau of Investigation by the State Department of Public Safety, including information concerning felony or misdemeanor arrests pursuant to NMSA 22-10-A-5.

### **Qualifications for Licensed Employees**

All persons employed to administer, teach, supervise, counsel or provide special instructional services at NMSA shall hold and present to the School within ninety (90) days after the beginning of the School year a valid New Mexico license authorizing that person to perform that function. Failure to present such license within the prescribed time leads to forfeiture of all claims to compensation rendered thereafter.

Each licensed employee shall comply with and enforce all laws, regulations and policies applicable to NMSA; if instructing, teach the courses prescribed; exercise supervision over students on NMSA property and while students are under the control of the NMSA; and furnish such reports and attend such meetings as may be required..

### **Job Descriptions**

The Principal is charged with the responsibility for creating job descriptions for all classes of employees. It is the Governing Council's desire that the job descriptions:

- assist employees to meet their duties and responsibilities,
- assist employees and supervisors in the employee evaluation process,
- encourage the cooperation and collaboration among and between employees needed for maximum efficiency and effectiveness in achieving the work of the School, and
- assist the School in meeting its responsibilities under the Americans with Disabilities Act.

### **Principal**

The Principal is the chief administrative officer of NMSA.

The Principal is responsible to and shall serve under the direction of the Governing Council.

The Principal shall assume the responsibility and be given the authority for the operation of the School. This responsibility extends to business and administration, educational leadership, personnel, management, public relations, strategic planning, organization of resources, both material and personnel, delegation of duties and authority, and supervision of all delegated tasks and of all individuals to whom authority and responsibility are assigned.

The Governing Council will meet at least once each year with the Principal to discuss the Principal's job performance.

The Principal's salary shall be determined annually by the Governing Council.

The Principal is responsible, in accordance with state standards, regulations, statutes and local School policies, for the organization, administration, supervision and outcomes of the School.

The Principal shall meet New Mexico State Licensure requirements for the position.

### **Evaluation of Employees**

The Principal 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 employee shall meet any state regulatory or statutory requirements and shall be reviewed by the Governing Council.

The employee's supervisor is responsible for preparing the periodic evaluation. No evaluation report shall be placed in an employee's file without review and discussion between the employee and the 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 (5) School days of the evaluation review.

### **Employment, Assignment, Re-Employment, Termination of Employees**

The employment, re-employment and termination of employees other than the Principal are the responsibility of the Principal. Employment of the Principal is the responsibility of the Governing Council.

### **Reemployment, Termination, Discharge of Certified School Employees**

On or before the 14th calendar day before the end of the School year, the Principal shall serve written notice of reemployment or termination for each licensed School instructor (teacher, counselor, librarian, therapist, and coordinator) employed by NMSA. The notice of reemployment shall be an offer of employment for the ensuing School year. A notice of termination shall be a notice of intention not to reemploy for the ensuing School year. Failure of the School to serve a written notice of reemployment or termination on a licensed School instructor shall be construed to mean that notice of reemployment has been served upon the person for the ensuing School year according to the terms of the existing employment contract but subject to any additional compensation allowed other licensed School instructors of like qualifications and experience employed by the School.

Each licensed School instructor shall deliver to the Principal a written notice of acceptance or rejection of reemployment for the ensuing School year within fifteen (15) days of the following:

- The date written notice of reemployment is served upon the person; or,
- The last day of the School year when no written notice of reemployment or termination is served upon the person on or before the last day of the current School year.

In both instances, the offer of reemployment shall be deemed revoked if the employee has not returned an acceptance by the end of the 15th calendar day, unless extended in writing by the Principal.

### **Termination**

Termination for licensed instructors means that the instructor's contract was not renewed for the following School year.

All procedures and required timelines regarding the rights of terminated licensed School instructors referred to in the following paragraphs are detailed in NMSA 1978, 22-10A-24, copies of which are on file and available in the Principal's office.

NMSA may decline to re-employ a licensed School instructor with less than three (3) years of consecutive service with NMSA for any reason it deems sufficient. Upon request of the licensed School instructor, the Principal shall provide within ten (10) days of the request, written reasons for the

decision to terminate. Neither the Principal nor the Governing Council shall publicly disclose the reasons. The reasons shall not provide a basis for contesting the decision.

An employee who has been employed by NMSA for three (3) consecutive years and who has received notice of termination may request an opportunity to make a statement to the Governing Council by submitting a written request to the Principal within five (5) working days from the date written notice of termination is served upon the employee. The employee may also request in writing the reasons for the termination action, as provided by law. The Principal has five days within which a response must be provided. The Principal shall provide written reasons for the notice of termination to the employee within five (5) working days from the date the written request for a meeting and the written request for the reasons were received by the Principal. Neither the Principal nor the Governing Council shall publicly disclose its reasons for termination.

The employee employed by NMSA for three (3) consecutive years may be granted a hearing before the Governing Council, as provided by law, under the contention that the decision to terminate was made without just cause. The written contention shall specify the grounds on which it is contended that the decision was without just cause and shall include a statement of the facts that the employee believes support his/her contention. This written statement shall be submitted within ten (10) working days from the date the employee receives the written reasons from the Principal. The submission of this statement constitutes a representation on the part of the employee that he/she can support his/her contentions and an acknowledgment that the Governing Council may offer the causes for its decision and any relevant data in its possession in rebuttal of his/her contentions.

The Governing Council shall meet to hear the employee's statement in no less than five (5) or more than fifteen (15) working days after the Governing Council receives the statement, 22-10A-24, NMSA 1978. The hearing shall be conducted informally in accordance with the provisions of the Open Meetings Act [10-15-1.1 NMSA 1978]. The Governing Council may consider only such evidence as is presented at the hearing and need consider only such evidence as it considers reliable. No record shall be made of the proceeding. The Governing Council shall notify the employee and the Principal of its decision in writing within five (5) working days from the conclusion of the meeting.

### **Discharge**

A licensed School employee may be discharged during the School year only for a reason that is rationally related to the employee's competence or moral turpitude or the proper performance of duty and that is not in violation of the employee's civil or constitutional rights.

The Principal shall serve a written notice of intent to recommend discharge on the licensed School employee in accordance with the law of process in civil actions. The notice shall state the intent to recommend discharge and the cause for the recommendation, and shall advise the employee of the right to a discharge hearing before the Governing Council.

The employee may exercise the right to a hearing by giving the Principal written notice of that election within five (5) working days of the receipt of the notice to recommend discharge.

All details pertaining to the employee's rights and the procedures to be followed are detailed in NMSA 1978, 22-10A-27 (2003), copies of which are available in the Principal's office.

[Reference: NMSA 1978, 22-10A-24, 22-10A-27 (2003)]

### **Re-Employment/Termination Of Other Employees**

Licensed School instructors who are employed to fill the position of an instructor who is out on military leave and licensed administrators are not entitled to a hearing or other due process regarding nonrenewal of an employment contract. They are entitled to due process for discharge from a current contract.

The Principal may terminate a non-certified employee with fewer than three (3) years of consecutive service for any reason she or he deems sufficient. Upon request of the employee, the Principal shall provide written reasons for the decision to terminate. The reasons shall be provided within ten (10) working days of the request. Neither the Principal nor the Governing Council shall publicly disclose the reasons. The reasons shall not provide a basis for contesting the decision.

All procedures and timelines regarding the rights of terminated non-certified School employees referred to in the following paragraphs are detailed in NMSA 1978, 22-10A-24 (2003), copies of which are on file and available in the Principal's office.

Before terminating a non-certified School employee who has been employed for three (3) consecutive years or longer, the Governing Council shall serve the employee with a written notice of termination. Termination of a non-certified School employee who has been employed for three (3) consecutive years or longer shall be only for just cause or for a reason that is rationally related to the employee's competence or moral turpitude or performance of duty and that is not in violation of the employee's civil or constitutional rights. Any such employee who has been employed for three (3) consecutive years may request an opportunity to make a statement in front of the Governing Council and may also request in writing the reasons for the termination action. Neither the Principal nor the Governing Council shall publicly disclose the reasons for termination.

### **Resignations of Employees**

Certified/licensed employees shall provide NMSA with at least thirty (30) days notice of the intent to resign.

Non-certified/licensed employees shall provide at least two (2) weeks notice of the intent to resign.

Under extenuating circumstances, the Principal may waive these notice requirements.

### **Personnel Records**

The Principal shall maintain personnel records for all School employees, the records to include, but not limited to: check list, basic employee information sheet, official transcripts, licensure documents, experience records and evaluation reports, background checks, and an I9 form.

These records shall be open to inspection only to:

- The employee concerned, but only in the presence of the Principal or the person in charge of the records. The employee may see any reference only if there is no written statement by the employee or the person providing the reference that it will not be made available to the employee;
- The Principal, the Principal's staff or other administrators on a need-to-know basis;
- Members of the Governing Council during executive personnel sessions, and
- Representatives of regulatory or accrediting agencies as required for the conduct of their official business.

Personnel records will not be made available to other persons without the consent of the employee. No material shall be removed from the record except for review. No record, the file and its contents, shall be removed from the Principal's office.

### **Release of Personnel Information**

It shall be the policy of the NMSA Governing Council to protect the privacy of current, former and prospective employees to the extent permitted by law. Accordingly, all personnel information retained by the School shall be considered confidential unless the Inspection of Public Records Act requires otherwise.

Confidential personnel information will not be released without the affected person's written consent unless the Principal determines that exceptional circumstance justify such action. Other personnel information will be made available pursuant to the Inspection of Public Records Act, as interpreted by the New Mexico courts.

The Act and decisions interpreting it provide that the following types of personnel information may be treated as confidential:

- Letters of reference concerning employment, licensing or permits;
- Letters or memoranda in personnel files which are matters of opinion, including documents concerning infractions and disciplinary actions, performance evaluations, and related materials, opinions as to whether a person should be rehired or reasons why an applicant was not hired, and any other material expressing an opinion as to a current or former employee or an applicant for employment;
- Medical and related information pertaining to illness, injury, disability to perform a job, task, or sick leave; and other types of personal information, such as military discharge or arrest records, which is solicited by the School; which is considered vital to the employment procedure; which was furnished after a promise to keep the information confidential; and for which disclosure would not appear to serve any identifiable public interest.

These types of information will be treated as confidential to protect the privacy of current, former and prospective employees and to encourage qualified persons to apply for positions with assurance that the mere fact of their application for another job need not become public information.

The School shall be entitled to ask persons seeking disclosure of personnel records to provide reasonable justification for such disclosure.

## **DRUG-FREE SCHOOLS/CAMPUSES AND WORKPLACE**

The Governing Council recognizes that substance abuse in the workplace 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. 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.

### **Federal Funding Requirements**

NMSA is a recipient of federal funding and is subject to the Federal Drug Free Work Place Act of 1988. As a condition of employment, employees of NMSA shall not unlawfully manufacture, distribute, dispense, possess, be under the influence of a hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by regulation at 21 CRF 1300.11 through 1300.15. In addition, School employees shall not distribute, dispense, possess, be under the influence of, or use alcoholic beverages in the work place. It is the employee's responsibility to determine from his/her physician whether a prescribed drug may impair job performance.

As a condition of employment in the School, each employee shall notify his or her supervisor of any criminal drug related conviction occurring in the work place as defined below, no later than five (5) days after such conviction.

As a condition of employment in the School, each employee shall abide by the terms of the School district policy regarding a drug free work place.

## **Disciplinary Actions**

Any violation of these prohibited practices by an employee is cause for disciplinary action up to and including dismissal. 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 automatically be jeopardized.

Any violation by a student of these prohibited practices may result in suspension or expulsion from School.

## **Definitions**

"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(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. Also included are solvents or inhalants used for intoxication and any substances that are represented to be controlled or illegal substances.

"School Premises" or "Work Place" includes any School building or any School premises; any School-owned vehicle or any other School-approved vehicle used to transport students to and from School or School activities; and off School property during any School-sponsored or School-approved activity, event or function, such as field trip or athletic event, while in an official capacity, where students are under the jurisdiction of the School district.

"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 the School or are otherwise engaged in School business. Collectively, School premises and School programs constitute the work place.

## **Use Of Authorized Prescriptions And Drugs**

Authorized prescription drugs and "over the counter" legal drugs may be used at the work place so long as prescribed dosage and recommended use is not exceeded and the use of these drugs do not adversely affect the employee's ability to perform required work in a safe and secure manner. When such legal drugs are to be used at the work place and will affect performance, employees should inform their supervisor.

## **Education Program**

The Principal shall arrange for periodic (at least annually) training and education in the dangers and risks to physical and mental health, economic welfare, and civil status from the use of illicit drugs and abuse of alcohol and tobacco.

The Principal or designee will post notices regarding drug-free work place on a bulletin in the teacher workroom.

This policy shall be included with the orientation package of materials for each new employee. The Principal will distribute the policy to each employee under his/her supervision and will maintain records

signed by the employee substantiating this distribution and stating that compliance with the policy is mandatory. This policy shall also be incorporated in student handbooks.

### **Reasonable Suspicion**

Reasonable suspicion may arise from supervisory observation, co-worker reports or complaints, performance decline, attendance or behavioral changes, arrest for violation of a criminal drug/alcohol statute and/or vehicular accident indicating a possible impairment in judgment or negligence due to the employee being under the influence of drugs or alcohol. Suspicion should be based on observations that a supervisor can articulate concerning appearance and/or behavior. Other factors that may establish reasonable suspicion include, but are not limited to: violation of company safety policies, discovery of illegal drugs, drug paraphernalia and/or alcohol in an employee's possession or near the employee's workplace, a report of drug/alcohol use, sale and/or transfer of drugs/alcohol on work premises/property from a credible and reliable source.

An employee may be required to undergo a drug/alcohol screening/testing if there is reasonable suspicion that the employee's alcohol and/or drug use could impair job performance and/or affect safety. The School reserves the right to search all areas of the work site, personal articles at the work site and vehicles on School grounds. A supervisor will conduct searches with appropriate assistance.

### **Confidentiality and Due Process**

Employees and students are assured that every effort will be taken to protect their confidentiality. Actions taken in enforcement of this policy shall comply with such hearing or due process procedures as may be required by district policy or state laws.

This policy is adopted in accordance with Public Law 101-226, Drug-Free Schools and Communities Act Amendments of 1989, for receipt of federal program funds.

[Reference: Public Law 101-226, Drug-Free Schools and Communities Act]

### **Procedures Following Policy Violation**

If an employee violates or is under the suspicion of violation of the policy, the actions to be taken are described in the steps below.

#### Step 1

Remove the employee from the work area. If the employee is under the influence, the employee will not be allowed to leave without supervision. In fitness for duty incidents, the supervisor is responsible for ensuring that the employee is offered transportation home or to a test facility. If the employee refuses the transportation and attempts to drive, the supervisor should notify the local law enforcement.

#### Step 2

A timely conference with the employee and the Principal or his/her designee will be held. The employee may choose to be accompanied by a representative of his/her own choosing at any step of this procedure. If the incident occurs at an after work hours School event, the conference shall be held as soon as possible following the incident. The employee will be asked to submit to a drug/alcohol test at the time of the conference.

#### Step 3

Suspension with pay/administrative leave may be imposed while:

- An investigation of the circumstances is conducted and testing is completed. The Principal will direct the employee to the appropriate place for immediate testing to determine if suspicion is confirmed. The Principal will set the appointment and may arrange for an escort of the

employee to the testing site. Testing safeguards will be in effect including an observed test. If the test is tampered with, the employee will be required to submit to a second test immediately. This second test may be at the employee's expense. If the employee refuses or does not appear for the test, the Principal will remind the employee orally and in writing of the policy and that refusal may lead to discipline including termination;

- the employee or the School Benefits Administrator makes an appointment for the employee to meet with the Principal who may make a referral for the employee to a healthcare provider who will monitor the employee's health. This may be done at the employee's expense;
- a positive result or refusal to submit to a drug/alcohol screening, refusal of a search and/or refusal to make an appointment with the EAP and/or failure to comply with all the EAP compliance procedures will be considered insubordination and will result in a disciplinary action up to and including termination. The employee will be placed on administrative leave or suspension pending administrative review and action. Pay status is to be determined in review.

#### Step 4

A second conference will be held with the employee, the supervisor, the Principal or his/her designee and the EAP Coordinator at the end of the suspension or administrative leave period. Final disposition of the situation will depend upon the outcome of the conference and may include, but not be limited to:

- an opportunity for the employee to explain the positive result;
- unannounced or periodic drug and alcohol testing for a designated period at the employee's expense;
- consideration of the following prior to taking disciplinary action:
  - job safety of others;
  - past employment record and length of employment;
  - employee willingness to seek assistance;
  - suspension without pay;
  - participation in the Employee Assistance Program with full status regained after completion of the recommendations made by the EAP Coordinator and agreed to by the employee, supervisor, and the Superintendent or his/her designee; or
- a recommendation for termination.

The employee may have a representative accompany him/her to this conference.

#### STEP 5

Documentation will be kept as follows:

- Drug testing documentation will be kept in a separate confidential file for medical concerns.
- Letters or memorandums addressed to the employee outlining disciplinary procedures will be placed in the personnel file.
- Upon return or completion of treatment, the employee will contact the Principal for an appointment and will be required to comply with the terms stated in a Memorandum of Agreement. This agreement shall contain specific guidelines for future expectations indicating whether further disciplinary action including termination, will be taken.
- Once compliance has been achieved through EAP and confirmed by the Principal, the employee will receive a letter of release from the memorandum of agreement.

## **MANDATORY REPORTING**

### **Reporting Illegal or Improper Conduct**

The Governing Council affirms its commitment to adherence to proper and legal conduct by all employees of the NMSA. As part of this commitment, the Governing Council requires that an employee who has reliable information that another employee is engaging in illegal or improper conduct shall report such information to the Principal. The School shall hold the employee making the report safe from any retaliation, unless the employee acted in bad faith or with malicious purpose. Any employee who retaliates against an employee who makes a proper report of illegal or improper conduct shall be subject to discipline.

It is the duty of appropriate administrative officials to investigate any report of illegal or improper conduct by an employee. The employee making the report has no duty to investigate, but shall cooperate with the investigating administrator(s). During the investigation the originating report shall be held confidential, consistent with the requirements of an effective investigation. Upon the conclusion of the investigation, a determination shall be issued.

If the charge(s) of illegal or improper conduct is supported by the investigation, appropriate disciplinary action shall be taken including, but not limited to, warning or reprimand, suspension, termination or discharge, subject to any applicable procedural requirements.

If the charge(s) is found to be without merit, the record retained by the School shall be on file in the Principal's office and not be part of the employee's personnel file.

### **Reporting Student Abuse of Alcohol or Drugs**

New Mexico law (NMSA 22-5-4.4) requires that School employees who know or in good faith suspect any student of using or abusing alcohol or drugs shall report such use pursuant to procedures established by the Governing Council. So long as such report is made in good faith, the reporting School employee shall be immune from civil damages for his or her action. This policy is enacted to provide a procedure to be followed by all School employees in reporting known and/or suspected use of alcohol or drugs by students.

All employees have a mandatory, non-discretionary duty to report known or suspected alcohol or drug use or abuse by any student of the School.

All reports made shall be on a Confidential Incident Reporting Form found on the S drive under Main Office Forms, available from the Principal, and shall be given to the Principal upon completion.

Reports shall be made within a reasonable time after the employee learns or suspects the use or abuse of drugs or alcohol by a student.

It is not the duty of the School employee making the report to conduct an investigation to determine whether the student identified has in fact used or abused drugs or alcohol. The duty to investigate shall be upon the Principal provided, however, that the reporting employee shall cooperate with responsible School officials during the course of any investigation.

The failure of any School employee to report knowledge or suspicion of student alcohol or drug use in a timely manner may be cause for discipline of the employee.

[Reference: NMSA 22-5-4.4]

### **Reporting Acts of Violence and/or Vandalism**

New Mexico law requires that any district employee who observes or has direct knowledge from a participant or victim of an act of violence upon any employee of NMSA engaged in the lawful discharge of duty or of vandalism to public School property shall file a report describing the incident pursuant to

procedures established by the State Department of Public Education. Any person who files such a report shall not be discriminated against in any manner or discharged because he/she has filed that report.

[Reference: NMSA 22-10A-33]

### **Reporting Child Abuse and Neglect**

School personnel, including counselors, have a direct obligation, imposed by state statute, to provide a report to social services or law enforcement agencies immediately upon knowledge or a reasonable suspicion that a child is abused or neglected. Employees who have the concern or have witnessed something must make the call. All employees have a mandatory, non-discretionary duty to report known or suspected abuse or neglect of a child.

School employees or School counselor who know or suspect that a child is an abused or a neglected child shall also report the matter to the Principal or School counselor who will then notify:

- The Children, Youth and Families Department, or
- The probation services of the judicial district in which county the child resides, or
- The criminal prosecution division of the Office of the District Attorney.

So long as such report is made in good faith, the reporting School employee shall be immune from civil liability or criminal sanctions for his/her action. Any School employee who permits a member of a law enforcement agency or an employee of the Children, Youth and Families Department to interview the child with respect to that report without the permission of his/her parent, guardian or custodian is presumed to be acting in good faith and shall be immune from civil and criminal liability that might otherwise be incurred, unless the employee acted in bad faith or with malicious purpose.

It is not the duty of the School employee making the report to conduct an investigation to determine whether the child identified has in fact been abused or neglected. The duty for the state to investigate the report is set forth in Section 32-1-15 of New Mexico Statutes.

[Reference: New Mexico Statute 22-5-4.2]

### **Failure To Report**

The failure of any School employee to report knowledge or suspicion of child abuse or neglect will be cause for criminal prosecution and may be cause for discipline of the employee.

[Reference: New Mexico Statute 22-5-4.2]

## **MEGAN'S LAW**

It is the policy of the NMSA Governing Council to support the purposes of the Sex Offender Registration and Notification Act (New Mexico's version of "Megan's Law") by providing notification to parents and guardians of the School's students about the availability of public information concerning the presence of registered sex offenders residing within the area of NMSA.

Accordingly, the Principal will issue a notice to parents and guardians of NMSA students at least once a year, preferably at the beginning of each School year. The following information will be included in the notification:

- Website of the New Mexico Department of Public Safety ([www.nmsexoffender.com](http://www.nmsexoffender.com))
- Information urging parents and guardians to check the website for offenders within the county, city, and School community
- Location of publicly available computer terminals in the community including public libraries and Schools and

- The accuracy of the information on such website may be confirmed by calling the Department of Public Safety at (505) 827-9297.

The Principal may also issue such administrative directives that, in his or her judgment, may further promote the purposes of the Sex Offender Registration and Notification Act.

## **UNLAWFUL HARRASSMENT**

The Governing Council is committed to providing a work and learning environment in which all individuals are treated with respect and dignity. Although the policy focuses on sexual harassment it applies equally to all forms of unlawful harassment.

Each employee and student has the right to work and learn in an environment that is free of unlawful discrimination, including sexual harassment and harassment based upon other protected characteristics. No person should be required to endure sexual or other unlawful harassment by supervisors, peers, which includes student-on-student sexual harassment, faculty members, educational support staff, independent contractors or vendors or work or learn in a hostile environment as a condition of employment or pursuit of academic excellence. This policy also applies when an employee is subject to harassment at the School or on School business by someone not affiliated with the School.

It is the policy of the NMSA to:

- Prohibit any person in the work or academic setting from sexually harassing any other person in the work or academic setting.
- Prohibit any person in the work or academic setting from harassing any other person because of sex, race, religion, national origin, disability, sexual orientation, gender identity, age, veteran status, or other protected characteristic.
- Not tolerate or condone such harassment by or towards its employees or by or towards its students. The School will take appropriate actions to prevent, correct, and if necessary, to discipline an individual's behavior which violates this policy.
- Take reasonable steps to provide a work and academic environment free of sexual and other unlawful harassment.
- Investigate allegations of harassment/misconduct in a timely and thorough way.
- Take appropriate and timely corrective action with respect to information or allegations that employees or students are being subjected to unlawful harassment in the work or academic environment.
- Provide on-going education and awareness regarding sexual and other unlawful harassment.
- Provide information about how to pursue claims of unlawful workplace harassment.

### **Sexual Harassment Defined**

"Sexual harassment" is a form of gender discrimination as defined in Title VII of the Civil Rights of 1964 and is a violation of federal and state law and School policy.

According to the Equal Employment Opportunity Commission, sexual harassment is illegal if:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can occur in a variety of forms. Harassing conduct based on gender often is sexual in nature but sometimes is not. In order to violate federal and state antidiscrimination laws, sexual harassment must be unwelcome and must be sufficiently severe or pervasive to create an offensive or intimidating hostile working environment. However, any harassing conduct because of sex or any other protected characteristic is a violation of this policy even if it is insufficiently severe or pervasive to violate state or federal law.

Sexual harassment includes unwelcome sexual advances such as requests for sexual favors and written, visual or verbal conduct of a sexual nature.

If the behavior toward another employee makes them feel intimidated, uncomfortable or if the employee feels threatened, it may be considered sexual harassment even if the harasser did not intend for his/her action(s) to be offensive.

Sexual harassment may also be considered a criminal offense under state and local assault and child abuse laws.

### **Reporting Harassment**

Any employee who observes or experiences conduct they believe violates this policy shall, whenever possible, confront the person or persons responsible for the offensive behavior and indicate that it is unwelcome and should be stopped. The employee also has an obligation to promptly report the incident to the Principal.

### **Investigations**

The School will investigate all allegations of unlawful harassment. All School employees are required to cooperate with any such investigations. Upon receiving information regarding harassment by a School employee, the Principal shall promptly and fully investigate all reported information. The Principal, in consultation with legal counsel, shall oversee investigations conducted.

### **Appeal**

Any affected employee, who is dissatisfied with the conclusion or results of an investigation, or with any corrective measures taken, may appeal the decision to the Governing Council. Any such appeal should be in writing and must include the nature of the employee's dissatisfaction with the conclusions or results of the investigation.

### **Discipline**

Conduct that violates this policy is cause for discipline which may include suspension or discharge.

### **Retaliation**

No one will be retaliated against for making a good faith complaint regarding unlawful harassment. Such retaliation in and of itself is cause for discipline and will not be tolerated.

## **SEXUAL MISCONDUCT**

NMSA does not tolerate sexual misconduct by any of its employees. All employees, as part of their regular duties, shall therefore be cognizant of their behavior, its intentions and how they may be perceived with respect to circumstances that suggest sexual misconduct. This policy also applies to non-employee volunteers, and to any other persons who work subject to the control of School authorities.

"Employee/employee" - Sexual misconduct includes, but is not limited to, physical act(s) of aggression, force or threat against another employee of the same or opposite sex, threatening to force or coerce sexual acts, including the touching of private/intimate parts, and coercing, forcing or attempting to coerce or force sexual intercourse.

“Employee/student” - As used herein, sexual misconduct by employees against students means any sexual or romantic contact between any employee of the School and any student of the School

### **Reporting Sexual Misconduct**

All School personnel, including counselors, shall report to the Principal any information concerning sexual misconduct within 24 hours of receiving the information. The Principal will request a written statement from the Employee. The Principal shall investigate the report and take or direct appropriate action.

A Report stating the outcome of the investigation will be created and kept on file. In the event the employee implicated by the information is the Principal, then such report shall be made to the Governing Council Chair as soon as possible but not more than 24 hours after the information is received.

### **Investigations**

Upon receiving information regarding sexual misconduct by a School employee, the Principal shall promptly and fully investigate all reported information concerning sexual misconduct. The Principal, in consultation with legal counsel, shall oversee investigations conducted, including the initial determination as to whether a reasonable suspicion of sexual abuse by a School employee exists, and whether a full investigation should be conducted.

### **Cooperation With Investigations**

Non-administrative staff members are neither authorized nor responsible for conducting investigations with respect to such information, but will be expected to cooperate in the School's investigation by providing information they have received.

Sexual misconduct can result in criminal prosecution by law enforcement authorities. Accordingly, the reporting and investigation procedures described herein are to be conducted by the School in addition to any criminal investigation that may be conducted by law enforcement authorities.

### **Appeal**

Any affected employee, who is dissatisfied with the conclusion or results of an investigation, or with any corrective measures taken, may appeal the decision to the Governing Council. Any such appeal should be in writing and must include the nature of the employee’s dissatisfaction with the conclusions or results of the investigation.

### **Discipline**

Conduct that violates this policy is cause for discipline which may include suspension or discharge.

### **Retaliation**

No one will be retaliated against for making a good faith complaint regarding unlawful sexual misconduct. Such retaliation in and of itself is cause for discipline and will not be tolerated.

## **PHYSICAL VIOLENCE**

### **Physical Violence Defined**

“Physical violence” is any form of intentionally forceful, harmful, hurtful, or patently offensive physical contact administered upon or directed to the body of another, including, but not limited to:

- striking, kicking, squeezing, or pinching any part of the body, or forcefully grabbing the body or clothing, or attempting to do any of the foregoing; or

- restraining or restricting physical movement through physical contact, or attempting to do either.

The following actions by an employee are exempt from this policy, and will not constitute a violation of the policy:

- An employee may, but is not required to, reasonably restrain another employee or third party whose conduct is violent or physically disruptive if:
- The conduct of the person-to-be-restrained is directed toward any person, including, but not limited to, any employee, a student, any third person, or the employee himself or herself, of
- The conduct of the person-to-be-restrained is directed toward School property or the property of another on School premises.
- In any instance in which another employee or third party has refused valid directives to proceed to, to leave, or to avoid entering any part of the School's premises, and the employee's or third party's refusal creates a disruption or potential disruption of the operations of the School. An employee may, but is not required to, exercise a reasonable grasp upon, or restraint of, the other employee or third party for the purpose of moving or removing such person, or for the purpose of preventing the other employee or third party from entering the premises.
- "Violence toward property" is intentionally damaging or destroying the property of the School, of another employee, of a third party, or attempting to do any of the foregoing.

### **Employee Assault**

The Governing Council acknowledges the need for its employees to perform their duties in a safe, secure and non-threatening atmosphere and recognizes the possibility of assault on an employee or another person on School property, or at School-sponsored events. The term "assault" as used in this policy shall mean not only a violent physical or verbal attack, but shall also include the concepts of legal battery, legal assault, and intentional infliction of severe mental or emotional distress.

No employee shall, while on duty, physically or verbally assault any other person. However, an on-duty employee is permitted to use reasonable force to repel a physical assault upon himself or a physical assault on another person. No verbal statements justify use of force. If an on-duty employee is threatened with an assault upon him/her or another and has a reasonable method of retreating or causing the other to retreat so as to avoid the assault, the employee shall retreat or cause the other to retreat.

### **Violent and Aggressive Conduct by School Employee**

Violence or violent conduct by employees is inconsistent with the School's mission of instilling respect, self-control, and personal discipline in our students and is prohibited. The effective operation of the NMSA requires that employees strictly avoid subjecting other employees or non-student third persons to violence, the threat of violence, other forms of physical harassment, or intimidation.

Violent conduct by employees is prohibited, including, but not limited to, the following:

- Any form of physical violence, as defined herein;
- Intimidation, harassment, or any threat of physical violence, communicated by words or conduct;
- Possession of a weapon.

### **Violence Toward Students**

The NMSA Governing Council's prohibition of employee violence toward students is set forth in its policy on Corporal Punishment. Instances of employee violence toward students shall be addressed according to the terms of that policy.

## **Discipline**

An employee who is found to have violated this policy shall be subject to discipline, which may include suspension or discharge for any violation.

## **SUBSTITUTE TEACHERS**

The Principal shall maintain an active list of persons approved and licensed by the State Department of Education to act as substitute teachers. Only persons on this approved list or persons holding a New Mexico teaching license or persons assigned to the classroom in question as a student teacher, co-op student, or instructional assistant may be employed as substitutes. The Principal is directed to establish administrative procedures that will enhance the School's ability to maintain the best possible roster of substitutes.

At minimum, all applicants for initial substitute teacher licensure shall have attained twenty-one (21) years of age and have earned a high school diploma or high school diploma equivalency.

In the event that no substitute can be found on a particular day, or for a particular class period, a School administrator may:

- Divide a class of students among several teachers,
- Request teachers to substitute during their preparation period,
- Assign a classroom instructional assistant who is assigned to a regular classroom.

The Principal or designee shall develop and implement administrative procedures necessary to effectively employ, assign, monitor, evaluate, compensate and retain highly qualified substitute teachers for the School. Records will be kept by the Principal or designee of substitute applicants' ability to perform services, meet minimum performance and initial certification requirements, and meet continuing certification requirements as set forth below.

Any person seeking to perform services as a substitute teacher in the School must hold a license authorizing that person to perform the duties of a substitute teacher. Substitute teacher certificates shall be issued by the Public Education Department to persons who, at a minimum, meet the requirements delineated by the New Mexico Public Education Department (NMPED).

### **Background Checks for Substitute Teachers**

As a condition of employment as a substitute teacher at NMSA, all applicants for such initial certification shall submit to a fingerprint-based background check paid for by the applicant.

[Reference: NMSA 1978, 22-13-14]

## **WORKPLACE CONDITIONS**

### **Office Hours and Annual Calendar**

The main office of NMSA is staffed from 8:00 am to 5:30 pm, Monday through Friday. The office is closed on all major holidays. During winter and spring break, office hours may be limited. Call 505-310-4194 for the exact hours of operation during these times. Between December 25, 2011 and January 2, 2012 the School will not be open for business.

For a complete listing of all school events, please refer to the NMSA website at [www.nmschoolforthehearts.org](http://www.nmschoolforthehearts.org).

## **Work Day Defined**

An academic teacher's work day begins at 8:00 and ends at 3:30. Because the NMSA school day begins at 9:15 and ends at 4:45, the artistic staff's workday may reflect a different work day. For the same reason, individual NMSA's teachers may reflect a different work day as approved by the Principal.

## **Emergency Closings**

At times, emergencies such as severe weather or power failures can disrupt School operations. In most cases, NMSA will follow Santa Fe Public Schools in these decisions. In extreme cases, these circumstances may require closing the School or delaying the start time. For the protection of students and employees, a snow day or delay is called when it is unsafe to travel. Pay for instructional employees is not docked when the School is closed or a delay is called for employees otherwise scheduled to work. Individuals who are not scheduled to work or who are off work due to sickness or vacation are not affected by emergency closures or delays.

During emergency School closings, non-instructional employees will report to work as soon as road conditions allow safe travel to the School.

NMSA administrative staff will notify local television stations to report closings. NMSA administrative staff will make every attempt to update the School's website with closure information.

## **Smoke Free Environment**

NMSA is smoke free. The use of tobacco products by employees and any other persons is forbidden in school buildings, on school property, in any school-owned vehicle or in any vehicle used to transport students.

## **Meetings**

All teaching staff is expected to attend twice-monthly All Faculty meeting. In an effort to continuously improving the learning culture within the school, all teaching staff are expected to attend staff development meetings, and, upon request, student assistant team meetings.

## **Emergency Drills**

NMSA shall conduct an emergency drill once each week during the first four weeks of the school year and once each month thereafter until the end of the school year. Two drills during the year shall be shelter-in-place drills and one shall be an evacuation drill. The remainder of the drills will be fire drills. It is the responsibility of the Principal to schedule the drills. It is the responsibility of the Office Manager to report the drills according to PED guidelines.

Teachers will take their class to the designated muster point and take attendance. Teachers who are not with students, need to assist students overall as they exit the School.

## **Travel Reimbursement**

The Principal shall be responsible for determining the necessity for reimbursable travel by employees.

Approved travel shall be reimbursed by mileage and per diem amounts allowed under New Mexico statute or regulation, except when lesser payments are agreed to by the employee(s) and the Principal. Reimbursement for travel on public conveyance shall be at the most economical rate.

[References: NM Travel and Per Diem Act]

## **Purchase orders and Reimbursements**

By law NMSA cannot reimburse staff for money spent after the fact. NMSA cannot reimburse after a purchase is made. Every purchase has to be approved before it occurs. A purchase requisition needs to be completed and submitted to the Principal for approval. If approved, a Purchase Order is generated

and then the order for the resource is placed. Upon receipt of the resource, payment is made to the vendor.

## **VEHICLE USE**

NMSA teachers and staff are expressly prohibited from driving children to or from NMSA or SA-NM events.

Personal vehicles used for NMSA business must be driven responsibly and safely. Exceeding the posted speed limits or violating any other applicable laws is prohibited. Observance of all traffic laws is required. NMSA is not responsible for and will not pay fines or defend drivers in court for traffic violations whether they occur while on NMSA business or not. All traffic citations are the responsibility of the driver.

Operation of personal vehicles used for NMSA business under the influence of illegal drugs or alcohol is prohibited. Violation of this rule may also result in disciplinary action up to and including termination.

## **INTERNET/TECHNOLOGY/EQUIPMENT RULES**

### **Internet Acceptable Use Policy**

Internet access is available to students and staff at NMSA. The Governing Council believes the Internet offers vast, diverse and unique resources to both students and staff. The Governing Council's goal in offering this service is to promote educational excellence by facilitating resource-sharing, communication, and providing students with access to the latest educational technology opportunities.

Along with access to libraries, computers, and people all over the world comes the availability of material that may not be considered of educational value in a school setting. The Governing Council firmly believes that the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the School. Precautions have been taken to restrict access to controversial materials by teaching students about responsible use and by installing software that is available to block access to inappropriate materials. Internet access involves:

- Electronic mail
- Library access
- Access to local area and wide area networks
- World Wide Web

The purpose of Internet access is to support curriculum objectives, which include core academic and art curriculum subject areas, library and information literacy skills, technology literacy skills, and community collaboration and interaction. Staff and student use of the Internet will be limited to achievement of those objectives and the educational objectives of the School. The use of the School's Internet access is a privilege and not a right. Inappropriate use of these privileges by staff will result in a cancellation of those privileges and possible disciplinary action.

Staff should be aware that all email communications are the property of the school and privacy should not be expected.

### **Technology and Equipment Use/ Electronic Systems and Electronic Communications**

The proper use of school technology and other equipment is primarily for school activities.

NMSA provides employees with access to and use of NMSA owned, borrowed, donated or rented electronic communications equipment (e.g., PDAs, cell phones, computers, laptops), hardware,

software, and systems (collectively “electronic systems”) that enable the receipt and transmission of electronic communications (e.g., voice mail, electronic mail (e-mail), facsimiles (collectively “electronic communications”) to assist employees in carrying out their NMSA work duties and responsibilities. NMSA established this policy to ensure the proper use of electronic systems and electronic communications and to explain the rules regarding their proper use by employees.

### **NMSA Ownership and Access**

NMSA owns and/or has the right to all of its electronic systems. Except as specifically permitted by this policy, the electronic systems are to be used for conducting the business of NMSA. Use of electronic systems for personal purposes or to conduct any non-NMSA business should be limited.

NMSA owns and has the right to at any time intercept, enter, search, review, monitor, print, disclose, distribute and/or publish all electronic communications created, sent, received, accessed, stored, or otherwise transmitted through its electronic systems.

### **Procurement**

No software, hardware, or other equipment may be used on or in conjunction with NMSA electronic systems unless it has been approved by the Business Manager, and registered, and installed by the IT Staff.

### **Compliance with License Agreements**

In order to comply with applicable software licenses, NMSA prohibits employees from: (i) sharing any software with any other employee or non-employee; (ii) removing software from one piece of equipment and installing it onto another, (iii) duplicating any software or documentation; and (iv) installing any software on a portable or home computer.

### **Proper and Professional Use of Electronic Systems and Electronic Communications**

NMSA electronic systems are generally assigned to individual employees, who are then responsible for ensuring they are used properly and in compliance with NMSA policy. Personal computers may not be used by any person other than the employee to whom it was assigned or issued.

Employees are prohibited from disclosing their passwords and from using someone else’s password, accessing a file or retrieving any stored information in restricted areas, unless authorized to do so.

Employees are responsible for: (i) ensuring that anti-virus software is kept running at all times on computers and PDAs assigned to them; (ii) exiting all programs before turning off computers and PDAs assigned to them; and (iii) logging off the NMSA network before leaving their assigned electronic systems overnight or for an extended period of time.

All electronic communications by NSMA employees should be courteous and professional and should not contain any statement(s) that would be contrary to NMSA or its constituents (both internal and external).

Creating, forwarding, or otherwise sending electronic communications containing abusive, obscene or other language or information that is contrary to any NMSA policy (e.g., Anti-Harassment Policy) is prohibited. Employees are also prohibited from sending “Broadcast” e-mails, i.e., e-mails sent NMSA-wide. NMSA-wide e-mail should be submitted to the Principal for review, approval and distribution.

### **Improper Use of Electronic Systems and Electronic Communications**

NMSA prohibits the use of its electronic systems for any transmission (including but not limited to uploading, downloading, copying, transmitting, sending or receiving) of or related to:

- Illegal activities;
- Pirating, stealing or other improper use of copyrighted or patented materials, including but not

limited to any software program, computer games, music or passwords for which the user is not authorized, or characters or graphic designs for screen savers or other purposes, except as authorized by the copyright owner;

- Confidential trade-secret or business-proprietary information owned by SA-NM, except as authorized by NMSA;
- Confidential trade-secret or business-proprietary information owned by any other party except as authorized by such party;
- Confidential NMSA, employee, or donor information, except as authorized;
- Any solicitation on behalf of an outside business venture, charity or political, religious or other cause, except where expressly authorized in advance by NMSA's management pursuant to NMSA's current policies on solicitation and distribution activities;
- Creation, sending or receiving of chain letters, multiple-forwarded jokes, or excessive or inappropriate personal messages;
- Accessing, receiving, sending, viewing or exchanging pornographic, obscene or sexually explicit materials;
- Communications of content that a reasonable person would consider threatening, unprofessional, defamatory, offensive, abusive, harassing, disruptive or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone on the basis of race, age, gender, national origin, sexual orientation, religion, political beliefs, disability or other protected group status;
- Participation in news groups or chat sessions, unless expressly authorized in advance by NMSA;
- Sending anonymous e-mail or facsimile messages or opening attachments from unsolicited e-mail messages (which may contain viruses);
- Using non-standard third-party software without authorization of NMSA's Business department;
- Using NMSA's electronic communications for any other conduct that is contrary to NMSA's business interests.

Employees are also prohibited from visiting sites containing pornographic or sexually explicit material.

### **Social Networking Websites**

NMSA strongly advises against the use of personal social networking websites as a means of contacting students. For liability reasons, social networking websites (Facebook, MySpace, YouTube etc.) should not be utilized as a means of communication between students and staff/teachers or managers and their direct-reports. Please do not post pictures, videos or any other NMSA related material without the Principal's approval. All postings to the SA-NM/NMSA Facebook page should be done through the Director of Development. Abuse of this policy may be grounds for disciplinary action, up to and including termination. If you have questions regarding this policy please see the Principal.

NMSA permits minimal and reasonable personal use of electronic communications systems. Employees are required to maintain a separate e-mail account for personal e-mail.

Employees using NMSA's electronic communications systems are not assured and have no expectation of privacy with respect to the content, characteristics, quantity, origin, destination or any other attribute of their usage or messages. NMSA has the right to monitor e-mail and any of NMSA's Internet accounts.

### **Permitted Personal Use -- No Employee Expectation of Personal Privacy**

NMSA permits minimal and reasonable personal use of electronic communications systems. Employees

are required to maintain a separate e-mail account for personal e-mail.

Employees using NMSA's electronic communications systems are not assured and have no expectation of privacy with respect to the content, characteristics, quantity, origin, destination or any other attribute of their usage or messages. NMSA has the right to monitor e-mail and any of NMSA's Internet accounts.

### **Security of Electronic Communications**

Employees are responsible for protecting the confidentiality and security of all electronic communications and must prevent access to and use of electronic communications by any unauthorized individual or entity. Employees are prohibited from retrieving or reading any electronic communications intended for someone else.

Confidential or sensitive information should not be sent through electronic communications, and specifically not across the Internet or by facsimile, without first making specific arrangements for their secure receipt.

### **Size Restrictions for E-mail Attachments and Outlook Mailboxes**

The size of incoming and outgoing e-mail attachments is limited to 15MB or less to ensure system security, performance and availability. For attachments larger than 10MB, please divide the attachment into smaller segments and send them in separate mail messages or contact the main office for assistance.

Outlook mailboxes must not exceed a size of one GB per employee. Outlook items (e-mails, calendar entries, etc.) should remain on the Outlook server for a minimum of 30 days. After 30 days, Outlook items may be moved to a .pst file with the automated auto archive feature or moved manually.

### **Retention Policy**

NMSA backs up all files on the server, including emails, on a weekly basis. To ensure compliance and accuracy, NMSA requires all business-related electronic data to be either saved on the network server or saved locally on a bi-weekly basis. Old emails must be archived on a bi-weekly basis. Employees are prohibited from formatting the hard drive of their local computer or otherwise deleting NMSA data.

### **Cellular Phones**

In rare instances, cellular phones may be issued to employees who have extended hours and responsibilities for the purpose of conducting NMSA business. Cellular phones and equipment are issued by the Business Manager.

### **Personal Calls**

The use of NMSA cellular equipment to make or receive personal calls is discouraged except in an emergency situation. Employees must realize that although personal calls made within the local calling region and under the usage limits provided by the employee's plan do not result in additional charges, they do count toward the overall time limits established under the service agreement. Any overage, long distance, roaming or other charges realized by the employee for personal calls shall be the responsibility of the employee and must be reimbursed by the employee.

## **POTENTIAL CONFLICT OF INTEREST**

Each employee of NMSA is in fact an employee of the State of New Mexico, responsive to the people or taxpayers of the state. As such, each employee will refrain from activities, employment, and business transactions which violate federal, state, or local laws or which, in any way, diminish the integrity, efficiency, or discipline of the School.

Employees are prohibited from using confidential information acquired by virtue of their association with the School for their individual or another's private gain.

[Reference: NMSA 1978, 22-21-1]

### **Soliciting and Selling by Employees**

Employees are prohibited from soliciting from children on School premises during School hours.

School employees are prohibited from conducting any business transactions for political campaigns or candidates or for personal profit during School hours and on School premises.

School employees engaged in the sale of raffle tickets or other items for support of student-related organizations shall do so in a manner and time that will not interfere with the proper conduct of any School function or interfere with a School employee's effective performance of duties.

The Principal must be advised in advance of all fundraising activities. Any proposed fundraising activity must have the approval of the Principal prior to scheduling or planning such activity.

### **Tutoring of Students**

The NMSA Governing Council believes that by maintaining an instructional staff of high quality and providing for a rich and varied curriculum the need for individual tutoring is minimized.

When paid tutoring of a student by an employee is deemed necessary, such tutoring will be conducted outside the employee's regular work hours. Such paid tutoring is to be arranged between families and the staff, but should be set up with the knowledge of the department chair or coordinator of the subject in question.

### **Gifts and Gratuities**

Individual employees shall neither solicit nor accept personal gratuities, favors or anything of monetary value from contractors as merchants with whom the NMSA is doing business or who are attempting to sell goods or services to the Schools.

Individual employees shall not request, receive, or accept a gift or loan for themselves or another that tends to influence them or appear to influence them in the discharge of their duties as employees.

Business with suppliers to School will not be influenced or appear to be influenced by an employee's financial interest.

This policy does not preclude acceptance of food or drinks of a social nature or participation in a social event.

### **Political Activities by Employees and Others**

Employees seeking political office, as well as other candidates, are prohibited from conducting campaign activities during regular working hours on School premises. Under no circumstances will a candidate be permitted to use students during School hours in any campaign activity. Similarly, candidates are prohibited from using School machines or materials to produce campaign literature.

Those persons, including employees, seeking to promote themselves or another candidate for elected office are to observe the following:

All employees:

- Are encouraged to register and vote,
- Have a right to express their opinions on all political subjects and candidates,
- May serve as convention delegates,
- May attend political rallies,
- May serve as an elected official, provided the employee is on authorized leave; and

- May be a member of a local Council, which shall not be construed to be either holding political office or being an officer of a political organization provided the employee is on authorized leave as necessary.

All employees shall observe the following:

- May not engage in political activity during contract hours to include signing nominating petitions and making voluntary contributions to political organizations,
- No employee shall use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office or for any other political purpose,
- No employee shall directly or indirectly coerce, attempt to coerce command or advise an employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purpose. This includes threatening to make employment decisions regarding hiring, promotion, transfer, training, compensation, benefits or any other employee programs, based upon an employee's choice of candidate in an election.
- No employee or other person shall place campaign literature in faculty or staff mailboxes or distribute such literature in classrooms.

Candidates, if invited by an employee group, will be permitted to address the employee group after School hours. Attendance for employees will not be mandatory. Otherwise, no campaigning will be allowed in the buildings. No visits to classrooms or lounges for campaigning purposes will be permitted if it interferes with instructional time or is unwanted.

Students are not to be asked to take home campaign literature for individual candidates.

Employees may not use the School's electronic mail (email) service to distribute political activity communications. School telephones will not be used to engage in political activity and will be left free for School business.

Bumper stickers affixed to personal vehicles will be allowed. However, campaign buttons or the like will not be worn during School hours.

Sale of tickets for campaign fundraisers will not be permitted on School premises during contract hours.

### **The Hatch Act and New Mexico State Statutes**

Employees who are covered by the provisions of the Hatch Act may be candidates in nonpartisan elections, if upon filing or accepting the nomination and during the entire campaign the employee is on authorized leave. These employees may not be candidates in partisan elections. Employees not covered by provisions of the Hatch Act may be candidates for any public office, if upon filing or accepting the nomination and during the entire campaign, the employee is on authorized leave. In accordance with the provisions of Section 10-9-21(B) NMSA 1978, being a member of another local School Council or community college board shall not be construed to be holding political office.

### **Employee/Immediate Family Members Doing Business with the School**

Pursuant to the provisions of the Procurement Code and the Public School Code, no School employee or member of an employee's immediate family (as defined in NMSA 1978, Section 13-1-62) shall directly or indirectly sell or be a party to any transaction to sell any instructional material, furniture, equipment, insurance, School supplies, or work under contract to the School with which they are associated or employed when the employee or member of the employee's immediate family has a financial interest in the transaction.

No employee of the NMSA shall receive any commission or profit from the solicitation or sale of investment securities or insurance to any other employee under their supervision.

The provisions of this policy shall not apply to any employee making a sale in the regular course of the employee's business when the sale is in compliance with all applicable provisions of the Procurement Code.

The Governing Council reserves the right to grant a waiver of unlawful employee participation in a procurement process, pursuant to Section 163 of the Procurement Code (NMSA 1978, Section 13-1-190), upon making the following findings:

- The contemporaneous employment or financial interest of the employee has been publicly disclosed.
- The employee will be able to perform the procurement functions without actual or apparent bias or favoritism; and
- The employee participation is in the best interest of the charter School.

In the event that the Governing Council determines that it is in the best interest of the School to waive unlawful employee participation, an affidavit stating the terms of the waiver have been complied with shall be completed by the participating employee(s) and appropriate School official(s) and remain on file in the School's business office and in the procurement file for the applicable transaction.

The term "employee" includes all persons receiving a salary, wages or per diem and mileage from a state agency or local public body whether elected or not and any non-compensated individual performing personal services as an elected or appointed official or otherwise for a state agency or a local public body.

#### **Disclosure of Employee Names**

Pursuant to State Regulation 93-17, no School employee, Governing Council member or School volunteer shall see or use employee lists or disclose the name of any employee for the purpose of marketing goods or services directly to employees or their families by means of telephone or mail.

The exceptions to this policy are when an employee authorizes the name release for any of the following legitimate educational purposes:

- Regionally accredited colleges and universities
- Accredited post-secondary and vocational educational entities
- Accredited public educational entities providing adult basic educational opportunities
- Educational entities offering continuing education opportunities for licensed and/or non-licensed faculty and staff
- Educational entities offering tour/travel opportunities which result in educational credits through a regionally accredited college or university, or an accredited post-secondary or vocational School
- The Armed Forces of the United States offering educational programs and/or opportunities within the military

Additionally, the Governing Council authorizes, upon request, release of employee names to the exclusive representative(s) of employees.

[Reference: NM State Regulation 93-17]

#### **Personnel Assignments**

No employee of NMSA 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 Principal or administrative unit to which the employee is assigned or any other person responsible for the assigned employee.

## HOLIDAYS AND LEAVES FROM DUTY

### Holidays

New Year's Day Observed  
Martin Luther King Day  
President's Day  
Spring Break  
April 6, 2012  
Memorial Day Observed  
Independence Day Observed  
Labor Day Observed  
Thanksgiving Day and Friday  
Winter Break (December 19, 2011 through January 2, 2012)  
*The office will be closed for business between December 25, 2011 and January 1, 2012.*

### Leave

The NMSA Governing Council provides authorized leaves from duty as follows:

- Annual Leave – Teachers and Counselors
- Annual Leave - Twelve Month Employees
- Bereavement Leave
- Funeral Leave
- Professional Leave
- Jury Duty/Subpoena Leave
- Military Leave
- Sabbatical

All leaves, with or without pay, require advance approval except in emergency situations. Full pay may be deducted from an employee's salary for each unauthorized absence or for any absence not meeting the criteria specified in the policy covering the leave for which the absence was authorized. No leave shall have any compensation as part of it unless specified by the individual leave policy.

A leave form (Addendum 3) should be completed prior to an employee's absence from school except in the case of an emergency. The leave form should be completed upon the employee's return to School.

**The following paragraphs apply in all cases unless specifically modified in the individual leave policies.**

An employee granted leave of absence will be returned whenever possible to the same position.

Except in cases of extended illness of the certified employee or his/her immediate family, proposed termination of leave of absence must be determined at the time the leave is granted. Date of expected return must coincide with the beginning of a semester unless other arrangements have been made. Failure of a certified employee to present himself/herself for duty upon expiration of a leave of absence relieves the School of its responsibility for reemployment, unless an extension is requested and granted.

No leave shall be granted which exceeds a twelve-month period unless an extension is granted by the Governing Council.

Employees on unpaid leave of more than one month of consecutive work-days may continue group insurance by timely payment of the full premium, with no NMSA contribution.

Employees will not accrue leave or other benefits during any leave without pay.

## **Annual Leave – Teachers and Counselors**

Full time teachers and counselors accrue eight (8) days of annual leave each school year and may use their yearly allowed days of leave without loss of pay each school year for sickness or personal matters. Part-time teachers and counselors accrued leave will be prorated. Notice to the employee's Principal that annual leave is to be taken will be given at least one (1) day before taking such leave (except in cases of emergency or unforeseen illness). The employee is not required to state the reason for taking such leave and his/her signature on the Leave form will attest that the leave is being taken under the conditions stated above.

Leave accrual applies only to a regular contract assignment. For example, summer school teaching is not part of a regular contract and is therefore not covered by the sick leave policy.

No more than five (5) days of unused leave may be accrued (rolled over) to the following year, and unused annual leave cannot carry over for more than two (2) years.

Accrued leave is not payable upon termination.

Employees on FMLA leave are required to use their accrued personal leave. Employees on Workers Compensation Leave are required to use their accrued personal leave to make up the difference between their Workers Compensation benefit and their regular rate of pay.

In the event that an employee terminates employment prior to completion of a contract, annual leave shall be prorated. If the terminating employee has used more leave than has been earned, the adjustment shall be deducted from the final payment due the employee. If the continuing employee uses more days than those to which he/she is entitled for the contract year, payroll deduction for those days in excess of those allowed will begin the following pay period.

Regular school term employees will follow the same holiday schedule as all students.

## **Annual Leave - Twelve Month Employees**

Annual leave is given to full time employees in order to cover sick days and to provide an opportunity for rest, relaxation, and health.

Based on years of employment with NMSA, annual leave (personal and sick days) is:

<u>Years of Service</u>	<u>Days per Year</u>
0-2	12
3-4	14
5-6	18
7+	20

The following provisions apply;

- Annual leave shall not accrue to any employee while on a leave without pay status.
- Years of service credit include only those years of employment with NMSA.
- Annual leave will not be granted in excess of the number of days earned by the employee at the time of leave. Leave may not be taken until accrued.
- Authorization from an employee's Principal must be granted in writing at least 1 day prior to taking leave, and only for such times as will least interfere with the efficient operation of the School (except in cases of emergency).
- Employees absent without prior authorization may be subject to deduction from annual leave or salary, suspension without pay or disciplinary action including dismissal from the system. Annual leave is earned leave computed on the basis of the number of months and percentage of FTE (full time equivalency) of greater than one-half of service in any given year.

- Annual leave shall not be granted to temporary agency or part-time (under one-half FTE) employees.
- Annual leave must be used during the year in which it was accrued. Unused annual leave is not cumulative.
- Payment of annual leave upon termination will be given according to the number of days earned by the employee at the time of leave. In the event that an employee terminates employment prior to completion of a contract, annual leave shall be prorated from the above leave schedule. If the terminating employee has used more leave than has been earned, the adjustment shall be deducted from the final payment due the employee. If the continuing employee uses more days than those to which he/she is entitled for the contract year, payroll deduction for those days in excess of those allowed will begin the following pay period.
- Employees on Workers Compensation Leave are required to use their accrued personal leave to make up the difference between their Workers Compensation benefit and their regular rate of pay.
- Holiday leave includes all days EXCEPT Winter and Spring Breaks.

### **Bereavement Leave**

In the case of death in the immediate family during an employment period of the employee, the employee shall be allowed leave with full pay for up to three (3) working days immediately following the date of such death. The immediate family is defined to include: husband, wife, domestic partner, child, grandchild, parents, grandparents, sister, brother, mother and father in-law, brother and sister in-law. If requested, two (2) additional days leave with pay may be granted when out of town travel is required. Additional days may be granted on a case by case basis by the Principal.

Full time employees may take up to one day of leave with pay to attend funeral services of relatives other than those defined as immediate family in the bereavement leave policy.

### **Professional Leave**

Leaves from duty without deduction may be granted OR REQUESTED for professional CONFERENCES AND TRAINING SESSION and attendance at job-related meetings, conferences and training sessions or other activities which in the Principal's judgment would be beneficial to the work of the employee or to the School as a whole. EPSS AND LRPC

### **Jury Duty/Court Subpoena Leave**

An employee receiving a Court summons for jury duty or a Court issued subpoena will be released from work in accordance with state and federal law. Employees receiving a subpoena to testify will be released on leave without pay (unless the employee elects to use Personal Leave) except in the case where said subpoena concerns matters related to School business. Leave with pay will be granted when an employee is subpoenaed to appear in an official proceeding, if such proceeding does not involve self-employment or other employer and does not concern the employee's own personal affairs.

Leave with pay will be granted to an employee for appearance in court as a witness, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Employees are not required to accept paid time off for witness/court duty. However, employees who take leave with pay in order to serve as a witness or juror must provide any reimbursement they receive for their service to the School

An employee who is served with a subpoena should show it to the Principal immediately after it is received so that staffing can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

Employee must present his or her supervisor with a copy of summons/subpoena in advance of the leave.

## **Military Leave**

An employee, who is a member of an organized unit of the National Guard, or a reserve unit of any of the military branches, when ordered to active duty training with such organized units, shall be given military leave with pay not to exceed fifteen (15) days annually.

Such leave is to be in addition to other leave or vacation time to which the employee is otherwise entitled. Such leave also provides fifteen days' pay for what would otherwise be unpaid FMLA leave for eligible employees.

Any employee who is drafted or called into duty by the armed forces of the United States shall be considered as on leave without pay, eligible for return to duty as provided by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301-4333.

## **Sabbatical Leave**

Sabbatical leave is available to staff who have taught for seven consecutive years at NMSA without pay for up to one year.

Sabbatical leave may be granted only upon the presentation of a full program of study or travel and approval by the Governing Council (with input from the Principal) that the leave would be beneficial to the work of the employee, to the School or to the profession as a whole. Sabbatical leave is available for opportunities which enhance the teacher's ability to provide quality education for students or provide enhancement of the overall education community. Sabbatical leave is designed to allow faculty to take advantage of opportunities outside of the traditional classroom rubric. Staff must apply for sabbatical leave no later than March 1 of the year in which the leave is to begin. Staff returning from sabbatical leave will be returned to their previous position whenever possible. Sabbatical leave is based on the ability of the School to hire a replacement teacher. Sabbatical approval may be withdrawn if no replacement is available.

## **BENEFITS**

### **Procedure on Payroll Distribution**

NMSA employees are paid twice a month, on the 15th and last of the month. Installments commence after the employee's first day of work and will be paid twice a month until June. Dependent on where the employee's hire date falls within the payroll schedule, the first pay installment may not be the next normally scheduled installment. Installments for late starting employees will be reduced in number by the number of installments missed.

### **Employee Eligibility for Fringe Benefits**

All full-time employees of NMSA are eligible for all benefits provided by statute or regulation and by the Governing Council. For the purposes of this policy "full-time" is defined as not less than twenty (20) hours weekly. Employees in any capacity working less than twenty (20) hours per week are ineligible for any medical/dental or other voluntary insurance coverage paid for in part or in whole by the Governing Council. Part-time employees will be provided any fringe benefit required by state or federal law or regulation.

Employees who work at least twenty (20) hours a week but less than full-time are eligible for all benefits provided by statute or regulation and by the Governing Council, except annual leave.

NMSA provides a Life Insurance Policy to all employees that work fifteen (15) or more hours per week.

### **Fringe Benefits**

NMSA employees who are eligible may enroll, according to NMPSIA guidelines, in the follow programs:

- 10 hours/week
  - Education Retirement Board (ERB)
- 15 hours/week
  - Education Retirement Board (ERB)
  - Basic Life Insurance
- 20 hours/week
  - Education Retirement Board (ERB)
  - Basic Life Insurance
  - Health insurance (shared cost with the School)
  - Life insurance (two options)
  - Long-term disability (shared cost with the School)
  - Dental coverage (shared cost with the School)
  - Vision coverage (shared cost with the School)
  - Automatic Payroll Deposit
  - Financial Services Provided by Legacy Financial

### **TRAINING AND EXPERIENCE CREDIT**

On an annual basis, the Principal will prepare an index salary schedule, containing both horizontal and vertical steps, for the review and approval of the Governing Council on or before the budget approval meeting. The current NMSA Salary Schedule is attached to this document.

The following characteristics will structure the teachers' salary schedule:

- Each teacher will be responsible for verification of his or her teaching experience in other educational settings.
- All additional (training) hours and degrees earned before August 31<sup>st</sup> and all completed paperwork must be received by the Principal and Business Office by October 1, to be considered for salary and ***planning purposes only*** for that School year. This includes any licensure level changes for which a teacher is applying.
- All college or university credit must have been earned at a college or university regionally accredited or approved by the New Mexico Public Education Department.
- All additional credit hours must have been earned after the Bachelor's Degree to be placed on the salary schedule at a Bachelor's + 15 or Bachelor's + 45, and graduate hours after the Master's Degree for the placement on the Master's +15 or Master's + 45. A Master's in Fine Arts is placed on the salary schedule at the Master's + 45. See ADDENDUM 4 for the Salary Schedule.
- Final placement on the appropriate step(s) will be made only after ALL required documentation (transcripts, verification of past employment, New Mexico teaching license, and fingerprinting for a background check) is in the employee's personnel file.
- NMSA will allow for up to 16 years of direct teaching. In rare cases, at the discretion of the Principal, additional years of relevant experience other than teaching will be considered.

### **PERSONNEL REFERENCES**

For legal reasons the principal is the only person authorized to write employment references.

The individual employees of NMSA who wish to provide employment references or recommendations for current or former employees may not be in possession of all pertinent information regarding a current or former employee to provide a complete and fair employment reference or recommendation.

An individual employee of the School who provides a recommendation or reference for a current or former employee of the School may be mistakenly perceived as providing such reference or recommendation on behalf of NMSA. Limitations and conditions are required to prevent employment references or recommendations by individual employees from being attributed to the School when such references or recommendations have not been authorized by the School. Therefore, individual employees of NMSA can only write personal letters of recommendation.

## **INSURANCE AND INJURY**

### **Worker's Compensation**

NMSA maintains Workers' Compensation Insurance coverage for employees who sustain an injury or illness compensable under the New Mexico workers' compensation laws. NMSA pays the full cost of the workers' compensation insurance. All workers' compensation claims are subject to evaluation and investigation by the School and its insurance carrier. If you are injured while performing duties related to your job at NMSA, you must report the injury promptly to the Principal. If the Principal is not available, then the report should be made to the Business Manager. More information is available from the Business Manager.

### **Reporting an Injury**

Employee's Claim for Workers' Compensation Form must be completed in all cases in which an injury requiring medical attention has occurred; see Addendum 5.

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.

### **Retaliation**

NMSA will not discharge, threaten to discharge or otherwise retaliate in the terms of employment against any employee who seeks workers' compensation benefits for the sole reason that the employee seeks workers' compensation benefits.

### **Fraud**

NMSA's Workers' Compensation Administrator investigates all claims to determine coverage and reviews medical records for indications of fraud.

## **ADDENDUMS**

ADDENDUM 1 Educator's Code of Ethics

ADDENDUM 2 Standards of Professional Conduct

ADDENDUM 3 Leave Request Form

ADDENDUM 4 Teachers' Salary Schedule

ADDENDUM 5 Worker's Compensation Procedure and Forms

**New Mexico School for the Arts**

**Handbook Receipt and Acknowledgement**

The Human Resource Handbook describes important information about NMSA and I understand that I should consult the Principal regarding any questions not answered in the handbook.

Because the information and guidelines described in the Handbook are subject to change, I acknowledge that revisions to the handbook may occur from time to time.

I understand that it is my personal responsibility to read this Handbook fully upon receipt, and to comply with the information contained in this handbook and any future revisions made to it.

Employee Signature

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Employee Name (typed or printed)

Date

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Principal Signature

Date