



# Personnel Handbook

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2020-2021

## **Richard Milburn Academy**

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San Antonio, Texas 78123

830-557-6181

[www.rmaschools.org](http://www.rmaschools.org)



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## **Welcome to RMA**

Dear RMA Colleague,

Welcome to RMA and to what we hope will be a long, productive, and satisfying career at one of Texas' finest public charter schools. RMA strives to create an exciting, challenging, and rewarding work environment. We look forward to building a long lasting and successful relationship with you. It is the goal of our organization to ensure that you are a happy and productive member of our school community.

Whether you are new to our organization or returning, this Personnel Handbook has been prepared to help you become familiar with RMA and the personnel standards and procedures of our organization. Please read it carefully and if you have questions or concerns, speak with your supervisor. If you need further information or assistance, please contact the Human Resources Department by phone at (830) 557-6181 or by email at [hr@rma-tx.org](mailto:hr@rma-tx.org).

On behalf of the entire RMA team, thank you for joining us. We look forward to an exciting school year as we continue to help students reimagine high school.

Sincerely,  
Armard Anderson  
Superintendent

### **DISCLAIMER: Employee At-Will Status**

This handbook does not create an employment contract. Employees are terminable at-will by the school district. Similarly, employees may resign their positions without penalty. No individual board member or employee has the authority to alter any employee's at-will status, or guarantee an employee's employment for a specific period of time, unless it is approved by the Board of Directors, in writing, and signed by both the employee and the chair of the Board of Directors. RICHARD MILBURN ACADEMY/TEXAS INC. (RMA) reserves the right to amend or withdraw any or all provisions of the Personnel Handbook at any time with or without notice.

## **1. INTRODUCTION**

### **1.1. About this Personnel Handbook**

The purpose of this Personnel Handbook is to provide employees with information about RMA's procedures and policies. The policies and procedures in this handbook are to serve as guidelines. Although comprehensive, the Personnel Handbook cannot include procedures and policies which address every situation that may arise because such a list would be limitless.

RMA reserves the right to adopt new procedures and policies, or to modify, alter, change or cancel existing policies and procedures at any time. Violation of any board policy or a provision within this handbook may lead to disciplinary action up to and including discharge from employment.

Questions regarding this handbook or any of the policies/procedures should be directed to your supervisor or to the Human Resources Department by phone at 830-557-6181 or email [hr@rma-tx.org](mailto:hr@rma-tx.org).

## **1.2. About RMA**

Founded on the premise that all students, regardless of previous setbacks, race or socio-economic status, can graduate from high school and achieve at the highest levels of college, career and military readiness, RMA is reimagining public high school in Texas. Today, with 9 schools in operation serving students throughout the State of Texas, RMA Texas public schools are living proof that different outcomes are possible when students are given every opportunity to be successful.

We provide our learners with a high-quality, personalized education that prepares them to compete in the global marketplace and give back to their communities. Through enrichment opportunities, individualized instruction and innovative curriculum, we educate the entire child, teaching more than just the textbook. While RMA is designed to assist all students, we also specialize in Credit Recovery and Dropout Recovery offerings.

### **RMA Philosophy**

- Mission: Empowering students to graduate, prepared to exceed all expectations
- Vision: Every student will be empowered to make CHOICES for lifelong success.
- Core Values: CHOICES
  - C: Commitment
  - H: Honor
  - O: Opportunity
  - I: Innovation
  - C: Community
  - E: Empathy
  - S: Safety

### **1.3. Acknowledgement of Receipt of Personnel Handbook**

The information contained in this Personnel Handbook is important, and I should consult with Human Resources if I have a question that is not answered in this handbook.

I acknowledge that RMA Personnel Handbook does not create an employment contract or otherwise modify my at-will employment status. I understand that no one has the authority to alter my at-will employment status, or to guarantee my employment for a specific period of time, unless it is approved by the Board of Directors, in writing, and signed by both myself and the Chair/President of the Board of Directors.

I understand that RMA may amend or withdraw any or all portions of this handbook at any time. I understand that it is my responsibility to comply with all RMA Texas board policies and the provisions in this handbook, including any revisions, and that my failure to comply may lead to disciplinary action up to and including discharge from employment. I further acknowledge that any revised information may supersede, modify, or eliminate existing provisions within this handbook. By remaining employed by RMA following any modifications to this handbook, I thereby accept and agree to such changes.

I acknowledge that I have seventy-two (72) hours to sign and date this Acknowledgement of Receipt. Failure to do so may result in RMA rescinding my offer of employment.

I acknowledge that if I am terminated from RMA I am not permitted to return to the premises of RMA without prior written approval from the Human Resources Department or the principal of the school campus.

I acknowledge that I have read this handbook and agree to read any amendments of the handbook. Specifically, by signing this form, I acknowledge that I have read, understood, and agree to comply with all policies in this handbook, including but not limited to, the Harassment Policy, Overtime and Timekeeping Policy, and Violence in the Workplace Policy.

I hereby sign and date this Acknowledgment of Receipt and return to Human Resources. I understand that a copy of my signed form will be retained in my personnel file.

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Employee's Name (Print)

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Date

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Employee's Signature

#### **1.4. Open Door Policy**

RMA has adopted an Open Door Policy for all employees. The purpose of our Open Door Policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. Our Open Door Policy means that employees are encouraged to bring any workplace concerns or problems they might have or know about to their supervisor or any other school administrator.

RMA values each employee and strives to provide a positive work experience. By listening to you, RMA is able to improve, address complaints, and foster employee understanding of the rationale for practices, processes, and decisions. The Open Door Policy is not a substitute for a formal complaint. If an employee has a formal complaint or grievance, the employee should pursue it in a timely manner in accordance with Section 9 of this Handbook.

## **2. STARTING YOUR JOB**

### **2.1. Accuracy of Information**

RMA relies upon the accuracy of information contained in the employment application, as well as the accuracy of other information presented throughout the hiring process and employment. Employees are expected to provide truthful and accurate information in connection with their employment at RMA.

Any falsification or misrepresentation in connection with application materials, or during the course of employment, is a serious offense and may lead to discharge from employment or non-selection of an applicant.

### **2.2. Employment Application & Other Forms**

New employees are asked to review and/or complete the following forms:

- Employment Application
- Background Authorization
- EEO
- W-4 Employee's Withholding Allowance Certificate
- I-9 Employment Eligibility Form
- Signed Offer Letter
- Employee Election Form to Withhold Certain Information from Public Access
- Acknowledgement of Receipt of Personnel Handbook
- Wage Deduction Agreement
- Authorization for Direct Deposit
- Applicable Healthcare/Benefit Forms
- Notice Regarding Workers Compensation Benefits
- Pre-Employment Affidavits
- Confidentiality
- Conflict of Interest
- Teacher Retirement System of Texas
- Any and all other applicable forms

Current employees may be required to update or execute any of the above forms. Any employee who fails or refuses to complete the above forms or to provide RMA with requested documentation in a timely manner may be subject to the loss of employment benefits, delay of employment benefits, disciplinary action up to and including possible termination, or withdrawal of the employment offer.

### **2.3. Criminal History Background Checks (Volunteers and Employees)**

A person may not be employed by RMA unless the person has been approved by the Texas Education Agency following a review of the person's National Criminal History Record Information and review of the Do Not Hire Registry. Each new employee will be expected to comply and submit the necessary information for the background check before the offer of employment is finalized.

Criminal history records of prospective volunteers and applicants for employment shall be obtained from a law enforcement or criminal justice agency pursuant to Chapter 22 of the Texas Education Code and reviewed prior to employment or the commencement of volunteer service. Pursuant to this legal authority, criminal history checks of employees (or volunteers whose duties are performed where students are regularly present) may be obtained at any time during employment or volunteer services.

Criminal history records must also be obtained and reviewed prior to the employment of any driver for student transportation either directly or through a commercial service. Criminal history checks of a bus monitor or bus aide employed through a commercial service must be obtained and reviewed through a commercial service. The Board of Directors shall be informed of a criminal record of a felony or misdemeanor involving moral turpitude and must affirmatively vote to employ such driver, monitor, or aide.

Information collected on an individual to comply with the requirements listed above is confidential and may not be released except as authorized by law or with the consent of the person who is the subject of the information.

Additionally, other employees and contractors subject to criminal background checks will be required to comply and submit the necessary information for the background check.

### **2.4. Prohibition Against Employing Individuals Convicted of Certain Offenses**

RMA shall discharge or refuse to hire an employee or applicant for employment if the school obtains information through a criminal history review that:

- The employee or applicant has been convicted of:
  - A felony under Penal Code Title 5
  - An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
  - An offense under the laws of another state or federal law that is equivalent to an offense under paragraphs (a) or (b); and

At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

However, RMA is not required to discharge or refuse to hire an employee or applicant if the person committed an offense under Title 5, Penal Code, and:

- The date of the offense is more than 30 years prior to the date before the person’s employment will begin; and
- The employee or applicant for employment satisfied all terms of the court order entered on conviction.

RMA may discharge an employee if it obtains information of the employee’s conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to the school or the State Board of Educator Certification (“SBEC”).

### **2.5. Fingerprinting**

In accordance with state law, RMA requires all employees and substitutes to complete the fingerprinting process implemented by the SBEC/Texas DPS Clearinghouse prior to employment, at the applicant’s expense. RMA reimburses fingerprinting expenses for newly hired full time and part-time employees.

### **2.6. Pre-employment Affidavit for Applicants and Applicants Offered Employment**

All applicants applying for an educator position(s) (as defined by Texas Education Code §21.003) must submit a pre-employment affidavit indicating whether the applicant has ever been charged with, or adjudicated for, having an inappropriate relationship with a minor.

An applicant offered employment for an educator position (as defined by Texas Education Code §21.003) must submit a notarized Pre-Employment Affidavit prior to the start of employment with RMA. RMA offers applicants the opportunity to have the affidavit notarized for free by RMA.

### **2.7. New Employee Orientation**

During the first few weeks of employment, an employee must attend an orientation that will include the following subject areas:

- A review of this Personnel Handbook;
- A tour of the campus;
- Receipt of credentials necessary for parking, access to the school building, keys (if applicable) and other materials as appropriate for the employee’s position;
- Prevention techniques for, and recognition, of sexual abuse and other maltreatment of children.
- Various computer/system log in information as required, etc.
- Other orientations as required/designated by supervisors.

### **2.8. Employee Election Form to Withhold Certain Information from Public Access**

Employees of RMA may elect whether to keep certain information about them confidential and not subject to disclosure under the Texas Public Information Act. Unless an employee chooses to keep it confidential, the following information about an employee of RMA may be subject to public release if requested under the Texas Public Information Act:

- Home Address
- Home Telephone Number
- Social Security Number
- Emergency Contact Information
- Information that reveals that the individual has family members

To keep certain information about them confidential under the Texas Public Information Act, employees must complete and submit the Public Access Option Form to Human Resources no later than the 14<sup>th</sup> day after the hire date with RMA.

### **2.9. Certifications and Licenses**

Professional employees are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the ~~required~~ certification exam, and/or obtained or renewed their credentials, to Human Resources in a timely manner. Service records from previous schools, and college transcripts must be provided to Human Resources within 30 days of employment. Failure to submit all required documentation within 30 days of employment may result in disciplinary action up to and including termination.

An employee's letter of intent may be voided and employment terminated if the State Board of Educator Certification (SBEC) suspends or revokes certification for any reason. Employees should contact Human Resources with questions regarding certification or licensure requirements.

### **2.10. Spouse Policy**

RMA will not hire the spouse, significant other or partner of an employee under the following circumstances:

- Current employee would be subordinate to the newly hired spouse/significant other/partner
- Current employee would hold a supervisory position over newly hired spouse/significant other/partner
- Current employee and spouse/significant other/partner are involved in a legal dispute of any kind with each other

## **3. REPORTING TO WORK**

### **3.1. Official RMA Office Hours**

Standard hours of operation in the administrative office areas are from 8 a.m. until 5 p.m. Monday – Friday. Students are in session from approximately 8 a.m. until 5 p.m. In some cases, supervisors may structure or schedule staff arrival/departure times in order to maintain student supervision and/or support certain programming needs.

### **3.2. Regular Work Schedules**

RMA has a standard workweek of forty (40) hours per week. Scheduled hours for employees may vary from department to department. The employee work week is from Sunday as 12:00 a.m. to Saturday at 11:59 p.m.

- Exempt employees. Employees not subject to overtime pay provisions according to

the Fair Labor Standards Act (FLSA). These employees are paid on a salary basis and are expected to perform the job duties and responsibilities and are not limited to 40 hours in a workweek.

- Non-exempt employees. Employees subject to overtime pay provisions according to the Fair Labor Standards Act (FLSA). These employees are paid on an hourly basis and are expected to perform the job duties and responsibilities within a limited 40-hour workweek.

All full-time, non-exempt employees generally work a Monday through Friday schedule of forty (40) hours divided into (5) eight-hour workdays unless a different schedule is approved in writing by the employee's supervisor. Non-exempt employees must have prior written approval before working overtime. Failure to adhere to this policy may subject a non-exempt employee to disciplinary action, up to and including the possibility of termination.

Exempt employees are expected to work the hours necessary to complete their assigned work and responsibilities to the satisfaction of their supervisor without regard to scheduled hours and without expectation of additional compensation. Instructional staff should arrive at work at least fifteen minutes early, allowing for time to prepare for students to arrive, and should remain at work until after students are released at the end of the day. Instructional staff may be assigned before or after school student monitoring duties.

Non-exempt employees are never permitted to work "off the clock." This includes sending text messages or emails after the employee's scheduled work hours unless in response to a supervisor's directive or supervisor's designee. While all hours worked will be compensated appropriately, an employee's failure to report hours accurately whether too low or too high may lead to disciplinary action up to and including discharge from employment. Employees should immediately report to Human Resources and Support Services any effort by a supervisor to participate, encourage, or even permit an employee to work "off the clock" in violation of this overtime provision.

All non-exempt employees must use RMA's time keeping software, TimeClock Plus to clock in and out of work. No employee may clock in or out for any other employee. If this policy is violated, both the non-exempt employee and the employee clocking in and out for the non-exempt employee are subject to disciplinary action, up to and including possible termination.

All employees are expected to be at work during their scheduled office hours unless otherwise required or approved by the employee's supervisor.

### **3.3. Job Vacancy Announcements**

Announcements of job vacancies are posted with ample time and in various venues so that a broad pool of potentially strong applicants may apply for available positions.

Internal applicants are asked to submit an application using the RMA TalentEd Recruitment website, <https://rmaschools.tedk12.com/hire/index.aspx>.

### **3.4. Duty-Free Lunch Breaks**

Employees are provided at least a thirty-minute duty-free lunch period. If necessary, because of a personnel shortage or an unavoidable or unforeseen circumstance, the campus principal may direct a classroom teacher entitled to a duty-free lunch period to supervise students. A classroom teacher may not be directed to supervise students under this subsection more than one day in any school week.

### **3.5. Staff Development**

Staff development activities are organized to meet the needs of RMA employees. Staff development for instructional personnel is predominantly campus-based, related to achieving campus performance objectives. Staff development for non-instructional personnel is designed to meet specific licensing requirements and continued employee skill development.

Individuals holding renewable educator certification are responsible for obtaining the required training hours and maintaining appropriate documentation.

### **3.6. Staff Meetings**

Employees are expected to attend faculty/staff meetings on a regular basis. The purpose of the meeting will be to disseminate district and campus expectations. The Campus Principal will designate the day and time of the week for the meeting to be held. All non-exempt employees who are required to attend a faculty/staff meeting will be paid for the time in attendance.

### **3.7. Attendance**

Regular, punctual attendance is considered an essential function of each RMA employee. RMA employees are expected to be reliable and punctual in reporting for work each scheduled day. If an employee will be late to work or is unable to work as scheduled, the employee should notify their supervisor immediately. Failure to do so may result in disciplinary action, up to and including termination.

RMA recognizes there will be occasions when an illness or other personal event may result in an unscheduled absence. As such, RMA has a leave policy (see Section 4.2.). It is RMA's expectation that each employee attends work every day unless approved paid or unpaid leave is granted pursuant to RMA's leave policy.

Poor attendance and/or repeated tardiness are disruptive to the operations of RMA and may lead to disciplinary action up to and including discharge from employment. Failure to attend work for up to three days in a row without notice to an employee's direct supervisor will constitute job abandonment and RMA shall treat such job abandonment as a voluntary resignation from employment without notice.

### **3.8. Performance Evaluation**

Evaluation of an employee's job performance should be a continual process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with

their assigned supervisor at least annually. Supervisors will use a District-approved evaluation system to evaluate employees.

Staff members will receive a written or electronic copy of their evaluations.

## **4. TIME AWAY FROM WORK**

### **4.1. Holidays & School Breaks**

Each campus will follow a Board-approved campus calendar. Employees should refer to this calendar for holidays and school breaks.

### **4.2. Local Personal Leave**

Eligibility for Local Personal Leave. Each full-time employee, whether working in an exempt or non-exempt position, will be granted local personal leave starting in August of each school year.

- An employee hired between August 1 and December 31 will receive seven (7) local leave days.
- An employee hired between January 1 and April 30 will receive four (4) local leave days.
- An employee hired between May 1 and July 31 will receive seven (7) local leave days starting August 1.

Non-exempt employees may use leave in hourly increments, and exempt employees must use leave in ½ day increments. Part time and temporary employees are not eligible for Local Personal Leave.

Use of Local Personal Leave. Local Personal Leave is paid leave and may be used for an employee's illness, for the illness of a family member, for vacation days, or for any other personal reason as determined by the employee. Unless previously approved in writing by the employee's supervisor, local personal leave may not be taken on the first day of school, on the last day of school, on any testing day, on any professional development days, or on any day immediately before or after a school holiday or school break.

- Approval for Local Personal Leave.
  - At least 10 days prior to the anticipated absence, employees are required to submit a request for leave using RMA's time keeping software, TimeClock Plus, and notify their direct supervisor for approval.
  - Unexpected illnesses of an employee or of an employee's family member, employees are required to submit a request for leave no later than the day that the employee returns to work. If the employee is absent for more than three (3) consecutive days, the employee must provide appropriate documentation. The absences of an employee who fails to provide proper documentation may be considered as abandonment as described in section 3.3.

Accumulation of Local Personal Leave. At the end of each school year, any unused Local Personal Leave will not be paid to the employee. Local Personal Leave cannot be carried

over from one school year to the next school year. Local Personal Leave will not be paid to any employee who is separated from employment during the school year, either because of resignation, retirement, or termination.

#### **4.3. State Leave**

Under the State of Texas' minimum personal leave program codified in Section 22.003 of the Texas Education Code, public school district employees receive five days per year of personal leave that has no limit on accumulation and is transferable among school districts. This program does not apply to RMA. Accordingly, RMA does not honor state leave days. State leave days may not be transferred to or used by any former school district employee during the employee's employment tenure with RMA.

#### **4.4. Family Medical Leave Act**

RMA follows the guidelines set forth by the United States Department of Labor, Wage and Hour Division regarding the Family Medical Leave Act. RMA. The FMLA entitles eligible employees who work for covered employers to take unpaid, job-protected leave in a defined 12-month period. RMA defines this 12-month period as a year starting on an employee's anniversary date (date of hire). The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees (as that term is defined in the FMLA) of covered employers with unpaid, job-protected leave for specified family and medical reasons.

Through December 31, 2020, RMA also will follow the FMLA amendments which were adopted March 27, 2020 in the Families First Coronavirus Response Act (FFCRA).

Employees are encouraged to review the FMLA and FFCRA posters which are posted at the employee's worksite, or to contact Human Resources concerning questions about leave under either the FMLA or the FFCRA FMLA amendments.

Maintenance of Health Benefits. During an employee's FMLA leave, RMA will maintain the employee's coverage under any group health plan on the same basis as coverage would have been provided if the employee had been continuously employed during the entire leave period.

Failure to Return to Work. If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursement of the premiums paid by the District during the leave.

Retaliation. RMA is prohibited from retaliating against any employee for requesting or taking FMLA leave.

Intermittent leave. When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The district does permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

Applicable Forms. For the purpose of providing notice and certifications required by this policy, the employee and RMA shall use the FMLA forms promulgated by or substantially similar to the forms made available by the Wage and Hour Division of the U.S. Department of Labor.

#### **4.5. Bereavement Leave**

In the unfortunate event of a death in an employee's immediate family, a paid leave of absence of up to 3 days will be granted (up to 5 days if airline travel is required, and with written approval from the employee's direct supervisor.). For the purpose of this policy, an "immediate family member" includes the following: Spouse, child/step-child, parent/step-parent, grandparent/step-grandparent, grandchild/step-grandchild, sibling/step-sibling, spouse's parent, spouse's grandparent, daughter-in-law, son-in-law, brother or sister-in-law, any family member residing in the employee's home.

RMA will provide up to 2 days of paid bereavement in the event of a death in an employee's extended family. For the purpose of this policy, "extended family" includes the following: First cousin, aunt, uncle, niece, nephew, spouse's aunt/uncle, spouse's niece/nephew.

#### **4.6. Military Leave of Absence**

RMA is committed to protecting the employment rights of employees serving in the uniformed services who must be absent due to military leave. RMA will comply with applicable state and federal laws regarding an employee's absence due to service in the uniformed services.

#### **4.7. Jury Duty/Court Appearance**

RMA will grant employees time off for mandatory jury duty or for court appearances as a witness when the employee must serve or is required to appear as a result of a jury summons, court order, or subpoena. A copy of the jury summons, court order or subpoena must be supplied to the employee's supervisor when requesting time off. The employee is entitled to full pay for each day of jury duty or service as a witness under subpoena up to a maximum of ten (10) days per year, in addition to any other applicable paid leave. The employee must also provide a copy of the court work excuse upon return to the supervisor.

However, if the employee is court-ordered or subpoenaed for court appearances as a party to any civil or criminal litigation, then the employee's court attendance shall not be compensated and the employee must arrange for time off without pay or use other paid leave for such appearances.

#### **4.8. Workers' Compensation Leave**

RMA does have workers' compensation insurance. Employees should immediately notify their supervisor of any injuries sustained during the course of their employment. If required, any workers' compensation leave will be provided in accordance with state law. Employees who fail to report or inform their direct supervisor of an injury may jeopardize their workers' compensation leave.

#### **4.9. Concurrent Use of Leave**

If an employee is simultaneously eligible for paid leave and unpaid leave, to the extent permitted by law, the employee's paid leave shall run concurrently with the employee's unpaid leave.

#### **4.10. Mandated School Closure**

RMA will take in consideration when a local ISD makes an announcement regarding a delay of opening, school closing, or early dismissal of students. This decision will be made by the Superintendent. Instructional time that is lost as a result may be made up by adding an equal number of days, or minutes, to those missed through the cancellation of instructional time. For those required to work on the regularly scheduled day, attendance at work is required at any scheduled make-up time.

RMA recognizes that inclement weather and other emergencies can affect the school's ability to open for business and the employee's ability to get to work. The safety of our employees is paramount in an emergency situation.

When an emergency such as these examples occurs, the school may experience required closure.

- Inclement weather;
- Electricity outage;
- A governmental entity declares an emergency or issues notice that asks schools to consider closure.

#### Notification

In an emergency, RMA will make every effort to notify employees.

#### Pay for Employees

If the closure day will be made up at a later date:

- During the time when the school is closed in which it normally would have been open, exempt employees will receive their full salary for their normal hours worked for one day. Per the school calendar, the employee will be required to work on a future scheduled make-up date with no additional pay.
- Nonexempt (hourly) employees will not receive pay for the work hours that were missed. However, per the school calendar, the employee will be required to work on a future scheduled make-up date and at that time will receive hourly pay earned on the makeup day.
- In the event it was thought the day would be made up, but later determined there would not be a makeup date, the nonexempt employee would be paid the wages from the missed day, for up to one day, at the time of this determination.

If the closure day will not be made up at a later date:

- During the time when the school is closed in which it normally would have been open, exempt employees will receive their full salary for their normal hours worked for one day.
- Nonexempt (hourly) employees will receive their hourly pay for their normally

scheduled hours for one day. For an unlikely emergency that extends beyond one day, employees will be expected to use PTO to cover additional days that the school may be closed to ensure that they continue to receive their pay.

- In return for this pay while the company is closed, employees are expected to work at home if feasible.

#### Partial Day Closure

- If an emergency event such as inclement weather or a power outage occurs, the Superintendent may determine that the school will close mid-day. When the school closes mid-day, employees are encouraged to leave immediately so that the conditions do not further deteriorate and affect their ability to safely travel.
- Exempt employees already at work at the time of closure will be paid their normal salary. Nonexempt employees already at work at the time of closure will be paid for their scheduled hours of work. No overtime will be paid.
- Employees who had taken the day off will have the day subtracted from their allotted PTO as would have occurred if the school did not close.

#### If the closure day will not be made up at a later date:

- During the time when the school is closed in which it normally would have been open, exempt employees will receive their full salary for their normal hours worked for one day.
  - Nonexempt (hourly) employees will receive their hourly pay for their normally scheduled hours for one day. For an unlikely emergency that extends beyond one day, employees will be expected to use PTO to cover additional days that the school may be closed to ensure that they continue to receive their pay.
  - In return for this pay while the company is closed, employees are expected to work at home if feasible.

## **5. BENEFITS**

RMA offers all full-time employees a wide variety of benefits ranging from health insurance to short term disability. Each year the Board of Directors seeks to improve offerings to provide employees and their families with options that meet their needs. RMA contributes to the cost of health insurance and dental insurance premiums. RMA also provides a standard life insurance policy to each employee in the amount equal to one year's salary up to \$50,000.00. If an employee chooses not to elect health insurance, RMA will provide the employee up to \$50 per month to spend on other ancillary insurance premiums. Upon full-time employment, the Human Resource Department will provide the employee with an RMA benefit(s) package.

### **5.1. Same Sex Spouses**

In compliance with the U.S. Supreme Court's ruling in *Obergefell v. Hodges* (2015) and the final judgment rendered by the Texas courts in *Pidgeon v. Turner* (2017), RMA extends spousal benefits, where applicable, to same-sex spouses.

## **5.2. Additional Benefits**

RMA may implement additional benefits as board approved.

## **5.3. Teacher Retirement System of Texas**

The Teacher Retirement System of Texas (TRS) administers a pension trust fund that has been serving the needs of Texas public education employees for over 75 years.

An employee of a public, state-supported educational institution in Texas is eligible to participate in TRS if the employee's customary employment is for 20 hours or more each week at a single employer and for 4 ½ months or more in one school year.

Any employee who currently receives TRS retirement funds and/or utilizes TRS Care will be subject to semi-monthly payroll deductions for any surcharge(s) incurred or which will be incurred by RMA.

## **5.4. SB7: TRS Annuity**

An employee at RMA is no longer eligible to receive retirement annuity from TRS if the person is convicted of a qualifying felony against a student. A qualifying felony includes the continuous sexual abuse of a young child or children, an improper relationship between an educator and student, sexual assault, or aggravated sexual assault.

- If convicted of inappropriate relationship with a student
  - No annuity payments
  - Entitled to personal contributions and interest
  - Benefits payable to alternate payee designed prior to September 1, 2017

## **5.5. Other Retirement Plans**

RMA may offer optional additional retirement plans which are approved by the Board of Directors.

## **5.6. Social Security**

RMA participates in Social Security. Standard deductions are made from each semi-monthly paycheck. For more information please see [www.ssa.gov](http://www.ssa.gov).

# **6. WAGES & EXPENSES**

## **6.1. Payday**

Paydays will be on the 15<sup>th</sup> and 30<sup>th</sup> of each month. When these days fall on a weekend or holiday, RMA will pay on the Friday prior to these dates. Please note that pay is annualized and as such, may not directly correlate with the number of days turned in on time cards for the pay period. Please refer to the employee Offer Letter for salary information.

## **6.2. Supplemental Duties and Related Stipends**

The Superintendent may assign formal supplemental duties to personnel from time to time for activities such as student club sponsoring.

- Supplemental Duty Pay for Exempt Employees. Exempt employees assigned

supplemental duties shall be compensated for these assignments according to the compensation plan set by RMA

- Supplemental Duty Pay for Non-Exempt Employees. Non-exempt employees assigned supplemental duties shall be compensated for the supplemental duties on an hourly rate. The hourly rate set for the employee's supplemental duty may differ from the hourly rate set for the employee's core employment position. Overtime wages will be paid if the employee works over 40 hours per workweek, whether the work is performed in the employee's core duties, supplemental duties, or a combination of both duties.
- No Contractual Obligation Committed. Paid supplemental duties do not create any contractual obligation by RMA to continue the assignment of the supplemental duty. An employee shall hold no expectation of continuing assignment to any paid supplemental duty.
- All Employee Stipend. RMA will offer the following stipend(s) for all employees. Employee(s) must provide a certified transcript to qualify for applicable stipends:
  - Doctorate Degree: \$2,000 annually, stipend will be prorated based on days worked
  - Master's Degree: \$1,500 annually, stipend will be prorated based on days worked
- Core Teacher Stipend. RMA offers the following stipend(s) for core teachers only. Employee(s) must provide certification to qualify:
  - State Board of Educators of Texas English as a Second Language (ESL) high school certification \$1,000 annually, stipend will be prorated based on days worked
  - State Board of Educators of Texas Special Education certification: \$1,000 annually, stipend will be prorated based on days worked

### **6.3. Direct Deposit**

Direct deposit is RMA's preferred method of payroll distribution. Direct deposit enables RMA to facilitate the distribution of pay to employees in a safe, secure, and timely manner. Employees are encouraged to enroll in direct deposit during the onboarding process.

### **6.4. Mistake in Payroll or Expense Reimbursement**

Employees are required to immediately notify their supervisor in the event of a suspected mistake in their payroll or expense reimbursement. Failure to report an overpayment in payroll or in an expense reimbursement may lead to disciplinary action up to and including discharge from employment.

### **6.5. Attendance Records**

Employee attendance records must be kept complete and accurate. Attendance records are subject to unannounced reviews to ensure proper use. Falsification of time records is a serious offense and may lead to disciplinary action, up to and including discharge from employment.

### **6.6. Travel Expense and Other Reimbursements**

RMA shall reimburse employees for business expenses incurred while performing duties

relating to their jobs, as long as such expenditures are pre-approved by the employee's direct supervisor. All expenditures must meet with IRS requirements. Refer to RMA Finance Procedures for further explanation.

Travel Expense Reimbursements. Before an employee incurs travel expenses related to RMA business, the employee must receive written approval from the employee's direct supervisor. Employees must always find the least expensive way to travel, coordinated to reserve resources. Normal commuting costs (mileage to and from work) is not reimbursable by the district. All expenditures must meet with IRS requirements, in that:

- Must have a business connection – reasonable and necessary
- Must have proper substantiation – date, time, place, amount, and business purpose

Travel Related Meals. Only reasonable meal costs will be reimbursed and meals must be tax-exempt. The maximum meal allotments are determined by the GSA website, <https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup>.

Other Reimbursements. Unless specifically pre-approved in writing by the employee's supervisor or designee, no employee will be reimbursed for any personal expense incurred for any work-related expenses such as professional development courses or for classroom supplies.

Pre-approved reimbursable expense requests must be completed, authorized and submitted within 15 business days of the date of transaction. Request for reimbursements that are submitted after 15 business days will result in denial.

## **6.7. Deductions in Pay**

Errors in Deductions. If there is a deduction that has been made that the employee believes is in error, the employee should immediately contact Director of Human Resources and Support Services. Retaliation against an employee who has questioned what he/she believes may be an incorrect deduction in pay is prohibited.

Administrative Fees. RMA may, but does not currently, deduct any of the following fees. Texas law authorizes an employer to make certain deductions from pay for costs incurred in servicing a garnishment or wage attachment order. Accordingly, RMA may charge the following administrative fees:

- Court-ordered child support- an employer may make a deduction for an administrative fee of up to \$10.00 per month.
- Court-ordered spousal maintenance- an employer may make a deduction for an administrative fee of up to \$5.00 per month
- Guaranteed student loan wage attachments- an employer may make a deduction for an administrative fee of the actual cost, or \$10.00, whichever is less per month.

## **6.8. Payroll Advances and Financial Loans**

RMA does not issue payroll advances to any employee under any circumstance. Additionally, RMA does not extend financial loans to its employees.

### **6.9. Unemployment Compensation**

Returning employees of RMA are not eligible for unemployment compensation during scheduled school breaks such as during the summer months, Winter Break, Fall Break, and Spring Break. RMA may issue notices of reasonable assurance of continued employment to its employees. The notice of reasonable assurance is contingent on continued school operations and will not apply in the event of any disruption that is beyond the control of RMA such as the lack of school funding, natural disasters, pandemics, federal or state emergency declarations, court orders, public insurrections, and war. The letter of reasonable assurance is not an employment contract and does not create a right of continued employment for the employee.

### **6.10. Final Pay**

Texas Payday Law regulates the timing of the final paycheck in Texas Labor Code Section 61.014. If an employee is laid off, discharged, fired or otherwise involuntarily separated from employment, the employee's final pay is due within six (6) calendar days of discharge. If the employee quits, resigns, retires or otherwise leaves employment voluntarily, the employee's final pay is due on the next regularly scheduled payday following the effective date of resignation.

## **7. NON-DISCRIMINATION & ANTI-HARASSMENT**

### **7.1. Equal Opportunity Employment Practices**

RMA is an equal opportunity employer and makes employment decisions based on merit and in accordance with applicable state and federal law. RMA policy prohibits unlawful discrimination on the basis of race, color, national origin, religion, sex or gender, disability, military or veteran status, genetic information, or age in its employment practices as required by 42 U.S.C. 1981; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*; 20 U.S.C. 1681 *et seq.* (Title IX); the Age Discrimination in Employment Act of 1967, as amended ("ADA"), 42 U.S.C. 12111 *et seq.*; the Genetic Information Nondiscrimination Act of 2008 ("GINA"); Texas Human Resource Code 121.003(f); Texas Labor Code Ch. 21 (Texas Commission on Human Rights Act); Texas Labor Code Ch. 21, Subch. H (genetic information); and other legally-protected classification or status protected by federal or state law. Complaints regarding equal employment opportunity may be directed to Human Resources

### **7.2. Non-Discrimination**

RMA is committed to honor the laws that prohibits a person from being excluded from participation in, denied the benefits of, or subjected to discrimination, harassment or retaliation on the basis of race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information (including gender or gender identity), sexual orientation, marital status, or military status. Employees are prohibited from discriminating against other employees, against applicants, or against students based upon the aforementioned protected classes. This policy applies to all terms, conditions, and privileges of employment including, but not limited to, recruitment, hiring, placement, compensation, promotion, discipline, and termination.

### **7.3. Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act of 1990 seeks to eliminate discrimination against individuals with disabilities in the areas of employment, transportation and public accommodations. ADA prohibits employers from excluding people from jobs, services, activities or benefits based on their disabilities.

The ADA defines disability with respect to an individual as:

- A physical or mental impairment that substantially limits one or more major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such an impairment.

It also defines:

- A qualified individual with a disability as one who possesses the requisite skills, education, experience and training for a position, and who can, with or without reasonable accommodations, perform the essential functions of the position the individual desires or holds.
- A substantial limitation as an impairment that prevents the performance of a major life activity that the average person in the general population can perform; or a significant restriction as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the average person in the general population.
- A reasonable accommodation as a modification or adjustment to the job application process or the work environment that enables a qualified person with a disability to be considered for a position or enjoy the same benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

Major life activities include, for example:

Walking, Seeing, Speaking, Hearing, Breathing, Learning, Performing manual tasks, Caring for one's self, Working, Eating, Sleeping, Standing, Lifting, Bending, Reading, Concentrating, Thinking

Major Bodily Functions include, for example:

Functioning of immune system, Normal cell growth, Digestive, Bowel, Bladder, Neurological, Brain, Respiratory, Circulatory, Endocrine, Reproductive and Communicating.

### **7.4. Reasonable Accommodation**

In the event an employee needs to request a reasonable accommodation in order to perform the essential functions of his/her position because of a covered disability as defined in the Americans with Disabilities Act as Amended in 2008, then the employee should notify his or her direct supervisor and Human Resources in writing.

A district is required, absent undue hardship, to make a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the "actual disability" or "record of disability" prongs. A district is not required to provide a

reasonable accommodation to an individual who meets the definition of disability solely under the “regarded as” prong.

“Undue hardship” means an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the district, and other factors set out in law.

### **7.5. Anti-Harassment**

RMA is committed to creating and maintaining a work environment free of all forms of unlawful harassment. Employees are prohibited from engaging in all forms of unlawful harassment, including harassment based on race, sex, religion, national origin, disability, age, genetic information, veteran status, sexual harassment, and any other protected class status. Harassment based on any of the aforementioned protected classes may include, but is not limited to, many different types of actions: verbal (e.g. derogatory comment), physical (e.g. assault), or visual (e.g. internet materials).

Workplace Harassment. Workplace harassment is defined as unwelcome verbal or nonverbal conduct, based upon a person’s protected status, that shows hostility or aversion because of that status, and which affects the person’s term or conditions of employment or has the purpose of creating an intimidating or hostile work environment. Examples of workplace Harassment may include:

- Epithets, slurs or negative stereotyping
- Threatening, intimidating or hostile acts
- Denigrating jokes
- Display of circulation of emails, text messages, tweets or other graphic materials that denigrates a person based on their protected status.

Sexual Harassment. Sexual harassment does not have to be of a sexual nature and can include offensive remarks about a person’s sex. Both victim and harasser can be either a woman or a man, and the victim and harasser can be the same sex. The harasser can be the victim’s supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer. Sexual harassment is a form of sex discrimination defined as: (1) submission to or rejection of harassing conduct used as the basis of employment decisions, (2) harassing conduct that has the effect of creating an intimidating, hostile or offensive working environment, or (3) submission to harassing conduct is made either explicitly or implicitly a term or condition of employment. Examples of sexual harassment include:

- Unwelcome or unsolicited sexual advances
- Displaying sexually suggestive material
- Unwelcome text messages, IM’s, or emails of a sexual nature
- Sexually oriented or obscene jokes
- Verbal abuse of a sexual nature
- Unwelcome physical contact or touching.

Retaliation. RMA prohibits retaliation against an employee who makes a claim alleging

to have experienced discrimination or harassment or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. Examples of retaliation may include:

- Termination
- Refusal to hire
- Demotion
- Denial of promotion
- Threats
- Unjustified negative evaluation
- Unjustified negative references
- Increased surveillance.

False Claims, False Statements, Refusal to Cooperate, or Retaliation. An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with RMA's investigation regarding harassment or discrimination may be subject to disciplinary action up to and including discharge from employment.

#### **7.6. Reporting Discrimination and/or Harassment**

This section applies to both incidents of harassment and discrimination.

Employees should report an incident of discrimination or harassment to their direct supervisor within twenty-four (24) hours of the incident. The employee should not assume that witnesses to the incident will know the conduct is unwelcomed; an employee should not rely on a witness to report the conduct for the employee. Informing the harasser that the conduct is unwelcomed is not a report of harassment since the harasser may not self-report the violation to management or the Human Resources Department.

If the alleged harasser is the employee's supervisor, a manager, or even one of the individuals designated to receive harassment reports, the employee does not have to directly report the incident to that individual, but instead must notify the Human Resources Department in order to ensure that the matter is promptly and appropriately addressed.

Any supervisor/manager who receives information indicating a concern about harassment or discrimination must report it to the Human Resources Department within twenty-four (24) hours of the reported incident, even if the information comes from someone other than the target of the harassment or discrimination, or even if the person expressing the concern indicates that they do not wish to have the harassment or discrimination reported.

RMA will promptly investigate any report and take appropriate remedial action. If the harassment or discrimination continues, the employee must immediately report the incident so that the matter can be reopened and addressed.

Retaliation for reporting what an employee believes to be harassing or discriminatory conduct or for participating in an investigation of alleged harassment or discrimination is prohibited. Any retaliation should be reported according to the same procedures as

reporting discrimination or harassment.

Any employee engaging in any type of discrimination, harassment, and/or retaliation may lead to disciplinary action up to and including discharge from employment. Any supervisor who has knowledge of such behavior yet takes no action to report is subject to disciplinary action up to and including discharge from employment. (See RMA Board Policy Series Module 600 Human Resources for more information.)

## **8. EMPLOYMENT STANDARDS**

### **8.1. Expected Employee Conduct**

All employees are expected to:

- Meet established expectations of job performance;
- Comply with attendance policies;
- Be responsible in the performance of job duties;
- Be efficient;
- Be present and on time for work;
- Respect the personal and property rights of all individuals one comes in contact with during the course of RMA business;
- Follow job instructions;
- Maintain a courteous and professional demeanor;
- Provide good customer service;
- Adhere to the Educator' Code of Ethics and Standard Practices for Texas Educators as defined in the Texas Administrative Code Title 19, Part 7, Chapter 247, Rule 247.2 which can be referenced at [https://tea.texas.gov/Texas\\_Educators/Investigations/Educators\\_Code\\_of\\_Ethics/](https://tea.texas.gov/Texas_Educators/Investigations/Educators_Code_of_Ethics/). See Appendix B

Employees who do not adhere to these standards are subject to disciplinary action, up to and including discharge.

### **8.2. Personal Boundaries**

All employees must uphold appropriate boundaries when dealing with students. While it is necessary to build relationships and make connections with students, maintaining these relationships as teacher-student is mandatory.

- Employees will only use RMA authorized means to communicate with students, such as RMA email, or other RMA electronic systems email or chat options, and campus telephones.
- Employees will not “friend” or connect with students on any social media or other internet platforms. (Employees are highly encouraged to keep their personal social media profile settings private.)
- Employees will not give students their personal contact information, including phone numbers and address.
- Employees will not give students gifts, food, or other items outside of school sanctioned events.
- Employees will not allow students to use their RMA provided or personal

- computers.
- Employees will not transport students in their personal vehicles.

Employees who do not adhere to these standards are subject to disciplinary action, up to and including discharge.

### **8.3. Violence in the Workplace**

RMA is committed to providing a safe workplace that is free from violence or threats of violence. Any and all acts of violence in the workplace are prohibited and subject to disciplinary action, up to and including discharge. Additionally, any and all threats of violence, direct or indirect, serious or said in jest, are prohibited. All threats will be taken seriously and are subject to disciplinary action, up to and including discharge.

Employees concerned about family violence being brought into the workplace or onto the work parking lot are encouraged to notify their supervisor or the Human Resources Department.

Any employee who receives a protective or restraining order that lists RMA as a protected area is required to provide their direct supervisor with a copy of the order and information requested by RMA to identify the individual subject to the order.

### **8.4. Drug-Free Workplace**

RMA is committed to maintaining a drug-free workplace and shall make a good faith effort to maintain such an environment. The unlawful manufacture, distribution, possession, or use of a controlled substance in the workplace or at school-related events during or outside of usual working hours is strictly prohibited. Examples include but are not limited to:

- Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate;
- Alcohol or any alcoholic beverages;
- Any abusable glue, aerosol paint, or any other chemical substance for inhalation; and
- Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

In addition to any consequences established by law, violation of this policy may lead to disciplinary consequences up to and including termination.

\*Note-An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.

Additionally, an employee must notify RMA of any criminal drug statute conviction for a

violation occurring in the workplace, or while conducting RMA business, no later than five days after such conviction. A report of a conviction must be made to Human Resources.

Violation of this policy may lead to disciplinary action, up to and including discharge.

RMA may ask an employee to submit to a drug or alcohol test whenever it reasonably believes that the employee may be under the influence of drugs or alcohol at the work place in violation of this Drug-Free Workplace policy, including, but not limited to the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity; unusual, bizarre or erratic conduct that suggests the employee is impaired by, or under the influence of, drugs or alcohol; or an on-the-job accident or injury under circumstances that suggest the possible use or influence of drugs or alcohol in the injury.

Nothing in this policy prohibits, or in any way limits, the lawful use of prescription or nonprescription drugs. However, an employee must inform his/her immediate supervisor if he/she is using a prescription or nonprescription drug which could impair work performance or pose a risk of harm to the employee, to others, or to property. It is the employee's responsibility to determine from his or her physician(s) if the medication can impair work performance or pose such a risk. If the lawful use of lawful prescription or nonprescription drugs does limit or otherwise impair the employee's ability to perform the essential functions of his or her position or otherwise creates a safety risk, the Human Resources Department will meet with the employee to determine whether a reasonable accommodation is available.

### **8.5. Suspicious Behavior**

Employees are encouraged to report any suspicious behavior observed at school or at any school-related or school-sponsored activity. Strangers or former employees walking unaccompanied in areas not generally open to the public should immediately be pointed out to a supervisor.

### **8.6. Former Employees**

Unless granted permission by a central office or campus administrator, former employees may not enter areas that are not open to the public after they are no longer employed by RMA.

### **8.7. Employee Dress Code**

Employee dress should be neat, clean, and appropriate for a professional appearance. While shoes must be worn at all times, house shoes (e.g. slippers) and flip-flops are not allowed. With Supervisor approval denim jeans are allowed on Fridays so long as the jeans are free from holes, tears and/or frays. If an employee is unsure of the appropriateness of a particular item of clothing, the employee should choose not to wear it.

For the purpose of this section, the supervisor is as follows

- Central Office – Superintendent
- Campus - Principal

An administrator may require an employee to cover his or her tattoos and/or remove facial jewelry. Additionally, because it is difficult to establish a specific dress standard, an RMA administrator may require an employee to change clothing into attire more appropriate for the school environment.

Exceptions to the dress code may be considered to make reasonable accommodations for an employee's disability, as defined by the Americans with Disabilities Amendments Act of 2008, or for an employee's sincerely held religious belief.

### **8.8. Outside Employment**

Employees are required to disclose in writing to the Superintendent any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or the best interest of the district. Approval for outside employment will be determined by the Superintendent on a case by case by case basis, based on whether outside employment interferes with the duties of the regular assignment, or cause a potential conflict of interest. Teachers are not allowed to privately tutor their students for pay during the school year; however, tutoring during the summer months is acceptable.

Employees who do not adhere to these standards are subject to disciplinary action, up to and including discharge.

### **8.9. Employee Monitoring; Employee Searches**

Employees do not have an expectation of privacy in any work areas such as, but not limited to, classrooms, offices, desks, file cabinets, computers or cell phones owned or leased by RMA. Work areas and RMA property are subject to search at any time. Any of the following may be monitored if they occur during business hours, at school activities, and/or on school property: phone calls, voicemail, e-mail (work and personal), cameras, computers, and internet activity. Furthermore, employees do not have an expectation of privacy in private phones used for work purposes.

### **8.10. Audio & Video Recordings**

If staff wishes to post student information, pictures, work product exemplars on personal social media sites, blogs, etc., they must first ensure a parental consent is on file with the school. Staff must not post anything regarding a student without a parental consent.

### **8.11. Office Dating**

Employees who are in administrative, management, or supervisory roles are prohibited from dating any employee over whom they have direct or indirect supervision. Also, individuals who work within the Human Resources Department are prohibited from dating any RMA employee.

If two employees are involved in a dating relationship, it will be presumed by RMA that the relationship is welcomed by both parties unless one or the other notifies RMA to the contrary. Public displays of affection and favoritism during work hours and school activities are prohibited.

Conduct that occurs during a disagreement or following a termination of the relationship must not violate RMA's harassment policy.

### **8.12. Workplace Investigations**

There are instances when RMA may wish to investigate personnel matters. Employees are required to cooperate in any investigation. Refusal to participate, or actions taken to compromise the effectiveness of any investigation, may result in termination. If the employee is instructed not to discuss the matter being investigated, failure to abide by this instruction may also result in termination. This restriction excludes the employee's privileged communications with his or her own private legal counsel.

Employees who are the subject of a workplace investigation may be suspended with or without pay and will not be permitted to access RMA facilities. Upon conclusion of the investigation, the Director of Human Resources and Support Services will inform the suspended employee of the outcome for the investigation and of his or her employment status with the school.

### **8.13. Updated/Current Employee Information**

Employees are required to regularly update:

- A change in home address, telephone number, and email address;
- A change in marital status or in the number of dependents;
- A change of insurance beneficiary;
- A change in the number of exemptions claimed for income tax purposes;
- The driving record or status of an employee's driver's license, if the employee operates any RMA vehicle or operates his or her own vehicle for work-related duties, not including driving to and from work.
- A legal change of name.
- The Public Information Act form indicating whether certain personal information may be released to the public.

Updates should be made by notifying the Human Resource Department using the TalentEd system.

### **8.14. Allowable Uses of School Property**

Employees may use RMA property only for a purpose that is consistent with applicable law and to implement a program that is described in RMA's charter. Employees are prohibited from using school property for non-instructional purposes without written permission from the Superintendent. Using RMA property for political purposes is prohibited. Employees must request approval from a supervisor before distributing third-party materials on school property or at school related events.

Employees of RMA may use local telephone service, cellular phones, electronic mail, Internet connections, and for incidental personal use under the following conditions:

- Such incidental personal use must not result in any direct cost paid with state funds.

If this does happen, the employee who caused the direct cost to be incurred by RMA must reimburse RMA;

- Such incidental personal use must not impede the functions of RMA;
- The use of RMA property for private commercial purposes is strictly prohibited; and
- Only incidental amounts of an employee's time for personal matters, comparable to reasonable coffee breaks during the day, are authorized under this section.

An employee may be required to compensate RMA for any damage and/or destruction the employee causes to RMA property.

A violation(s) of this section may result in disciplinary action, up to and including discharge.

### **8.15. Computer & Internet Use**

With the exception of the incidental personal use described in Section 8.10., access and use of RMA's computers, computer networks, electronic mail, and the Internet is only for educational and administrative purposes. The access of material that is obscene, child pornography, or harmful to minors is prohibited.

Failure to comply with this section may lead to disciplinary action up to and including discharge from employment

### **8.16. Administration of Medication to Students**

The administration of medication to students must be done in accordance with RMA BOARD POLICY SERIES 400.120. All employees, agents, and volunteers are prohibited from administering any medication to a student unless expressly authorized by RMA.

### **8.17. Reporting Child Abuse/Child Neglect**

An employee, volunteer, or agent that believes a child has been adversely affected by physical, sexual, or mental abuse or neglect must make a report within 48 hours of first suspecting such abuse or neglect. The report must be made to law enforcement or the Department of Family and Protective Services, Child Protective Services. 1-800-252-5400 [https://www.dfps.state.tx.us/Contact\\_Us/report\\_abuse.asp](https://www.dfps.state.tx.us/Contact_Us/report_abuse.asp)

Authorized officials conducting a child abuse investigation shall be permitted to conduct the required interview with the child at any reasonable time at the child's school (Family Code 261.302(b)).

### **8.18. Traffic Violations**

If an employee, during the course of RMA business, receives a traffic violation, the employee will be personally liable for any expenses incurred from that violation. If, during the course of transporting a student(s), an employee receives a traffic violation, that employee is subject to disciplinary action, up to and including discharge.

### **8.19. Weapons and Firearms Prohibited**

Weapons. RMA prohibits the use, possession, or display of any illegal knife, club or prohibited weapon on school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. This prohibition includes weapons in vehicles on school property.

Firearms. RMA prohibits the use, possession, or display of any illegal firearm on school premises (i.e., building or portion of a building) or any grounds or building where school-sponsored activity takes place. This can include grounds otherwise excluded from the definition of “premises” such as public or private driveways, streets, sidewalks or walkways, parking lots, parking garages, or parking areas.

Pursuant to Texas Penal Code Section 46.03, an employee commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Texas Penal Code Section 46.05(a), on the physical premises of a school or educational institution. It is not a defense to prosecution under this section that the employee possessed a handgun and is licensed to carry a concealed handgun under the Texas Government Code Chapter 411.

Firearms Exception. RMA may not prohibit a person, including a school employee, who holds a license to carry a handgun under Government Code Chapter 411, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by a RMA, provided that the handgun, firearm, or ammunition is not in plain view.

### **8.20. Social Media Usage**

Personal Accounts. RMA does not take a position on an employee’s decision to participate in blogs, wikis, social media pages, etc. for personal use on personal time. If, however, staff members choose to do so, staff members should not communicate with students and families regarding topics pertaining to your work with RMA.

RMA prohibits employees from being friends or connecting with students on any social media platform such as Facebook, Twitter, Snapchat, Instagram and others. (see also section 8.10.) Staff must avoid posting student information, pictures, work product exemplars on personal social media sites, blogs, etc. Parental consents apply only to school-sanctioned sites. Be aware that even with the most stringent privacy settings, photo tagging and other tools may make personal information regarding students and their families available for public view.

When using personal social media sites, if you identify yourself as an employee of RMA, you must remember that you have associated yourself with the school, your colleagues and your school community; therefore, your online behavior must reflect the same standards of professionalism, respect and integrity as your face-to-face communications. You must ensure that any associated content is consistent with the mission and work of the school.

Even with the most stringent privacy settings, when posting online comments that are

related to school, students, or families, even in a personal capacity, staff should act as if all comments/postings are in the public domain. Use caution when posting any comment and/or images to the internet that may reflect negatively on your professional image. Be advised that failure to adhere to these guidelines may lead to disciplinary action up to and including discharge from employment.

Professional Accounts. When using social media sites/products for school related purposes, use RMA-sanctioned and/or created platforms, (e.g. RMA Facebook page).

Staff cannot/should not communicate with parents and students with a personal phone number or email account. Professional communications between staff, students, and parents must/should be through a school approved program, or school provided device.

We encourage staff to establish “professional office hours” and share them with students and parents so that they know if and when you will respond to questions that are emailed, posted on social media, or otherwise communicated to staff.

### **8.21. Staff/Student Romantic Relationships**

All RMA employees will recognize and respect the rights of students, as established by local, state, and federal law. Employees shall, at all times, maintain a professional relationship and exhibit a professional demeanor in their interactions with students. Employees shall not form personally intimate or romantic relationships with students, regardless of age. Intimate physical contact between an employee and a student is strictly prohibited, even if consensual. For purposes of this policy, “intimate physical contact” includes but is not limited to holding hands, lap sitting, kissing, petting, and sexual intercourse of any kind.

Text messages and email communications are prohibited between employees and students unless the communication is for educational purposes. RMA prohibits employees from being friends or connecting with students on any social media platform such as Facebook, Twitter, Snapchat, Instagram and others. Also, employees are prohibited from engaging in electronic dating applications with students such as Tinder.

Employees must report to Human Resources any behavior that is observed at school or at any school-related or school-sponsored activity that might violate this policy. Additionally, if employees receive any inappropriate communication from a student, the employee must report the incident to their direct supervisor. Reports will be submitted directly to the campus administrator via email. A report should include the name of the employee involved, name of the student involved, location of incident, and description of incident. If possible, a report should include any copies of communication between the employee and the student.

### **8.22. Authority to Bind Contracts**

Only the RMA Board of Directors, acting as a body corporate, has legal authority to bind RMA to a financial or contractual obligation. Accordingly, no school employee is authorized to bind RMA to any financial or contractual obligation unless the Board of

Directors has expressly and explicitly delegated contracting authority to that employee through the adoption of board policy or through other formal board action.

### **8.23. Fraud and Financial Impropriety**

All employees should act with integrity and diligence in duties involving RMA's financial resources. RMA prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety includes, but is not limited to, the following:

- Forgery or unauthorized alteration of any document or account belonging to RMA;
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document;
- Misappropriation of funds, securities, supplies, or other district assets, including employee time;
- Impropriety in the handling of money or reporting of district financial transactions;
- Profiteering as a result of insider knowledge of district information or activities;
- Unauthorized disclosure of confidential or proprietary information to outside parties;
- Unauthorized disclosure of investment activities engaged in or contemplated by RMA;
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to RMA;
- Destroying, removing, or inappropriately using records, furniture, fixtures, or equipment;
- Failing to provide financial records required by state or local entities;
- Failure to disclose conflicts of interest as required by policy; and
- Any other dishonest act regarding the finances of RMA.

### **8.24. Expressing Breastmilk in the Workplace**

RMA supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A location, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For non-exempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their direct supervisor to discuss their needs and arrange break times.

### **8.25. Safety**

All employees shall adhere to safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor. Employees should follow the guidelines as presented in training videos and professional development.

To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve school equipment, employees must comply with the following requirements:

- Observe all safety rules during drop-off, pick-up, hallways, classrooms, cafeteria, PE, any other school activity;
- Keep work areas clean and orderly at all times;
- Immediately report all accidents to their supervisor;
- Operate only equipment or machines for which they have training and authorization; and
- Report facility safety hazards or items needing repair to the appropriate personnel.

Employees with questions or concerns relating to safety programs and issues can contact the RMA administrative team.

### **8.26. Copyrighted Materials**

Employees are expected to comply with the provisions of copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Videos are to be used in the classroom for educational purposes only. Duplication or backups of computer programs and data must be made within the provisions of the purchase agreement.

## **9. GRIEVANCE PROCEDURES**

Employees who have a complaint about their terms or conditions of work are encouraged to resolve their concerns informally with their co-workers and/or supervisors at the lowest level possible. If the employee is not satisfied with the outcome of the informal resolution, then the employee may file a formal complaint according to the procedures outlined in RMA Board Policy Series Module 300.120 and Module 600.200.

Excluding a complaint against the Superintendent, each complaint must initially be brought at the lowest level of review.

For purposes of this grievance policy, “school day” means any calendar day that the school’s central administrative office is open without regard to whether students are attending school.

## **10. DISCIPLINE**

In order to correct employee misconduct at the earliest stage possible, RMA administration may implement a stair-step disciplinary procedure. Such procedure may begin first with a verbal warning. The next offense would proceed to a written warning; the next step is suspension; followed by termination of employment. Misconduct is defined in the Texas Administrative Code Title 19, Part 7, Chapter 247, Rule 247.2 Code of Ethics and Standard Practices for Texas Educators.

Though RMA may utilize such stair-step disciplinary procedures, RMA reserves the right to skip any or all steps and immediately discharge the employee.

The stair-step disciplinary procedure does not forfeit the at-will status of its employees and RMA preserves the at-will nature of the employment relationship. Accordingly, discharge may be initiated by RMA at any time, with or without cause, and with or without notice.

## **11. SEPARATION FROM EMPLOYMENT**

### **11.1. Resignation**

An employee is expected, but not required, to give as much advance notice as possible when resigning from RMA. Typically, two weeks (10 business days) is considered sufficient notice time. RMA requests that employees submit their resignation in writing to their supervisor; the writing should include the employee's anticipated last work day. RMA reserves the right to require the employee to resign immediately rather than work during the notice period.

### **11.2. Termination**

In order to reduce the risk of employee violence or vandalism, upon an employee's discharge from employment, RMA administration may request that an employee leave the facility immediately upon separation from employment. If accompanied by an RMA administrator, the employee will be permitted to gather his/her personal belongings before being escorted to the exit.

The exiting employee is prohibited from taking any RMA property or information with him/her; the employee is not to retain a hard copy or soft copy of any RMA information. RMA reserves the right to examine any boxes, briefcases, or other receptacle of an employee to ensure these rules are being followed, prior to the employee exiting the premises.

An employee who has been terminated is not permitted to return to the premises of RMA without prior written approval from the Human Resources Department or the principal of the school campus.

An employee who does not or refuses to return all RMA property may be subject to a payroll deduction that will appropriately cover the cost of replacement property.

### **11.3. COBRA Notice**

In accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), RMA will provide notice to each employee who is separated from employment of the employee's right to choose to continue group health benefits provided by RMA's group health plan.

## **12. RMA BOARD POLICIES**

All RMA employees will adhere to the policies defined in each RMA Board Policy Series Module listed below. These policies may be located at: <https://www.rmaschools.org/employee-resources/>

- RMA Board Policy Series Module 100 Financial Operations
- RMA Board Policy Series Module 200 Governance
- RMA Board Policy Series Module 300 School Operations
- RMA Board Policy Series Module 400 Students
- RMA Board Policy Series Module 500 Open Government
- RMA Board Policy Series Module 600 Human Resources



## Texas Administrative Code

### Educators' Code of Ethics

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Appendix B

Title 19      Education

Part 7        State Board for Educator Certification

**(1) Professional Ethical Conduct, Practices and Performance**

- (A) Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.
- (B) Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.
- (C) Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
- (D) Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.
- (E) Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.
- (F) Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.
- (G) Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.
- (H) Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.
- (I) Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.
- (J) Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.
- (K) Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.
- (L) Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

- (M) Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

**(2) Ethical Conduct Toward Professional Colleagues.**

- (A) Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
- (B) Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.
- (C) Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
- (D) Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.
- (E) Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.
- (F) Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
- (G) Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.
- (H) Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

**(3) Ethical Conduct Toward Students**

- (A) Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- (B) Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.
- (C) Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.
- (D) Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

- (E) Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.
- (F) Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.
- (G) Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.
- (H) Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.
- (I) Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:
  - (i) the nature, purpose, timing, and amount of the communication;
  - (ii) the subject matter of the communication;
  - (iii) whether the communication was made openly, or the educator attempted to conceal the communication;
  - (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
  - (v) whether the communication was sexually explicit; and
  - (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

**Source Note:** The provisions of this §247.2 adopted to be effective March 1, 1998, 23 TexReg 1022; amended to be effective August 22, 2002, 27 TexReg 7530; amended to be effective December 26, 2010, 35 TexReg 11242; amended to be effective December 27, 2016, 41 TexReg 10329; amended to be effective October 21, 2018, 43 TexReg 6839