



TCSA Model Board Policy Series

Module 600 – Human Resources

Richard Milburn Academy

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www.maschools.org



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Board Policy Module 600: *Human Resources*

The Human Resources Module 600, is the sixth and final module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules currently available include:

Board Policy Module 100: Financial Operations

Board Policy Module 200: Charter School Governance & Organization Module

Board Policy Module 300: General School Operation

Board Policy Module 400: Students

Board Policy Module 500: Open Government

Board Policy Module 600: Human Resources

Legal Abbreviations Used In the TCSA Model Board Policy Series

Atty. Gen. Op.	Attorney General Opinion
C.F.R.	Code of Federal Regulation
Tex. Admin. Code	Texas Administrative Code
Tex. Educ. Code	Texas Education Code
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A.	United States Code Annotated

600.020. EQUAL OPPORTUNITY

The governing body (“Board”) of RICHARD MILBURN ACADEMY (also referred to as “RMA” or the “School”) adopts the following policy, which shall be effective on the date of adoption.

SECTION 1. Anti-Discrimination Policy

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

RMA Employees shall not engage in discrimination or harassment motivated by race, color, religion, sex, disability, military service, or age directed toward other RMA employees or students. A substantiated charge of discrimination and/or harassment shall result in disciplinary

action. Retaliation against employees or students who report discrimination and/or harassment is strictly prohibited. Acts of retaliation may result in disciplinary action up to and including termination.

SECTION 2. At-Will Employment

RMA is an at will employer. Employees are terminable at-will by the school. 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.

SECTION 3. Investigation

Any allegations of discrimination or harassment of students or employees shall be investigated and addressed.

SECTION 4. Coordinator

RMA designates the following person to coordinate its efforts to comply with this anti-discrimination policy:

NAME: Armard Anderson

POSITION: Superintendent

ADDRESS: 13003 Jones Maltsberger Rd., San Antonio, Texas 78247

TELEPHONE: 830-557-6181

SECTION 5. Complaints

The Coordinator shall be responsible for the investigation of discrimination complaints filed by employees and citizens. Complaints regarding any type of alleged discrimination shall be made in accordance with the RMA complaint policy in SECTION 300.120.

600.040 DRUG- FREE WORKPLACE

The Board adopts the following policy, which shall be effective on the date of adoption.

SECTION 1. Drug- Free Policy

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.

SECTION 2. Drug- Free Awareness Program

RMA is committed to maintaining an alcohol-and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be immediately terminated.

RMA shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the school policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations. 41 U.S.C. 702(a)(1)(B); 28 TAC 169.2

SECTION 3. Notification.

Employees shall notify the Superintendent or designee of any arrest, charge, conviction, or other adjudication for an alcohol or drug-related offense that occurred within five calendar days of such as arrest, charge, conviction or other adjudication. Within 10 days of such notification, or otherwise being notified, the Superintendent or designee shall notify applicable relevant federal granting agencies of the conviction.

Within 30 calendar days of receiving notice from an employee of a conviction for any drug statute violation occurring in the workplace, RMA shall either take appropriate personnel action against the employee, up to and including termination of employment, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. 41 U.S.C. 703

[This notice complies with notice requirements imposed by the federal Drug-Free Workplace Act (41 U.S.C. 702) and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC Chapters 102-180]

SECTION 4. Alcohol & Drug Testing

SECTION 4.1. Establishment of Testing Program & Procedures.

In an effort to promote safety and help prevent accidents resulting from alcohol and/or drug misuse, the Superintendent or designee may establish an alcohol and drug and controlled substance testing program and procedures for the following:

- Employees who are drivers of charter school-owned or rented vehicles;
- Employees who perform safety-sensitive functions;
- Applicants for positions in the above-referenced categories; and
- Any employee when there is reasonable suspicion of use of alcohol, drug, or controlled substances in the workplace.

The Superintendent may designate a charter school official who shall be responsible for ensuring that information is provided to all employees regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

SECTION 4.2. Reasonable Suspicion Testing.

RMA may ask an employee to submit to a drug or alcohol test whenever there may be reason to believe that the employee may be under the influence of drugs or alcohol at the work-place in violation of this Drug-Free Workplace policy. Only supervisors trained in accordance with federal regulations may, based upon reasonable suspicion, remove an employee and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of 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. Such observations must take place just preceding, during, or just after the period of the workday that the employee is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

SECTION 4.3. Required Procedures.

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. The procedures established under SECTION 4.1 shall require the termination of an employee's employment for refusal to submit to a required test for alcohol or controlled substances.

SECTION 4.4. Supervisor Training.

The Superintendent or designee shall ensure that supervisors are properly trained in accordance with the terms of the applicable law and this policy.

SECTION 5 Tobacco and E-Cigarettes.

Smoking or using tobacco products (including e-cigarettes) are prohibited within 500 feet of all district-owned property and at school-related or school-sanctioned activities, on or off campus.

600.060. HIRING PRACTICES & CRIMINAL BACKGROUND CHECKS

The Board adopts the following policy, which shall be effective on the date of adoption.

SECTION 1. New Hires

SECTION 1.1. Compliance.

The Superintendent or designee shall ensure compliance with applicable laws and regulations regarding hiring practices of new employees.

SECTION 1.2. Posting Job Vacancies.

The Superintendent or designee shall ensure that 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. The Superintendent reserves the right to deviate from this process as needed in the case of emergency, mid-year and/or internal hiring.

SECTION 2. Criminal Background Checks

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.

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.

The Superintendent or designee shall ensure compliance with applicable laws and regulations regarding criminal background checks. Upon notification that an employee or prospective employee has engaged in an offense which legally prohibits that individual from employment at an open-enrollment charter school, the Superintendent or designee shall terminate, or not hire as applicable, that individual.

SECTION 3. SBEC Reporting Requirements

SECTION 3.1 Principal Reporting Requirements.

The principal at all RMA campuses must notify the Superintendent of RMA no later than 7 business days of:

- Learning an educator's termination of employment or resignation following an alleged incident of misconduct, including an improper relationship with a student; or
- Learning about an educator's criminal record by means other than the criminal history clearinghouse.

SECTION 3.2. Superintendent Reporting Requirements.

The Superintendent, or designee, shall ensure compliance with reporting laws and regulations regarding employee termination and background checks.

If the Superintendent, or designee, learns of criminal history outside of the clearinghouse background check, the Superintendent, or designee, must notify SBEC within 7 business days.

Additionally, if an educator is terminated for or resigned due to inappropriate behavior, including being involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor, the Superintendent, or designee, shall notify SBEC within 7 business days.

If the Superintendent, or designee, receives a report from a principal at any RMA campus, the Superintendent, or designee, must report to SBEC within 7 business days.

SECTION 3.3. Written Report.

A report to SBEC must be in writing and should include the following:

- Name of employee
- State certification status
- Description of incident or description of criminal history
- Disciplinary steps taken

SECTION 4. Improper Relationships with Students

It is the policy of RMA that all employees 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 whether the student is 18 years old. Employees found to have engaged in an improper or inappropriate relationship with a student are subject to immediate disciplinary action, including termination.

SECTION 4.1. Electronic Communication.

In order to prevent improper relationships with students, RMA adopts the following:

- Text messages and email communications are prohibited between employees and students, unless through a district approved communication channel including but not limited to school email, instructional technology, and RingCentral.
- Employees may not be friends or connect with students on any social media platform such as Facebook, Twitter, Snapchat, Instagram and others. Also, employees are prohibited from engaging with students through electronic dating applications, such as Tinder.

SECTION 4.2. Personal Phone Numbers and Emails.

Employees at RMA are not required to provide personal emails or personal phone numbers to students, parents, or families of students.

Employees may elect not to disclose their personal telephone number or e-mail address to students.

SECTION 4.3. Reporting Inappropriate Behavior.

Employees at RMA must report any behavior that is observed at school or at any school-related or school-sponsored activity that might violate this policy. Additionally, if an employee receives an inappropriate communication from a student, the employee must immediately report the incident to the Principal. Reports may be submitted directly to the Principal via email or verbally in person.

A report should include:

- 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.

Parent Notification

RMA will notify a parent or guardian of a student when an alleged incident of educator misconduct involving an inappropriate relationship with a student as soon as feasibly possible after learning of the alleged incident, but no later than 24 hours.

Following an investigation into an incident of alleged misconduct involving an inappropriate relationship with a student, RMA will notify the student(s) parent or guardian as to whether:

- The educator was terminated following the investigation or if the educator resigned before the completion of the investigation; and
- A report was submitted to the SBEC for the alleged misconduct.

600.080. COMPENSATION

The Board adopts the following policy, which shall be effective on the date of adoption.

SECTION 1. Fair Labor Standards Act (FLSA) Compliance

SECTION 1.1. Designation of Work Week.

RMA has a standard work week of forty (40) hours per week. Employees' standard work schedule is 8 A.M. Monday through 5 P.M. Friday. The Board authorizes the Superintendent or designee to designate different work schedules based on campus schedules and for specific school personnel. Scheduled hours for employees may vary from department to department.

The workweek, for FLSA purposes, is defined as Sunday at 12:00 a.m. to Saturday at 11:59 p.m.

SECTION 1.2. Classification of Employees.

RMA will comply with FLSA regulations when classifying "exempt" and "nonexempt" positions.

Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$684 per work week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of FLSA regulations.

SECTION 1.3. Permission Required to Work Overtime.

Nonexempt employees may not work more than 40 hours in any work week except with prior written approval from their supervisor.

SECTION 2. Compensation Plans for School Employees

The Superintendent or designee shall recommend for Board approval compensation plans for all categories of charter school employees including salary schedules, stipends, benefits, incentives or other components determined appropriate. The Superintendent or designee shall administer the compensation plan in a manner consistent with the annual budget adopted by the Board.

Employees are paid in accordance with Board-approved administrative guidelines and a pay structure established for each position. Employee compensation plans are reviewed by the Board each year and adjusted as needed.

SECTION 3. Wage Overpayment / Underpayment

RMA strives to take all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled paydays. In the unlikely event that there is an error in the amount of pay, the employee shall promptly bring the discrepancy to the attention of his or her supervisor so that corrections can be made as quickly as possible. If the employee has been paid in excess of what he or she has earned, the employee shall return the overpayment to RMA as soon as possible. No employee is entitled to retain any pay in excess of the amount he or she has earned. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid. Each employee will be expected to sign a wage deduction authorization agreement authorizing such a deduction either soon after employed with RMA or as soon as practicable. Such authorization agreement is valid for the duration of the employment relationship.

SECTION 4. Final Pay

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

SECTION 5. Expense Reimbursement

The Superintendent or designee shall designate allowable expenses for reimbursement when employees incur expenses that are pre-approved and related to their work assignments. Employees shall be required to submit accurate documentation of the expenses for which reimbursement is sought. The School will follow the travel reimbursement guidelines under the General Services Administration. Employee reimbursement request should be submitted to supervisors within 3 days of return of travel or date of purchase. Failure to submit requests in a timely manner could result in forfeiture of reimbursement. See Employee Handbook for more details.

600.100. TRAINING: CAMPUS ADMINISTRATIVE OFFICERS & BUSINESS MANAGERS

The Board adopts the following policy, which shall be effective on the date of adoption.

SECTION 1: Documenting Compliance

Each campus administrative officer and business manager shall comply with and keep accurate records concerning his or her compliance with the commissioner of education rules governing training requirements.

SECTION 2: Staff Development

The Superintendent will adopt a policy to provide annual training on suicide prevention for all new staff, and a schedule for returning staff to renew their training in compliance with rules adopted by TEA.

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.

600.120. IMMUNITIES

The Board adopts the following policy, which shall be effective on the date of adoption.

SECTION 1. Exhaustion of Administrative Claims

Prior to filing a lawsuit, potential claimants shall exhaust administrative remedies in accordance with state law and/or federal regulations. Administrative remedies must be pursued through the Board's grievance process set forth in Board Policy 300.120.

SECTION 2. Written Notice of Legal Claims

Written notice of a potential legal claim against RMA shall be provided in accordance with state law and shall be mailed or hand-delivered to the employee's attention at the charter school's administrative office at the following address: 13003 Jones Maltsberger Rd., San Antonio, Texas 78247

600.140. RETIREMENT AND HEALTH BENEFITS

The Board adopts the following policy, which shall be effective on the date of adoption.

SECTION 1. Compliance

The Superintendent shall administer this policy in compliance with all applicable laws and shall ensure that school records pertaining to each employee's retirement and health benefits are current and accurate.

RMA offers a comprehensive health and insurance program to all eligible employees as well as their eligible dependents. Employees must elect coverage and make changes to their health, dental, and vision plans once a year, during the annual enrollment period, unless the employee has a qualifying life event.

SECTION 2. Health Benefits

RMA elects to provide health benefits through a private carrier. All health claims and coverage decisions are final as determined by the Board's selected carrier.

SECTION 3. COBRA Notification

The Superintendent or designee shall notify employees of their potential rights under COBRA upon separation from employment with the school, whether for voluntary or involuntary reasons.

SECTION 4. Local Benefits

RMA offers the following additional employment benefits for its employees:

- Dental
- Vision
- Short Term Disability
- Long Term Disability

- GAP
- Lifetime Insurance
- Cyber Security
- Flexible Spending Account
- Emergency Transportation
- Auto & Home
- Critical Illness
- Accident
- Voluntary Life

SECTION 5. Workers Compensation Benefits

It is the policy of RMA to provide workers' compensation insurance. The Superintendent or designee shall notify employees of its coverage decisions in accordance with state law. Employees will be notified in writing upon hiring and notices will be posted at all worksites.

SECTION 6. Teacher Retirement System

SECTION 6.1. TRS Eligibility.

RMA participates in the Teacher Retirement System (TRS). An employee is eligible for membership in TRS when the employee has:

Regular employment with a single public, state-supported education institution in Texas that is expected to last for a period of 4 ½ months or more;

For one-half or more of the full-time workload; and

With compensation paid at a rate comparable to the rate of compensation for other persons employed in similar positions.

An employee at RMA is considered to meet these requirements 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.

SECTION 6.2 Loss of TRS Eligibility.

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.

600.160. TEACHER CREDENTIALS & QUALIFICATIONS

The Board adopts the following policy, which shall be effective on the date of adoption.

SECTION 1. Compliance.

The Superintendent shall ensure that each teacher is properly credentialed and qualified as required by state and federal law.

SECTION 2. Local Requirements for Teaching Credentials and Qualifications

In addition to the federal and state requirements, the Board directs the Superintendent to make a good faith effort to hire teachers with the following credentials and qualifications:

- Teachers: State certification and baccalaureate degree appropriate for the subject areas being taught by the teacher.
- Associate Teachers: Highly qualified status in accordance with the No Child Left Behind Paraprofessional Highly Qualified Requirements:
 - Complete at least two years of study at an institution of higher education (defined as completion of 48 semester hours or equivalent trimester hours) of college coursework or an applicable number of semester hours as defined by the institution of higher education attended, whichever is less;
 - Possess an associate’s (or higher) degree;
 - Meet a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment –
 - Knowledge of and the ability to assist in instructing reading, writing, and mathematics; or
 - Knowledge of and the ability to assist in instructing reading readiness, writing readiness, and mathematics readiness, as appropriate.

600. 170. PERFORMANCE EVALUATION

The Board adopts the following policy, which shall be effective on the date of adoption.

SECTION 1. Employee Evaluations

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.

The Board of Directors will formally evaluate the Superintendent at least annually.

600. 180. EMPLOYEE LEAVES AND ABSENCES

The Board adopts the following policy, which shall be effective on the date of adoption.

SECTION 1. Definition

For purposes of this policy, “instructional staff” includes full time employees who work as campus principals, classroom teachers, associate teachers, teacher aides, counselors, and providers of special education services. The board at its discretion may modify this listing of employees as appropriate for the staffing plan and position titles.

SECTION 2. Administration and Compliance

The Superintendent shall administer this policy in compliance with all applicable laws and shall ensure that school records pertaining to each employee’s leaves and absences are current and accurate.

SECTION 3. Family Medical Leave

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 measured forward from the date of your first

FMLA leave usage. 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.

SECTION 3.1. General Guidance.

RMA will comply with all regulations of the Family and Medical Leave Act set forth by the United States Department of Labor Wage and Hour Division determined as the 12-month period measured forward from the date an employee's first FMLA period begins. See: <https://www.dol.gov/whd/fmla>.

Basic Leave Entitlement. FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, child, or parent, who has a qualifying serious health condition; or
- For a qualifying serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Eligibility Requirements. Employees are eligible if they have worked for a covered employer for at least one year and have at least 1,250 hours over the previous 12 months.

SECTION 3.2. Concurrent Use of Leave.

It is the policy of RMA for an employee's available paid leave to run concurrently with FMLA and EFMLA leave.

SECTION 4. Local Leaves and Absences

SECTION 4.1. Local Personal Leave.

Each employee is entitled to up to seven (7) days of paid personal leave per year. Personal leave may be used for illness, illness of an employee's family member, personal and family medical appointments, and other personal reasons as determined by the employee. Personal leave does not accumulate.

Use of Local Personal Leave must be pre-approved by the employee's supervisor.

SECTION 4.2. Other Leave.

The charter school offers the following additional types of leave for its employees:

Bereavement

- In the unfortunate event of a death in immediate family, a paid leave of absence of up to 3 days will be granted (up to 5 if airline travel is required). For the purpose of this policy, an “family immediate 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 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

Jury Duty

RMA will provide paid leave for Jury Duty up to 10 days. The employee will be required to submit the actual court work excuse from the date of service. Notes: this does not include summonses for personal court appearances.

Military Leave

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.

SECTION 4.3. State Sick/Personal Days.

RMA does not recognize or participate in the state sick or personal leave program. State sick or personal days do not have any role in the RMA leave program.

SECTION 4.4. Executive Leadership Team Leave.

The Executive Leadership team is made up of the Superintendent, Executive Director of Instructional Operations, Chief Financial Officer and Executive Director of Instructional Technology, Grants and Expansion. The Executive Leadership team will received two weeks vacation per year in addition to seven (7) Local Personal Leave days, to be taken at such time deemed appropriate. These employees are salaried employees who must be available at such times of the year when workloads are heavy in support of district missions. The vacation time may be taken in consecutive days or it may be split up.

SECTION 5. Extended Absences from Duty

SECTION 5.1. Abandoning Work.

An employee who misses three consecutive days of work without directly notifying the employee’s supervisor is considered to have abandoned the employee’s position and will be terminated from employment unless extenuating circumstances exist as determined by the Superintendent or designee.

SECTION 5.2. Returning to Work from Extended Leave.

SECTION 5.2.1. Reinstatement.

The reinstatement of an employee returning from extended leave such as family medical leave, military leave, or workers' compensation leave is a high priority for RMA.

Reinstatement to an equivalent position will be determined on a case-by-case basis by the Superintendent or designee based on the following factors relating to the best interests of the school and its students:

- the applicable laws, policies, and practices governing the employee's absence from duty;
- for instructional positions, the time of year, the students' academic and behavior progress, the proximity of school and/or student holidays, the proximity of student testing, and additional similar factors relating to the academic and behavioral success of the students;
- whether the employee is a key employee;
- the school's legal obligations to other employees;
- the employee's ability to perform the essential functions of the job with our without reasonable accommodation;
- the impact of reinstatement on the academic, fiscal, or other operations of the school.

SECTION 5.3. Pay Increases.

Employees returning to their prior employment positions from extended leave such as family medical leave or workers' compensation leave are entitled to any cost of living increases that were awarded during the employee's absence from duty. Unless legally required otherwise, returning employees will not be entitled to any pay increases that were awarded based on seniority, length of service or work performance.

600. 200. COMPLAINTS BY SCHOOL EMPLOYEES

The Board adopts the following policy, which shall be effective on the date of adoption.

SECTION 1. Process for Employee Complaints

Employees who have a complaint about the terms or conditions of their work or employment 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 the informal resolution, then the employee may file a formal complaint in accordance with the grievance process set forth in Board Policy SECTION 300.120.

SECTION 2. Exception for Certain Complaints

All formal complaints by charter employees must be pursued in accordance with the process set forth in Board Policy 300.120 unless the complaint alleges sexual harassment, or unlawful discrimination (based on race, gender, disability, religion, age or national origin) by the employee's supervisor. Under these circumstances, the employee shall present his or her Level 1 complaint to the school's Superintendent or designee who will designate another supervisory level employee to hear and respond to the Level 1 grievance. If the Superintendent or designee does not reach a decision that is satisfactory to the employee, then the employee may appeal the decision to Levels 2 and 3 as delineated in Board Policy SECTION 300.120