



# Personnel Handbook

---

2021-2022

## **Richard Milburn Academy**

13003 Jones Maltzberger Rd.

San Antonio, Texas 78123

830-557-6181

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



## Contents

|   |    |
|---|----|
| Welcome to RMA .....  | 6  |
| DISCLAIMER: Employee At-Will Status.....  | 6  |
| 1. INTRODUCTION .....   | 6  |
| 1.1. About this Personnel Handbook .....  | 6  |
| 1.2. About RMA.....   | 7  |
| 1.3. Acknowledgement of Receipt of Personnel Handbook.....                          | 8  |
| 1.4. Open Door Policy .....   | 9  |
| 2. STARTING YOUR JOB .....  | 9  |
| 2.1. Accuracy of Information .....  | 9  |
| 2.2. Employment Application & Other Forms.....                                      | 9  |
| 2.3. Criminal History Background Checks .....                                       | 10 |
| 2.4. Fingerprinting.....  | 11 |
| 2.5. New Employee Orientation.....  | 11 |
| 2.6. Employee Election Form to Withhold Certain Information from Public Access..... | 12 |
| 2.7. Certifications and Licenses.....   | 12 |
| 2.8. Spouse Policy .....  | 12 |
| 3. REPORTING TO WORK.....   | 13 |
| 3.1. Official RMA Office Hours .....  | 13 |
| 3.2. Regular Work Schedules .....   | 13 |
| 3.3. Job Vacancy Announcements .....  | 14 |
| 3.4. Duty-Free Lunch Breaks .....   | 14 |
| 3.5. Staff Development .....  | 14 |
| 3.6. Staff Meetings.....  | 14 |
| 3.7. Attendance.....  | 14 |
| 3.8. Performance Evaluation.....  | 15 |
| 4. TIME AWAY FROM WORK.....   | 15 |
| 4.1. Holidays & School Breaks.....  | 15 |
| 4.2. Local Personal Leave .....   | 15 |
| 4.3. State Leave.....   | 16 |
| 4.4. Family Medical Leave Act.....  | 16 |
| 4.5. Bereavement Leave .....  | 24 |
| 4.6. Military Leave of Absence.....   | 25 |

|  |    |
|--|----|
| 4.7. Jury Duty/Court Appearance .....                  | 26 |
| 4.8. Workers' Compensation Leave .....                 | 26 |
| 4.9. Concurrent Use of Leave.....                      | 27 |
| 4.10. Mandated School Closure .....                    | 28 |
| 5. BENEFITS .....                                      | 29 |
| 5.1. Same Sex Spouses .....                            | 29 |
| 5.2. Additional Benefits.....                          | 29 |
| 5.3. Teacher Retirement System of Texas .....          | 29 |
| 5.4. SB7: TRS Annuity .....                            | 29 |
| 5.5. Other Retirement Plans .....                      | 30 |
| 5.6. Social Security .....                             | 30 |
| 6. WAGES & EXPENSES.....                               | 30 |
| 6.1. Payday .....                                      | 30 |
| 6.2. Supplemental Duties and Related Stipends.....     | 30 |
| 6.3. Direct Deposit .....                              | 31 |
| 6.4. Mistake in Payroll or Expense Reimbursement ..... | 31 |
| 6.5. Attendance Records.....                           | 31 |
| 6.6. Travel Expense and Other Reimbursements.....      | 31 |
| 6.7. Deductions in Pay.....                            | 32 |
| 6.8. Payroll Advances and Financial Loans.....         | 32 |
| 6.9. Unemployment Compensation.....                    | 32 |
| 6.10. Final Pay .....                                  | 32 |
| 7. NON-DISCRIMINATION & ANTI-HARASSEMENT .....         | 32 |
| 7.1. Equal Opportunity Employment Practices.....       | 32 |
| 7.2. Non-Discrimination .....                          | 34 |
| 7.3 Americans with Disabilities Act (ADA) .....        | 34 |
| 7.4. Reasonable Accommodation .....                    | 35 |
| 7.5. General Non-Discrimination Policy .....           | 35 |
| 7.6. Sexual Harassment Prohibited.....                 | 38 |
| 8. EMPLOYMENT STANDARDS .....                          | 39 |
| 8.1. Expected Employee Conduct .....                   | 39 |
| 8.2. Personal Boundaries .....                         | 39 |
| 8.3. Violence in the Workplace .....                   | 40 |

|  |    |
|--|----|
| 8.4. Drug-Free Workplace .....                       | 40 |
| 8.5. Suspicious Behavior .....                       | 41 |
| 8.6. Former Employees .....                          | 42 |
| 8.7. Employee Dress Code .....                       | 42 |
| 8.8. Outside Employment .....                        | 42 |
| 8.9. Employee Monitoring; Employee Searches .....    | 42 |
| 8.10. Audio & Video Recordings .....                 | 43 |
| 8.11. Office Dating .....                            | 43 |
| 8.12. Workplace Investigations.....                  | 44 |
| 8.13. Updated/Current Employee Information .....     | 44 |
| 8.14. Allowable Uses of School Property .....        | 44 |
| 8.15. Computer & Internet Use .....                  | 45 |
| 8.16. Administration of Medication to Students ..... | 45 |
| 8.17. Reporting Child Abuse/Child Neglect.....       | 45 |
| 8.18. Traffic Violations .....                       | 47 |
| 8.19. Weapons and Firearms Prohibited .....          | 47 |
| 8.20. Social Media Usage .....                       | 47 |
| 8.21. Staff/Student Romantic Relationships.....      | 48 |
| 8.22. Authority to Bind Contracts .....              | 49 |
| 8.23. Fraud and Financial Impropriety.....           | 49 |
| 8.24. Expressing Breastmilk in the Workplace.....    | 49 |
| 8.25. Safety .....                                   | 50 |
| 8.26. Copyrighted Materials .....                    | 50 |
| 9. GRIEVANCE PROCEDURES.....                         | 50 |
| 9.1. Guiding Principles .....                        | 51 |
| 10. DISCIPLINE.....                                  | 53 |
| 11. SEPARATION FROM EMPLOYMENT .....                 | 54 |
| 11.1. Resignation.....                               | 54 |
| 11.2. Termination.....                               | 54 |
| 11.3. COBRA Notice.....                              | 54 |
| 12. RMA BOARD POLICIES.....                          | 54 |
| 13. APPENDIX .....                                   | 56 |
| Educators’ Code of Ethics .....                      | 56 |

Title IX Formal Complaint Process ..... 59  
District Organizational Chart..... 60

## 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 expectations 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/President 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. Although comprehensive, the Personnel Handbook cannot include a 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 electronically sign and date this Acknowledgement of Receipt and return it to Human Resources. 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.

---

Employee's Name (Print)

---

Date

**Electronic Signature will be held in personnel file**

---

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
- Equal Employment Opportunity (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**

RMA shall obtain Criminal History Record Information (CHRI) that relates to a person who is not subject to a National Criminal History Record Information (NCHRI) review and who is an employee of:

- RMA; or
- A shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present.

CHRI that RMA obtains from the Department of Public Safety (DPS), including any identification information that could reveal the identity of a person about whom the CHRI is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

- Is for the exclusive use of RMA; and
- May be disclosed or used by RMA only if, and only to the extent, disclosure is authorized or directed by a statute, rule, or order of a court of competent jurisdiction.

The CHRI is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

#### Discharge of Convicted Employees

In accordance with Tex. Educ. Code 22.085, RMA shall discharge or refuse to hire an employee or applicant for employment if RMA obtains information through a CHRI review that the employee or applicant has been:

An individual may not be employed by RMA if he or she:

- Has been convicted of any felony or a misdemeanor involving moral turpitude;
- Has been convicted of any offense listed in Tex. Educ. Code 37.007(a); or
- Has been convicted of an offense listed in Tex. Code Crim. Proc. 62.001(5).

#### Certification to TEA

- Each school year, the superintendent or designee shall certify to the Commissioner of Education that RMA has complied with the above provisions.

#### Optional Termination

- 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 Texas Education Agency Educator Certification Division (often referred to as SBEC, which stands for State Board for Educator Certification)

- or RMA.

#### Notification of Arrests, Indictments, Convictions, and Other Adjudications

An RMA employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, guilty or no contest plea, or other adjudication of the employee for any felony offense or misdemeanor offense involving moral turpitude and/or:

- Crimes involving RMA property or funds;
- Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
- Crimes that occur wholly or in part on RMA property or at a school-sponsored or school-related activity; or
- Crimes involving moral turpitude, which include:
  - Dishonesty, fraud, deceit, theft, misrepresentation;
  - Deliberate violence;
  - Base, vile or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
  - Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct; or
  - Acts constituting abuse under the Texas Family Code.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.6](#)

#### **2.4. Fingerprinting**

All applicants must submit a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including whether the charge was determined to be true or false.

An applicant is not precluded from being employed based on a disclosed charge if RMA determines based on the information disclosed in or attached to the affidavit that the charge was false.

A determination that an employee failed to disclose information required to be disclosed by an applicant is grounds for termination of employment.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.5](#)

#### **2.5. 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.

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

Each RMA employee shall choose whether to allow public access to information in RMA's custody that relates to the employee's:

- home address,
- home telephone number,
- emergency contact information,
- Social Security number, or
- that reveals whether the person has family members.

All information in the personnel file of an RMA employee shall be made available to that employee or the employee's designated representative as public information is made available under the Texas Public Information Act (TPIA).

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.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.5](#)

## **2.7. 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 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 thirty (30) days of employment. Failure to submit all required documentation within thirty (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 Texas Education Agency Educator Certification Division (SBEC) suspends or revokes certification for any reason. Employees should contact Human Resources with questions regarding certification or licensure requirements.

## **2.8. 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 workweek 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 five (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 are expected to arrive at work at least fifteen (15) minutes before class begins, allowing time to prepare for students to arrive, and should remain at work until at least fifteen (15) minutes. 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 before or after the employee’s scheduled work hours unless in response to a directive of a supervisor 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.

### **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 (1) 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 and staying at work for the duration of each scheduled day.

RMA expects all employees to conduct themselves in a professional manner during their employment. This includes:

- practicing good attendance habits,
- coming to work on time and staying at work throughout the work day,
- working their shift as scheduled, and
- arriving and leaving at the scheduled time

RMA has established the following policies for employee attendance:

- Employees should arrive to work and be at their assigned duty station no later than their scheduled start time.
- Employees should remain at their duty station unless the needs of the job require being elsewhere or as authorized by their supervisor, except during authorized breaks.
- Employees should take only the time normally allowed for breaks as authorized by their supervisor.
- Non-salaried/non-exempt employees should leave promptly at the end of their scheduled workday, unless given permission by their supervisor to work past that time.
- Employees should call in and personally notify a supervisor if they will be absent or tardy, unless a verifiable emergency makes it impossible to do so.
- In addition to any time clock or time-recording system RMA may implement, time keeping for non-exempt employees must be done weekly and manually using RMA's approved time sheets.

Absence or tardiness may be excused under exceptional circumstances, but generally only if an employee provides prior written notice of the need to be absent or tardy. Such advance notice is necessary so that other arrangements can be made to cover the employee's responsibilities, if necessary.

An employee who is absent without notice for three (3) or more consecutive days shall be considered as having abandoned his or her job; RMA shall process the employee's work separation as a voluntary resignation without good cause related to the work.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.16§4](#).

### **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**

RMA does not directly participate in the State Personal Leave Program or provide or recognize “State Days” under Texas Education Code, Chapter 22; therefore, accumulated state personal leave days from other Texas School Districts or public schools may not be transferred in or out of the RMA system or used by any former ISD employee during employment with RMA.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.25](#).

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

The Family and Medical Leave Act (“FMLA”) provides eligible employees with unpaid leave for certain family and medical reasons during a 12-month period. During this leave, employees are entitled to continue group health plan coverage as if they had continued to work, but they are responsible for timely paying their portion of health plan premiums. At the conclusion of the leave, subject to some exceptions, employees generally have the right to return to the same or an equivalent position, equivalent pay, benefits and working conditions.



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.

#### Employment Eligibility Criteria

- An "eligible employee" is one who:
- Has been employed by RMA for at least 12 months (which need not be consecutive);
- Has been employed by RMA for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave; and
- Is subject to an Event Entitling Employees to FMLA Leave

An eligible employee shall be entitled to FMLA leave for one or more of the following:

- For the birth of a son or daughter of the employee and to care for the newborn child.
- For placement of a son or daughter with the employee for adoption or foster care.
- To care for the employee's spouse, son or daughter, or parent with a serious health condition.
- Because of a serious health condition that makes the employee unable to perform the functions of his or her position.
- Because of any Qualified Exigency (defined below) arising out of the fact that the employee's spouse, son or daughter, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
- To care for a covered service member with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

#### Qualifying Exigency FMLA Leave

An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

- Short-notice deployment.
- Military events and related activities.
- Childcare and school activities.
- Financial and legal arrangements.
- Counseling.
- Rest and recuperation.
- Post-deployment activities.
- Parental care.
- Additional activities, provided that RMA and the employee agree that the leave shall qualify as an exigency and agree to both the timing and duration.

#### Leave Entitlement and Use

Except in the case of military caregiver leave, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during a 12-month period for any one or more of the qualifying reasons.

Spouses who are employed by RMA may be limited to a combined total of 12 workweeks of leave

during any 12-month period if the leave is taken for birth of a son or daughter, the placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse may be entitled to additional FMLA leave for other FMLA- qualifying reasons, but not more than a total of 12 workweeks per person.

#### Determining the 12-Month Period

Except with respect to military caregiver leave, RMA will determine the “12-month period” in which the 12 weeks of leave entitlement occurs as: 12-month period measured forward from the first date an employee takes FMLA leave. The next 12-month period would begin the first time FMLA leave is taken after completion of the prior 12-month period

#### Military Caregiver Leave

In the case of military caregiver leave, an eligible employee’s FMLA leave entitlement is limited to a total of 26 workweeks of leave during a “single 12-month period.” The “single month period” is measured forward from the date an employee’s first FMLA leave to care for the covered service member begins, regardless of the method used by RMA to determine the 12-month period for other FMLA leaves. During the “single 12-month period,” an eligible employee’s FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason.

Spouses who are employed by RMA may be limited to a combined total of 26 weeks of FMLA leave during the “single 12-month period” if leave is taken as military caregiver leave, for the birth of a son or daughter, for the placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

#### Summer Vacation and Other Extended Breaks

If RMA’s activity temporarily ceases and employees generally are not expected to report for work for one or more weeks – e.g., a school closing for Spring Break or for the Christmas/New Year holiday – those days do not count against an employee’s FMLA leave entitlement. Similarly, the time during summer vacation when the employee is not required to report to work does not count against the employee’s FMLA leave entitlement.

#### Intermittent or Reduced Work Schedule Leave

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. “Intermittent leave” is FMLA leave taken in separate blocks of time due to a single qualifying reason. A “reduced leave schedule” is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday. Intermittent leave shall be taken in increments of no less than one hour.

#### Transfer to an Alternative Position

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, RMA may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, and which better accommodates recurring periods of leave than does the employee’s regular position.

“Instructional employees” are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic

coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include maintenance workers.

#### Failure to Provide Notice of Foreseeable Leave

If an instructional employee does not give required notice of foreseeable leave to be taken intermittently or on a reduced schedule, RMA may require the employee to take leave of a particular duration or to transfer temporarily to an alternative position. Alternatively, RMA may require the employee to delay the taking of leave until the notice provision is met.

#### Twenty Percent Rule

If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule and the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend, RMA may require the employee to choose:

- To take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- To transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

“Periods of a particular duration” means a block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave. If an employee chooses to take leave for “periods of a particular duration” in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

#### Leave at the End of a Semester

As a rule, RMA may not require an employee to take more FMLA leave than the employee needs. The FMLA recognizes exceptions where instructional employees begin leave near the end of a semester. As set forth below, RMA may in certain cases require the employee to take leave until the end of the semester.

If RMA requires the employee to take leave until the end of the semester, only the period of leave until the employee is ready and able to return to work shall be charged against the employee’s FMLA leave entitlement. Any additional leave required by RMA to the end of the semester is not counted as FMLA leave; however, RMA shall maintain the employee’s group health insurance and restore the employee to the same or equivalent job, including other benefits, at the end of the leave.

#### Continuation of FMLA Leave More than Five Weeks Before the End of the Semester

RMA may require an instructional employee to continue taking leave until the end of the semester if:

- If the health-care provider treating the employee for the workers’ compensation injury certifies that the employee is able to return to a “light duty job” but is unable to return to the same or equivalent job, the employee may decline RMA’s offer of a “light duty job.”
- As a result, the employee may lose workers’ compensation payments, but is entitled to remain on unpaid FMLA leave until the employee’s FMLA leave entitlement is exhausted.

- As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or RMA may require the use of accrued paid leave.

#### Maintenance of Health Benefits

During any FMLA leave, RMA must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

An employee may choose not to retain group health plan coverage during FMLA leave. However, when the employee returns from leave, the employee is entitled to be reinstated on the same terms as before taking leave without any qualifying period, physical examination, exclusion of pre-existing conditions, and the like.

#### Payment of Premiums

During FMLA leave, the employee must continue to pay his or her share of group health plan premiums. If premiums are raised or lowered, the employee is required to pay the new premium rates.

#### Failure to Pay Premiums

Unless RMA has an established policy providing a longer grace period, RMA's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than thirty (30) days late. In order to terminate the employee's coverage, RMA must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least fifteen (15) days before coverage is to cease, advising that coverage will be dropped on a specified date at least fifteen (15) days after the date of the letter unless the payment has been received by that date. Coverage for the employee may be terminated at the end of the 30-day grace period, if the required 15-day notice has been provided.

Upon the employee's return from FMLA leave, RMA must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed. The employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage.

#### Recovery of Benefit Cost

If an employee fails to return to work after FMLA leave has been exhausted or expires, RMA may recover from the employee its share of health plan premiums during the employee's unpaid FMLA leave, unless the employee's failure to return is due to one of the reasons set forth in the regulations. RMA may not recover its share of health insurance premiums for any period of FMLA leave covered by paid leave.

#### Right to Reinstatement

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the

employee has been replaced or his or her position has been restructured to accommodate the employee's absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

### 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 or without reasonable accommodation;
- the impact of reinstatement on the academic, fiscal, or other operations of the school.

### Key Employees

RMA may deny job restoration to a key employee, as that term is defined in law, if such denial is necessary to prevent substantial and grievous economic injury to the operations of RMA.

### Eligibility Notice

When an employee requests FMLA leave, or when RMA learns that an employee's leave may be for an FMLA-qualifying reason, the employee's immediate supervisor shall notify the employee of his or her eligibility to take FMLA leave. If the employee is not eligible for FMLA leave, the notice must explain why the employee is not eligible.

The employee's immediate supervisor shall provide the eligibility notice within five (5) business days, absent extenuating circumstances. RMA shall translate the notice in any situation in which it is required to translate the general notice.

### Retroactive Designation

RMA may retroactively designate leave as FMLA leave, with appropriate notice to the employee, if RMA's failure to timely designate leave does not cause harm or injury to the employee. RMA and an employee may also agree that leave will retroactively be designated as FMLA leave.

### Requests for FMLA Leave

An employee giving notice of the need for FMLA leave must state a qualifying reason for the leave and otherwise satisfy the requirements for notice of foreseeable and unforeseeable leave, as described below. The employee need not expressly assert rights under the Act or even mention the FMLA.

Employees should request FMLA leave by notifying the Human Resources Specialist or designee, and must complete the Department of Labor's form WH-380-E (or WH-380-F as appropriate) made available from the Department of Labor or RMA's administrative offices. Completed forms should be returned to the Human Resources Specialist.

#### Foreseeable Leave

An employee must provide his or her immediate supervisor at least thirty (30) days' advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered service member. If thirty (30) days' notice is not practicable, the employee must give notice as soon as practicable, generally on the same day as or next business day after the reason for the leave is known. For leave due to a qualifying exigency, the employee must provide notice as soon as practicable regardless of how far in advance the leave is foreseeable.

When planning medical treatment, the employee must consult with his or her immediate supervisor and make a reasonable effort to schedule the treatment so as not to disrupt unduly RMA operations, subject to the approval of the health-care provider.

#### Unforeseeable Leave

When the approximate timing of leave is not foreseeable, an employee must provide notice to his or her immediate supervisor as soon as practicable under the facts and circumstances of the particular case. If an employee does not comply with usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA leave may be delayed or denied.

#### Compliance with RMA Requirements

RMA may require an employee to comply with its usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. If an employee does not comply with usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA leave may be delayed or denied.

#### Certification of Leave

RMA may require that an employee's FMLA leave be supported by certification, as described below. RMA shall give notice of a requirement for certification each time certification is required. At the time RMA requests certification, RMA must advise the employee of the consequences of failure to provide adequate certification.

In most cases, the employee's immediate supervisor will request certification at the time the employee gives notice of the need for leave or within five (5) business days thereafter or, in the case of unforeseen leave, within five (5) business days after the leave commences.

RMA may request certification at a later date if RMA later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to his or her immediate supervisor within fifteen (15) calendar days after RMA's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

### Incomplete or Insufficient Certification

RMA shall advise an employee if it finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. RMA must provide the employee with seven (7) calendar days (unless not practicable under the particular circumstances despite the employee's diligent, good faith efforts) to cure any such deficiency.

A certification is “incomplete” if one or more of the applicable entries have not been completed. A certification is “insufficient” if it is complete, but the information provided is vague, ambiguous, or non-responsive. A certification that is not returned to RMA is not considered incomplete or insufficient, but constitutes a failure to provide certification.

### Medical Certification of Serious Health Condition

When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, RMA may require the employee to obtain medical certification from a health-care provider. RMA may use the U.S. Department of Labor (“DOL”) optional form WH-380-E when the employee needs leave due to the employee’s own serious health condition and optional form WH-380-F when the employee needs leave to care for a family member with a serious health condition. RMA may not require information beyond that specified in the FMLA regulations.

An employee may choose to comply with the certification requirement by providing RMA with an authorization, release, or waiver allowing RMA to communicate directly with the health-care provider.

When requesting medical certification, RMA shall comply with all requirements for requesting medical information under the Genetic Information Nondiscrimination Act (“GINA”) as contained in 29 C.F.R. 1635.8(b)(1)(i)(A).

### Authentication and Clarification

If an employee submits a complete and sufficient certification signed by the health-care provider, RMA may not request additional information from the health-care provider.

However, RMA may contact the health-care provider for purposes of clarification and authentication of the certification after RMA has given the employee an opportunity to cure any deficiencies, as set forth above. To make such contact, RMA must use a health-care provider, a human resource professional, a leave administrator, or a management official.

Under no circumstances may the employee's direct supervisor contact the employee’s health-care provider.

### Certification—Military Caregiver Leave

When an employee takes military caregiver leave, RMA may require the employee to obtain a certification completed by an authorized health-care provider of the covered service member. In addition, RMA may request that the employee and/or covered service member address in the certification the information at 29 C.F.R. 825.310(c). RMA may also require the employee to provide confirmation of a covered family relationship to the seriously injured or ill service



member.

RMA may use Department of Labor (DOL) optional form WH-385, or another form containing the same basic information, for this certification. RMA may not require information beyond that specified in the regulations. RMA must accept as sufficient certification “invitational travel orders” (“ITOs”) or “invitational travel authorizations” (“ITAs”) issued to any family member to join an injured or ill service member at his or her bedside.

RMA may seek authentication and/or clarification of the certification under the procedures described above. Second and third opinions, and re-certifications, are not permitted for leave to care for a covered service member.

#### Failure to Provide Certification

If the employee fails to provide RMA a complete and sufficient certification, despite the opportunity to cure, or fails to provide any certification, RMA may deny the taking of FMLA leave. This provision applies in any case where RMA requests a certification, including any clarifications necessary to determine if certifications are authentic and sufficient.

#### Prohibition Against Discrimination and Retaliation

RMA shall not interfere with an employee’s rights under the FMLA, or with legal proceedings or inquiries relating to an employee’s rights. Specifically, RMA shall not:

Interfere with, restrain, or deny the exercise of (or attempts to exercise) any rights provided by the FMLA.

Discharge or in any other way discriminate against any person (whether or not an employee) for opposing or complaining about any unlawful practice under the FMLA.

Discharge or in any other way discriminate against any person (whether or not an employee) because that person has:

- Filed any charge, or has instituted (or caused to be institute) any proceeding under or related to the FMLA; Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the FMLA; and/or
- Testified, or is about to testify, in any inquiry or proceeding relating to a right under the FMLA.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.27](#).

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

In the event of the death of an employee’s immediate family member, RMA will provide three (3) days of paid bereavement leave (five (5) days if airline travel is required). In the event of the death of an employee’s extended family member, RMA will provide two (2) days of paid bereavement leave.

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/son-in-law,
- brother/sister-in-law,
- any family member residing in the employee's home.

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.

No more than five (5) paid bereavement days will be used for this purpose in any one school year unless otherwise approved by the superintendent or designee. RMA reserves the right to request proof of death of the employee's relative, and failure to provide such proof may result in the denial of bereavement leave.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.25§2.](#)

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

Any RMA employee who is absent from employment due to voluntary or involuntary service in the uniformed services is entitled to certain rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) if:

- The employee (or an appropriate officer of the uniformed service in which the employee serves) has provided written or verbal notice of such military notice to RMA (unless notice cannot be given because of military necessity or is unreasonable or impossible to provide);
- The cumulative length of the absence and all previous absences from employment with RMA does not exceed five years; and
- The employee reports to or submits an application for re-employment to RMA and applies with all other applicable requirements.

For purposes of leave under USERRA, "uniformed service" means the Armed Forces; the Army National Guard, and the Air National Guard when an individual is engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; and any other category of persons designated by the President of the United States in time of war or emergency.

A person who is re-employed by RMA under USERRA is entitled to the seniority and other rights and benefits that he or she held on the date that uniformed service commenced, plus the additional seniority, rights, and benefits that would have been attained had he or she remained continuously employed.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.26.](#)

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

RMA will pay full time employees their normal daily compensation for each regularly scheduled workday on which the employee serves in any phase of jury service provided the employee surrenders his or her jury service payments to RMA. This compensation for jury service is available to all full-time staff for up to ten (10) working days per school year.

An employee selected for jury duty must notify his or her supervisor within 48 hours of receiving the court's notice or summons. The employee must also present documentation of jury service to his or her supervisor.

RMA shall not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror or grand juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States.

An employee who receives a court subpoena to provide testimony in a civil or criminal proceeding to which the employee is not a party shall submit documentation of the subpoena to Human Resources within 48 hours of receipt of the court subpoena. The employee must present documentation of appearance and surrender any witness fee or other court compensation for the appearance before he or she will receive approval for paid leave. RMA will pay all full-time employees their normal daily compensation for each regularly scheduled workday on which the employee serves for appearance in a court order or subpoena. This compensation is available to all full-time staff for up to four (4) working days per school year.

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

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.25§4.](#)

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

As permitted by state law, RMA provides workers' compensation benefits to employees who suffer a work-related illness or personal injury due to accidents arising out of their employment with RMA. These benefits are paid for entirely by RMA and help pay for medical treatment and make up for part of the income lost while recovering. All work-related illnesses, accidents, or injuries should be reported immediately to the employee's supervisor and the superintendent or designee.

Employees who suffer a work-related injury or illness, and who must be off work due to such injury or illness, shall be governed by applicable provisions of the Workers' Compensation Act (the "WCA") and the federal Family and Medical Leave Act where applicable.

#### **Mandatory Requirements**

Workers' Compensation Insurance covers all employees during the time they are on the job.

- Covered injuries and illnesses may be physical and specific or cumulative.
- An injury is considered job-related when it arises out of and in the course and scope of employment.
- The activity that caused the injury must also be an activity that is in the course and scope of employment.

#### Denial of Workers' Compensation Insurance Benefits

Except as otherwise required by state law, injuries not covered by Workers' Compensation Insurance include those where the employee:

- Was intoxicated on alcohol or drugs.
- Was in the process of committing a felony (and has been convicted).
- Was participating in a social or recreational activity off-duty that was not directly related to his or her work.
- Was commuting to or from work unless doing so under the direct control/orders of RMA on school-related business.
- Caused the injury intentionally.
- Died by suicide.
- Was "horsing around" or fighting on the job.
- Violated a school safety policy or procedure.

If RMA denies a Workers' Compensation Insurance claim:

- The employee may contest the decision in accordance with the provisions of the Workers' Compensation laws of the State of Texas.
- All costs incurred by the employee in contesting a denial of the claim shall be the sole responsibility of the employee.
- RMA is not obligated to make any commitments or statements pertaining to its liability concerning an employee's injury or illness.

#### Fraudulent Claims for Workers' Compensation

Filing a false or fraudulent claim is a violation of law and RMA's policy, and can result in disciplinary employment actions, including termination of employment.

#### Prohibited Discrimination

RMA may not discharge or in any other manner discriminate against an employee because the employee has:

- Filed a workers' compensation claim in good faith.
- Hired a lawyer to represent the employee in a claim.
- Instituted or caused to be instituted in good faith a proceeding under the WCA.
- Testified or is about to testify in a proceeding under the WCA.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.15](#).

#### **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. The Superintendent in concert with the campus principal will decide when to make announcements to the community at-large regarding delay of opening; school closing; or early dismissal of students. The Superintendent will make the final decision.

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 or other 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 local personal leave days 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 school 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 school 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 Supreme Court 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 seventy-five (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 twenty (20) hours or more each week at a single employer and for 4 ½ months or more in one school year.

### **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 designated prior to September 1, 2017

### **5.5. Other Retirement Plans**

RMA may offer optional additional retirement plans, which the Board of Directors approves.

### **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**

RMA shall 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 and in accordance with Federal and State Wage and Hour Laws including the Fair Labor Standards Act (FLSA) and the Texas Payday Act.

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 employee's 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) are 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 U.S. General Services Administration (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 fifteen (15) business days of the date of transaction. Request for reimbursements that are submitted



after fifteen (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 the Finance Specialist. 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 shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the following protected characteristics:

- Race, color, or national origin;



- Sex or gender;
- Religion;
- Age (40 or older);
- Military status
- Bankruptcy
- Disability; or
- Genetic information.

#### Section 504 Notice

The superintendent or designee shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that RMA does not discriminate on the basis of disability.

RMA shall include a statement of its non-discrimination policy in recruitment materials containing general information that it makes available to applicants or employees.

#### Illegal Drugs and Alcohol

The term “qualified individual with a disability” does not include any employee or applicant who is currently engaging in the illegal use of drugs, when RMA acts on the basis of such use.

- Drug Testing
  - RMA is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests. 42 U.S.C. 12114(c), (d); Texas Labor Code 21.002(6)(A).
- Alcohol Use
  - The term “qualified individual with a disability” does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. 42 U.S.C. 12114(a); 29 U.S.C. 705(20)(C); 29 C.F.R. 1630.3(a); 28 C.F.R. 35.104; Texas Labor Code 21.002(6)(A).

#### Qualification Standards

It is unlawful for RMA to use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the district, is shown to be job related for the position in question and is consistent with business necessity. 29 C.F.R. 1630.10(a).

#### Service Animals

RMA shall comply with the reasonable accommodation requirements of Title I of the ADA and/or Section 504 of the Rehabilitation Act with respect to service animals. 28 C.F.R. 35.140.

#### Military Service

RMA shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. RMA shall not take adverse employment action or discriminate against any person who takes action to

enforce protections afforded by the Uniformed Services Employment and Re-Employment Rights Act (USERRA). 38 U.S.C. 4311.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.1.](#)

## **7.2. Non-Discrimination**

RMA strictly prohibits discrimination, including harassment, against an employee on the basis of race, color, national origin, religion, sex, gender, age, disability, genetic information, or any other legally protected classification. Retaliation against anyone involved in the complaint process is also a violation of RMA policy.

42 U.S.C. 1981; 42 U.S.C. 2000e et seq. (Title VII); 20 U.S.C. 1681 et seq. (Title IX); 42 U.S.C. 12111 et seq. (Americans with Disabilities Act); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); 29 U.S.C. 793, 794 (Rehabilitation Act); 42 U.S.C. 2000ff et seq. (Genetic Information Nondiscrimination Act); U.S. Const. Amend. I; Texas Human Resources Code 121.003(f); Texas Labor Code Ch. 21 (Texas Commission on Human Rights Act); Texas Labor Code Ch. 21, Subch. H (genetic information)

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.2.](#)

## **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**

RMA shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability which meets the definition of "actual disability" or "record of disability," unless RMA can demonstrate that the accommodation would impose an undue hardship on the operation of RMA. 42 U.S.C. 12112(b)(5); 29 C.F.R. 1630.9; 29 U.S.C. 794; 34 C.F.R. 104.11; Texas Labor Code 21.128.

"Reasonable accommodation" includes:

- Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. 42 U.S.C. 12111(9); 29 C.F.R. 1630.2(o); 34 C.F.R. 104.12(b).

"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 RMA, and other factors set out in law. 42 U.S.C. 12111(10); 29 C.F.R. 1630.2(p); 34 C.F.R. 104.12(c).

RMA is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the "regarded as" prong. 42 U.S.C. 12112(b)(5); 29 C.F.R. 1630.2(o)(4), .9; 29 U.S.C. 794; 34 C.F.R. 104.11; Texas Labor Code 21.128.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.1.](#)

#### **7.5. General Non-Discrimination Policy**

In this policy, the term "prohibited conduct" includes discrimination, harassment, and/or retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

##### Prohibited Discrimination

Discrimination is defined as conduct directed at an employee on the basis of race, color, religion, sex, gender, national origin, age, disability, genetic information or any other basis prohibited by law, that adversely affects his or her employment.

Title VII proscribes employment practices that are overtly discriminatory (disparate treatment), as well as those that are fair in form but discriminatory in practice (disparate impact). *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989)

### Prohibited Harassment

Prohibited harassment of an employee is defined as unwelcome conduct that is based on race, color, religion, sex (including pregnancy), gender, national origin, age (40 or older), disability or genetic information where:

- Enduring the offensive conduct becomes a condition of continued employment; or
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

Harassment may also occur when unwelcome conduct based on an employee's protected characteristic is so severe, persistent, or pervasive that the conduct:

- Has the purpose or effect of unreasonably interfering with the employee's work performance;
- Creates an intimidating, threatening, hostile, or offensive work environment; or
- Otherwise adversely affects the employee's performance, environment, or employment opportunities.

Prohibited harassment may include, but is not limited to, offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

In cases where Title IX is applicable and the employee chooses to pursue relief through Title IX, the procedures are located in the [RMA TX Board Policy Series Module 3 Students Policy Group 3.2 §3.](#)

### Prohibited Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on an employee's gender, the employee's expression of characteristics perceived as stereotypical for the employee's gender, or the employee's failure to conform to stereotypical notions of femininity or masculinity.

Examples of gender-based harassment, regardless of the employee's or alleged harasser's actual or perceived gender, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

### Prohibited Retaliation

RMA expressly prohibits retaliation against an employee who makes a good faith claim alleging discrimination or harassment, or an 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, or denial of promotion or employment benefits.

#### False Claims or Refusal to Cooperate

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate or participate in an investigation regarding discrimination or harassment is subject to discipline, up to and including termination of employment.

#### Reporting Prohibited Conduct (Non-Sexual Harassment)

An employee who believes that he or she has experienced prohibited conduct other than sexual harassment, or that another employee has experienced prohibited conduct other than sexual harassment, should immediately report the alleged conduct to the principal, to his or her supervisor, to the superintendent or to the Compliance Coordinator for Title IX or ADA/504.

- Title IX Coordinator
  - The Title IX Coordinator or designee is responsible for coordinating RMA's efforts to comply with its responsibilities under Title IX with respect to discrimination based on sex, including sexual harassment. RMA designates the following person(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:  
Christina Averill  
Position: HR Specialist  
Address: 13003 Jones Maltsberger Road, San Antonio, TX 78247  
Telephone: (830) 557-6181ext. 5  
Email address: [TitleIXEmployeeCoord@rma-tx.org](mailto:TitleIXEmployeeCoord@rma-tx.org)
- ADA/Section 504 Coordinator
  - RMA designates the following person to coordinate its efforts to comply with legal requirements concerning discrimination on the basis of disability:  
James Kirksey  
Position: Director of Special Populations,  
Address: 13003 Jones Maltsberger Road, San Antonio, TX 78247  
Telephone: (210) 848-8004  
Email address: [ADA/Section504Coordinator@rma-tx.org](mailto:ADA/Section504Coordinator@rma-tx.org)
- Title VII Coordinator
  - RMA designates the following person to coordinate its efforts to comply with legal requirements concerning discrimination on the basis of race, color, national origin, and age:  
Christina Averill  
Position: HR Specialist  
Address: 13003 Jones Maltsberger Road, San Antonio, TX 78247  
Telephone: 830-557-6181 ext. 5  
Email address: [hr@rma-tx.org](mailto:hr@rma-tx.org)

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.1](#)

*In cases where Title IX is applicable and the employee chooses to pursue relief through Title IX, the procedures are located in the [Student Board Policy Series Module 3.2 §3](#).*

#### **7.6. Sexual Harassment Prohibited**

RMA will promptly investigate any report and take appropriate remedial action. The employee should report an incident of discrimination or harassment to his or her 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. Nor should an employee 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 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.

Any employee who is determined to be engaging in any type of discrimination, harassment, and/or retaliation is subject 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 TX Board Policy Series Module 4 Personnel Policy Group 4.2](#) for more information.)

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of the employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment; or
3. The conduct in question constitutes sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

Examples of sexual harassment may include, but are not limited to, unwelcome or unsolicited sexual advances, displaying sexually suggestive material, unwelcome text messages, instant messages (IM's), or emails of a sexual nature, sexually oriented or obscene jokes, verbal abuse of a sexual nature, unwelcome physical contact, touching, or coercing that is sexual in nature, sexual advances, sexually-motivated physical, verbal, or nonverbal conduct; or other sexually motivated conduct, communications, or contact.

Romantic or inappropriate social relationships between students and school employees are prohibited. Any sexual relationship between a student and a school employee is always prohibited, even if consensual.

## **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, [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.

Tobacco Use-Smoking or using tobacco products (including e-cigarettes) is prohibited within 500 feet of all district-owned property and at school-related or school-sanctioned activities, on or off campus. This includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities. Smoking is also prohibited at any school activities in which students are present.

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 three (3) calendar 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.

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. Authorized visitors will receive directions or be escorted to their destination.

## **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**

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by the employee's supervisor and/or the superintendent or designee. Additional standards shall be no more lenient than the student dress code.

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**

RMA reserves the right to conduct searches to monitor compliance with rules concerning safety of employees, security of RMA and individual property, drugs and alcohol, and possession of other prohibited items.

In addition to RMA premises, RMA may search employees, their work areas, lockers, personal vehicles if driven or parked on RMA property, and other personal items such as bags, purses, briefcases, backpacks, lunch boxes, and any and all other containers.

### No Expectation of Privacy

There is no general or specific expectation of privacy in the RMA workplace, either on RMA property or while on duty. In general, employees should assume that what they do while on duty or on RMA property is not private. All employees and all of the areas listed above are subject to search at any time. The areas in question may be searched at any time, with or without the employee being present. As a general rule, with the exception of items relating to personal hygiene or health, no employee should ever bring anything to work or store anything at work that he or she would not be prepared to show and possibly turn over to RMA officials and/or law enforcement authorities.

### Applicability of Policy

All RMA employees are subject to this policy. However, any given search may be restricted to one or more specific individuals, depending upon the situation. Searches may be done on a random basis, or based upon reasonable suspicion. "Reasonable suspicion" means circumstances suggesting to a reasonable person that there is a possibility that one or more individuals may be in possession of a prohibited item, as defined above.

Any search under this policy will be done in a manner protecting employee privacy, confidentiality, and personal dignity to the greatest extent possible. RMA will respond severely to any unauthorized release of information concerning individual employees.

No employee will ever be physically forced to submit to a search. However, an employee who refuses to submit to a search request by RMA will face disciplinary action, up to and possibly including immediate termination of employment.

### Video Surveillance

In order to promote the safety of RMA employees, students, and visitors, as well as the security of its facilities, RMA may conduct video surveillance of any portion of its premises at any time. The only areas excepted from video surveillance are private areas of restrooms, showers, and dressing rooms. All video cameras will be positioned in appropriate places in and around RMA buildings and used to promote the safety and security of people and property.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.13](#)

### **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 written parental consent. Posting student information without written parental consent may result in disciplinary action up to and including termination of employment.

### **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 TX Board Policy Series 3 Students Section 3.15](#). 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**

Any RMA officer, director, employee, agent, volunteer or contractor having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse, maltreatment or neglect by any person shall immediately make a report (within 48 hours or less) to at least one of the following authorities after learning of facts giving rise to the cause to believe:

- A local or state law enforcement agency;
- The Texas Department of Family and Protective Services ("DFPS"), Child Protective Services Division;
- A local office of Child Protective Services, where available; or
- The state agency that operates, licenses, or registers the facility in which the alleged

child abuse or neglect occurred.

If a professional has cause to believe that a child has been abused, maltreated or neglected or may be abused, maltreated or neglected, or that a child is a victim of an offense under Penal Code 21.11 (Indecency with a Child), and the professional has cause to believe that the child has been abused as defined by law, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Penal Code 21.11.

A professional may not delegate to or rely on another person to make the report. For purposes of this policy, “professional” means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children.

A report should reflect the reporter’s belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

- The name and address of the child;
- The name and address of the person responsible for the care, custody, or welfare of the child; and
- Any other pertinent information concerning the alleged or suspected abuse or neglect.

If the suspected abuse or neglect involves a person responsible for the custody, care or welfare of the child, the report must generally be made to the DFPS. All other reports should be made to any local or state law enforcement agency, the DFPS, the Texas Education Agency (if abuse or neglect occurred at school), another state agency where the abuse or neglect occurred, or an agency designated by a court responsible for protection of children.

For additional details, please refer to [RMA TX Board Policy Series Module 4 Personnel Policy Group 4.12.](#)

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records according to the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) Federal law that protects the privacy of student education records.

The following people are the only people who have general access to a student’s records:

- Parents, married, separated, or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights;
- The student (if 18 or older or emancipated by a court); and
- School officials with legitimate educational interests.

The student handbook provides parents and students with detailed information on student records. Parents or students who want to review student records should be directed to the campus principal for assistance.

### **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 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, Tik Tok, and others. (see also section 8.10.) Staff shall not post 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 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. 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 include, 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**

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Complaints by members of the public must be filed under this policy, unless the terms of another policy apply. In such instance, RMA shall inform the complainant of the complaint policy that will be used in response to a grievance by a member of the public.

RMA encourages the public to discuss concerns and complaints through informal conferences with the appropriate administrator. Concerns should be raised as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution is encouraged, but will not extend any deadlines in this policy except by written mutual consent.

The complaint process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary “mini-trial” at any level.

For additional details, please refer to RMA TX Board Policy Series Module 4 Personnel Policy Group 4.1§ 9.

### **9.1. Guiding Principles**

RMA/Texas, Inc. values the opinions of all its employees. Employees have the right to express their views through appropriate informal and formal processes.

#### Complaints and Appeals

- Level One

Complaints must be filed:

- Within (15) fifteen business days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint; and
- With the lowest level administrator who has authority to remedy the alleged problem.

If the only administrator who has authority to remedy the complaint is the superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

The appropriate administrator shall investigate as necessary and schedule a conference with the complainant within ten (10) business days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the individual with a written response within fifteen (15) business days after receipt of the written complaint. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

- Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the superintendent or designee to appeal the Level One decision.

The appeal notice must be filed, in writing, within ten (10) business days of the date of the written Level One decision or, if no response was received, within ten (10) business days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the superintendent or designee. This record shall include:

- The original complaint form and any attachments.
- All other documents submitted by the individual at Level One.
- The written response issued at Level One and any attachments.
- All other documents relied upon by the Level One administrator in reaching the

### Level One decision.

The superintendent or designee shall hold a conference within ten (10) days after the appeal notice is filed. The conference shall be limited to the issues presented by the individual at Level One and identified in the Level Two appeal notice. The superintendent or designee may set reasonable time limits for the conference.

The superintendent or designee shall provide the individual a written response within fifteen (15) business days after the appeal notice is filed. In reaching a decision, the superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

- Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed, in writing, within ten (10) business days of the date of the written Level Two response or, if no response was received, within ten (10) business days of the Level Two response deadline.

The superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for consideration by the Board.

The superintendent or designee shall provide the Board with the record of the Level Two appeal, which shall include:

- The Level One record.
- The notice of appeal from Level One to Level Two.
- The written response issued at Level Two and any attachments.
- All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two.

Richard Milburn Academy shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law.

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an

explanation for the decisions at the preceding levels. The Board may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. The lack of a decision by the Board constitutes approval of the Level Two decision.

The Board is Richard Milburn Academy's final authority to hear or decide employee complaints and grievances. *Tex. Gov't Code §§551.001 (3) (B-L); 551.007*. Failure of the Board to take action after hearing an employee's complaint or grievance indicates the Board's affirmance of the decision below.

#### Informal Process

The Board encourages employees to discuss their grievances and complaints through informal meetings with their supervisor or principal, or other administrator with authority to address the grievance or complaint. Grievances and complaints should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

#### Complaint Procedures

The superintendent or designee shall develop a detailed employee grievance/complaint process; this grievance/complaint process shall recognize the Board's final authority to hear or decide employee grievances or complaints. The grievance/complaint process shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

The superintendent or designee shall ensure that the detailed employee grievance/complaint process is made available to employees through the Employee Handbook.

#### Board Consideration of Employee Complaints and Grievances

The Board shall retain final authority to hear or decide employee grievances/complaints. *19 Tex. Admin. Code 100.1033(b)(14)(C)(i)*.

The Board may conduct a closed meeting when hearing or deciding an employee grievance/complaint as allowed by applicable law. *Tex. Gov't Code Ch. 551, Subch. D*.

#### Freedom from Retaliation

Neither the Board nor any RMA employee shall unlawfully retaliate against an employee for bringing a grievance or complaint.

## **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.

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 workday. 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 TX Board Policy Series Module listed below. These policies may be located at: <https://www.maschools.org/about/governing-board/>

- RMA TX Board Policy Series Module 1 Governance
- RMA TX Board Policy Series Module 2 Instruction
- RMA TX Board Policy Series Module 3 Students
- RMA TX Board Policy Series Module 4 Personnel

- RMA TX Board Policy Series Module 6 Special Education
- RMA TX Board Policy Series Module 7 Financial Operations

## 13. APPENDIX



## Texas Administrative Code

### Educators' Code of Ethics

---

#### Appendix B

#### Title 19 Education

#### Part 7 State Board for Educator Certification

#### Chapter 247 Educators' Code of Ethics

#### Rule §247.2 Code of Ethics and Standard Practices for Texas Educators

#### Enforceable Standards

##### **(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

## Appendix C

### Policy: Title IX Formal Complaint Process

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

**Standard of Evidence:** The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

**Retaliation:** The District 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 of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or otherwise participates or refuses to participate in an investigation.

**Examples:** Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, intimidation, coercion, unjustified negative evaluations, unjustified negative references, or increased surveillance.

**Records Retention:** The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law.

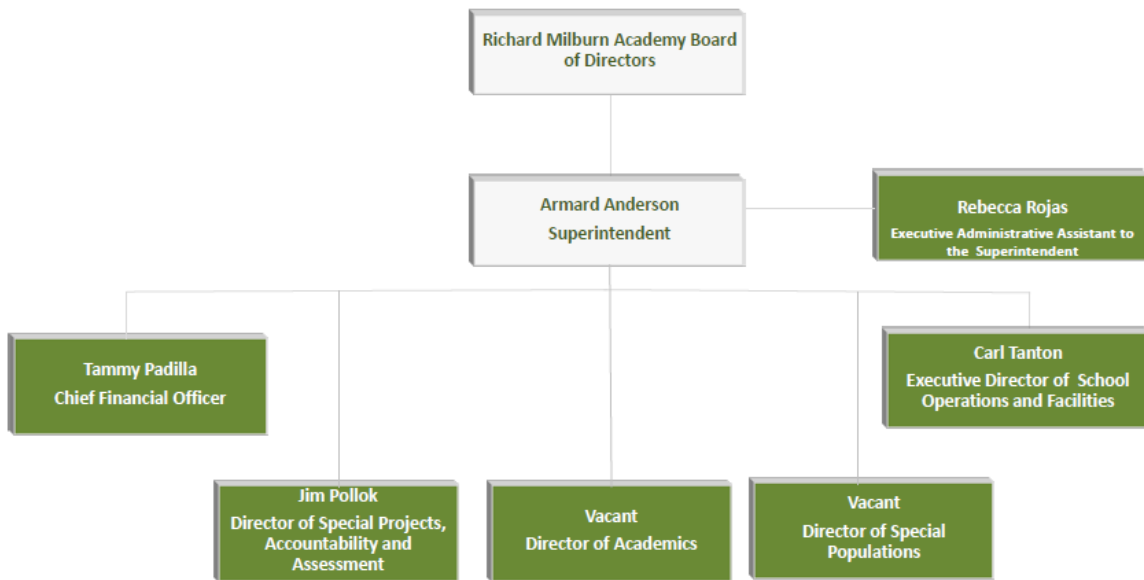
Copies of the Title IX policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

## Appendix D

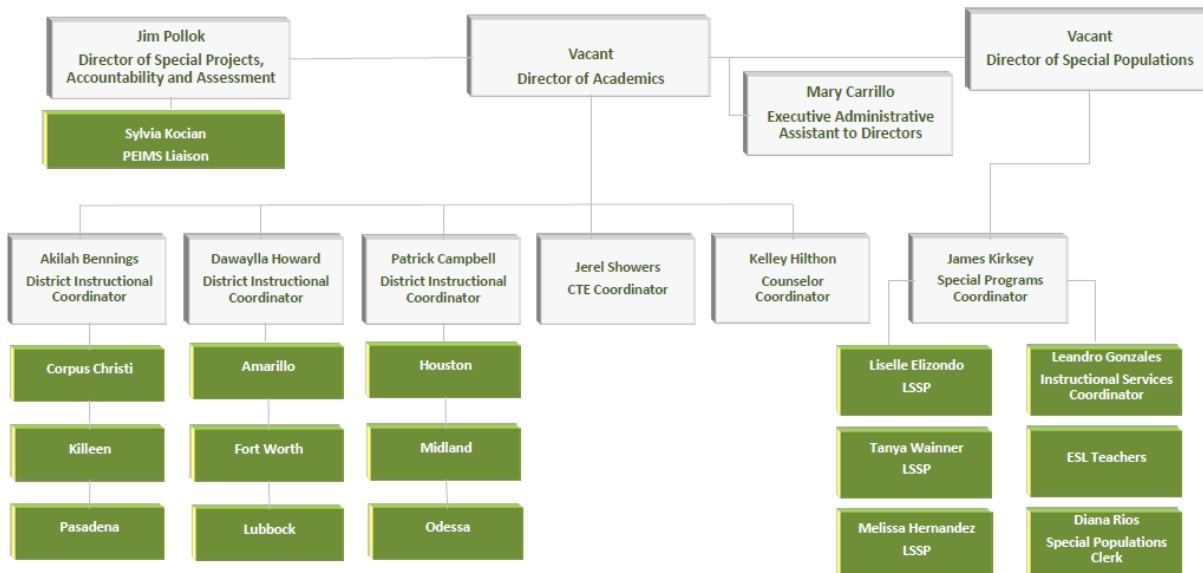
### Policy: District Organizational Chart



#### RICHARD MILBURN ACADEMY OFFICE OF THE SUPERINTENDENT

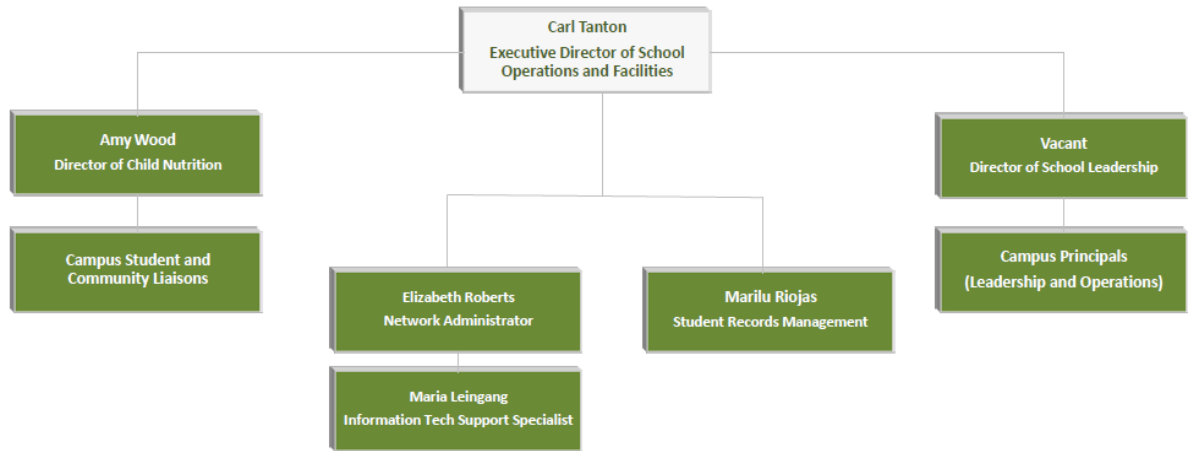


#### RICHARD MILBURN ACADEMY DEPARTMENT OF ACADEMICS





### RICHARD MILBURN ACADEMY DEPARTMENT OF SCHOOL OPERATIONS AND FACILITIES



### RICHARD MILBURN ACADEMY DEPARTMENT OF FINANCE

