

McCurdy Charter School

**Education rooted
in:**

**Academic
excellence and
achievement**

**Character
development and
awareness**

**Community
engagement and
leadership**

EMPLOYEE HANDBOOK

2017-18 School Year

TABLE OF CONTENTS

I OVERVIEW OF McCurdy Charter School..... 7

 I.A Mission..... 7

 I.B Working Environment..... 7

 I.C What McCurdy Charter School Expects From You 7

 I.D Purpose of the Employee Handbook..... 8

II EMPLOYMENT POLICIES..... 9

 II.A Equal Employment Opportunity..... 9

 II.B Employees with Disabilities 9

 II.C Anti-Harassment/Discrimination Policy 9

 II.C.1 No Tolerance Harassment/Discrimination Policy..... 10

 II.C.2 Discrimination/Harassment Described..... 10

 II.C.3 Employee Responsibilities. 11

 II.C.4 Reporting Complaints. 11

 II.C.5 No Retaliation. 11

 II.C.6 Complaint Procedure, Investigation and Response. 11

 II.D Religious Accommodation..... 12

 II.E Employee Background Check and Drug Testing 13

 II.F Immigration Law Compliance 13

 II.G Personnel Records..... 13

 II.G.1 Contents of File. 13

 II.G.2 Separate File..... 14

 II.G.3 Inspection of Personnel File. 14

 II.H Work Schedule 14

 II.H.1 Business Hours. 14

 II.H.2 Student Supervision. 14

 II.H.3 Absence or Lateness..... 15

 II.H.4 Severe Weather and Emergency Conditions..... 15

 II.I Building Access/Use 15

III WAGE AND SALARY POLICIES..... 16

 III.A MCS – an equal opportunity employer 16

MCS EMPLOYEE HANDBOOK

III.B	Pay Periods	16
III.C	Basis for Determining Pay.....	16
III.D	Salary Increases	16
III.E	Direct Payroll Deposit	16
III.F	Mandatory Deductions from Paycheck	16
III.G	Reimbursement for Travel and Expenses	17
III.H	Employment Classifications.....	17
III.H.1	Non-Exempt and Exempt Employees.....	17
III.H.2	Full-Time Employees.	17
III.H.3	Part-Time Employees.	17
III.H.4	Overtime Pay.....	18
III.H.5	Compensatory Time.	18
III.H.6	Exchange Time.....	18
III.I	Records of Time Worked.	18
IV	PERFORMANCE	19
IV.A	Performance Reviews.....	19
V	STANDARDS OF CONDUCT.....	20
V.A	Smoking.....	20
V.B	MCS and Staff Meetings	20
V.C	Computer Software (Unauthorized Copying).....	20
V.D	Employee Technology Acceptable Use Policy.....	20
V.E	Dress Code and Personal Appearance.....	21
V.E.1	MCS Staff Dress Policy	21
V.F	Drug-Free Workplace Policy	21
V.F.1	Prohibition and Standards.	22
V.F.2	Definition of Drug.	22
V.F.3	Exceptions.....	22
V.F.4	Conditions of Employment.	22
V.F.5	Sanctions.....	22
V.G	Acceptance of Gifts/Payments for Tutoring	23
V.H	Employment of Relatives	23

MCS EMPLOYEE HANDBOOK

V.I	Solicitations and Distributions.....	23
V.J	Confidentiality	23
V.K	Employee Privacy.....	24
V.L	Basis for Conduct-related Discipline	24
V.M	Discipline Process.....	26
V.N	Grievance Procedures	27
V.N.1	Definitions.....	27
V.N.2	Limitations to Grievance Procedure.	27
V.N.3	General Procedural Requirements.	28
V.N.4	Procedural Steps.	29
V.N.5	Procedure for Hearing before MCS Governance Board Committee.	30
V.N.6	Hearing before full MCS Governance Board.....	30
VI	TERMINATION AND DISCHARGE.....	32
VI.A	Definitions.	32
VI.B	Termination of Employees with Less than Three (3) Consecutive Years of Service	32
VI.B.1	General.	32
VI.B.2	Protest Procedure for Employees with Less than Three (3) Consecutive Years of Service. 32	
VI.C	Termination/Discharge Policy for Employees with More than Three (3) Years of Consecutive Service	32
VI.C.1	Non-Contract and Contract	32
VI.C.2	Protest Procedure.....	33
VI.D	Termination/Discharge Policy for Other Personnel Exempt From Protest Procedures	35
VI.E	Discharge Policy for Contract Employees Discharged Prior to the end of their Contract Term	35
VI.E.1	Notification and Immediate Removal.	36
VI.E.2	Protest Procedure/Hearing.	36
VI.E.3	Appeal from Decision on Discharge	37
VI.F	Phasing Out and Elimination of Positions/Reduction-in-Force/Furloughs.....	38
VI.G	Administrative Leave Pending Possible Disciplinary Action	39
VI.H	Resignation/Job Abandonment	39
VI.I	Retirement.....	39

MCS EMPLOYEE HANDBOOK

VI.J	Return of MCS Property	39
VI.K	Safety	39
VI.K.1	General Employee Safety.	39
VI.K.2	Reporting Safety Issues/Workers Compensation Injuries.....	40
VI.L	Weapons	41
VI.M	Violence in the Workplace Policy.....	41
VI.N	Security.....	41
VI.O	Parking Areas	41
VI.P	Prohibited Disclosure of Student information	42
VI.Q	Prohibited Sales by School Personnel.....	42
VI.R	Conflict of Interest.....	42
VII	BENEFITS.....	43
VII.A	Group Insurance	43
VII.B	Life Insurance Coverage	43
VII.C	New Mexico Retirement Plan.....	44
VII.D	Social Security	44
VII.E	Workers' Compensation	44
VII.F	Unemployment Compensation	44
VII.G	Leave Benefits	44
VII.G.1	Sick Leave	44
VII.G.2	Personal Leave.	45
VII.G.3	Annual Leave	45
VII.G.4	Family and Medical Leave Act (FMLA)	46
VII.G.5	Bereavement Leave	51
VII.G.6	Leave for Jury Duty and Subpoena for Witness Service	51
VII.G.7	Professional Leave.....	51
VII.G.8	Religious Leave.....	51
VII.G.9	Military Leave of Absence	52
VII.G.10	Military Reserves or National Guard Leave of Absence	52
VII.G.11	Voting Leave.....	52
VII.G.12	Domestic Violence Leave	52

VIII JOB DESCRIPTIONS..... 54

VIII.A Director..... 54

VIII.B Business Manager..... 55

VIII.C Dean of Students **Error! Bookmark not defined.**

VIII.D Special Education Coordinator..... 58

VIII.E Bilingual Coordinator 60

VIII.F Athletic Coordinator 60

VIII.G Teachers 61

VIII.H Instructional Assistant..... 62

VIII.I Secretary..... 63

ACRONYMS

ADA	Americans with Disabilities Act
FLSA	Federal Fair Labor Standards Act
FMLA	Family and Medical Leave Act
GAAP	Generally Accepted Accounting Principles
IEP	Individual Educational Plan
MCS	McCurdy Charter School
NMAC	New Mexico Administrative Code
NMPED	New Mexico Public Education Department
NMPSIA	New Mexico Public School Insurance Authority’s
NMSA	New Mexico Statutes Annotated
OBMS	Operating Budget Management System

I OVERVIEW OF MCCURDY CHARTER SCHOOL

I.A Mission

The mission of McCurdy Charter School (MCS) is to provide a safe learning environment for the students of Northern New Mexico: an environment that recognizes education is rooted in academic excellence and achievement, character development and awareness, and community engagement and leadership.

I.B Working Environment

MCS endeavors to create a friendly working environment for all employees. In pursuit of this goal, MCS has adopted the following employee-relations objectives:

- Provide an exciting, challenging, and rewarding workplace and experience.
- Select employees on the basis of skill, training, ability, attitude, and character without discriminating.
- Review wages, employee benefits, and working conditions periodically with the objective of being competitive in these areas, consistent with sound business practices.
- Assure employees, after talking with their supervisor, an opportunity to discuss any issue or problem with the appropriate administrator.
- Take prompt and appropriate action to resolve complaints, which may arise in the everyday conduct of our business.
- Respect individual rights and treat all employees with courtesy and consideration.
- Maintain open communications and mutual respect in our working relationships.
- Promote an atmosphere consistent with School's vision, mission, and goals.

THE POLICIES IN THIS HANDBOOK ARE GUIDELINES; ARE NOT EXPRESSED OR IMPLIED CONTRACTS WITH EMPLOYEES; AND DO NOT CREATE CONTRACTUAL OBLIGATIONS OF ANY KIND BETWEEN SCHOOL AND ANY OF ITS EMPLOYEES. ADDITIONALLY, THIS HANDBOOK IS NOT TO BE CONSTRUED BY AN EMPLOYEE AS CONTAINING BINDING TERMS AND CONDITIONS OF EMPLOYMENT. MCS RETAINS THE RIGHT TO TERMINATE ANY EMPLOYEE, AT ANY TIME, CONSISTENT WITH NEW MEXICO LAW AND THE NEW MEXICO SCHOOL PERSONNEL ACT.

The provisions of this Handbook have been developed at the direction of the MCS Governance Board, and the policies in this Handbook may be amended, revised, supplemented, or rescinded at any time, in the sole discretion of the MCS Governance Board. Only the Director of MCS may alter or modify any of the provisions of this Employee Handbook. Any such alterations or revisions must be in writing and approved by the Director and the MCS Governance Board. Statements or promises by anyone other than the Director, shall not be interpreted as a change in policy and do not constitute an agreement with an employee.

I.C What McCurdy Charter School Expects From You

As a member of MCS's team, we need your help to make each working day enjoyable and rewarding. Your first responsibility is to perform the duties assigned to you promptly, correctly and pleasantly. You are also expected to cooperate with management and your fellow

employees. How you interact with fellow employees and those whom MCS serves, and how you accept direction can affect the success of MCS. Whatever your position, you have an important assignment: perform every task to the very best of your ability. We are dedicated to making MCS an organization in which you can approach administration to discuss any problem or question. We expect you to voice your opinions and contribute your suggestions to improve the quality of MCS. We are all working for the success of MCS and to support student success, so please communicate with each other and with management.

MCS encourages all employees to discuss any issue with a co-worker directly with that person. If a resolution is not reached, please arrange a meeting with your Dean of Students or direct supervisor (Director or Business Manager) to discuss any concern, problem, or issue that arises during the course of your employment. Retaliation against any employee for the appropriate use of communication channels is unacceptable. Please remember it is counterproductive for employees to create or repeat rumors or office gossip.

We encourage all employees to bring forward their suggestions and good ideas about how MCS can be made a better place to work and our service to customers enhanced. When you see an opportunity for improvement, please talk it over with your direct supervisor. She/he can help you bring your idea to the attention of the people of MCS who may be responsible for implementing it. All suggestions are valued.

I.D Purpose of the Employee Handbook

The purpose of the MCS Employee Handbook is to provide guidance and information in regard to the various, in some instances complex, employment issues, terms, and policies. The MCS Employee Handbook covers a broad range of topics, and is meant to apply generally to all employees. If there are any questions, please see the Director or Business Manager.

Every employee is expected to review the Employee Handbook, be familiar with information it contains and to maintain a copy for future reference. The MCS Employee Handbook is available on the school website www.mcsk12nm.org.

II EMPLOYMENT POLICIES

II.A Equal Employment Opportunity

MCS is an equal opportunity employer committed to maintaining a non-discriminatory, diverse work environment. MCS does not unlawfully discriminate against any person on the basis of race, color, religious creed, age, sex, national origin or ancestry, mental or physical disability, medical condition, status as a Vietnam-Era or disabled veteran status, military service, sexual orientation, spousal affiliation, marital status, gender identity or any other basis protected by federal, state or local law. This policy covers all programs, services, policies, and procedures of MCS.

II.B Employees with Disabilities

In accordance with the Americans with Disabilities Act (ADA), MCS does not discriminate against any "qualified individuals with a disability." Individuals qualify for employment if they meet the educational, skills, and experience requirements of a position and can perform the essential functions of the job with or without a reasonable accommodation. Individuals have a disability if they have an impairment that impacts a major life function such as caring for one's self, performing manual tasks, walking, hearing, seeing, speaking, breathing, learning, or if the impairment otherwise impacts an individual's ability to perform a class of jobs or broad range of jobs. Psychological impairments, learning disabilities, and some chronic health impairments, such as epilepsy, diabetes, arthritis, cancer, cardiac problems, and AIDS may also be considered disabilities.

MCS is committed to diversity and nondiscrimination and supports the full employment of qualified individuals with disabilities in its workforce. Therefore, a process has been established to assist employees with disabilities in reasonably modifying the work environment to allow the employee to perform the essential functions of his or her job. It is the responsibility of the employee to request an accommodation of his or her physical or mental disability by contacting the Director. In accordance with the ADA, MCS will take such requests seriously and will promptly determine whether the employee is a qualified individual with a disability and whether a reasonable accommodation exists which would allow the employee to perform the essential functions of the job without imposing an undue hardship on MCS or other employees. If any employee believes that she/he have been unlawfully discriminated against because of a disability, please discuss the matter with the Director and/or follow the complaint procedure described in Section II.C.6.

II.C Anti-Harassment/Discrimination Policy

MCS is committed to providing a work place that is free of unlawful discrimination or harassment. Every employee is expected to treat his or her co-workers, visitors, students and guests professionally and respectfully.

Each employee is required to familiarize him/herself with this Anti-Harassment/Discrimination Policy, reporting obligations and procedures. If there are any questions about the school's policy, please contact the Director or her/his designee for clarification.

II.C.1 No Tolerance Harassment/Discrimination Policy.

MCS is committed to creating a workplace free of discrimination and harassment. Both the law and MCS prohibit any form of discrimination and/or harassment based on race, color, religious creed, age, sex, national origin or ancestry, mental or physical disability, medical condition, status as a Vietnam-Era or disabled veteran status, military service, sexual orientation, spousal affiliation, marital status, gender identity or any other basis protected by federal, state or local law. All of these groups are referred to in this policy as “protected classes.” This policy applies to all employees, contract workers, consultants, vendors, students, parents and guardians, visitors and guests, or any other people doing business with or for the school. It is in effect not only at MCS’s primary site but also during all school-sponsored functions.

II.C.2 Discrimination/Harassment Described.

Discrimination and harassment include conduct that could reasonably be construed generally as any unwelcome behavior towards another, whether verbal, physical or visual, that is based on a person’s belonging to a protected class. This conduct will most likely interfere with others’ ability to work and most certainly will be intolerable as an example to our students and our community. All such harassment can be unlawful when it is severe or pervasive enough to affect a reasonable employee’s job.

II.C.2.a Sexual harassment. Because sexual harassment raises issues about human interaction that are to some extent unique, the subject of sexual harassment is described separately here, however, it is no more or less tolerable than harassment based on some other protected status. Sexual harassment is a form of sex discrimination that may include:

- Requests for sexual favors;
- Sexual advances;
- Persistent or unwelcome flirtation or requests for dates, especially if the behavior continues after a clear objection has been made;
- Sexually-motivated inappropriate conduct such as facial expressions or body language, leering, making sexual gestures or actual touching, kissing, impeding or blocking another’s movements;
- Displaying sexually suggestive objects, pictures or cartoons; demands to submit to sexual requests in order to maintain employment or avoid some employment-related loss (e.g. salary), and offers of job benefits or favors in return for sexual favors; AND/OR
- Intimidation and hostility directed to an individual because of sex; or explicit or degrading verbal, written or electronic comments of a sexual nature, such as comments about an individual’s body or dress.

This list is not exhaustive and applies to conduct by co-workers, supervisors, volunteers and others invited to the school premises. Sexual harassment can apply to conduct in any work-related setting outside the work place as well. It may also apply to situations involving individuals of the same sex.

Consensual sexual behavior between adults, outside the workplace and welcome by both parties is not considered sexual harassment; however, those who engage in such relationships should be aware that questions regarding the actual freedom of choice of one of the parties may be raised later, especially when a superior/subordinate relationship exists between them.

If any employee believes that she/he have experienced or witnessed sexual harassment, follow the process described in paragraphs II.C.3 to II.C.6.d.

II.C.2.b Harassment/discrimination other basis. Other prohibited harassment includes verbal or physical conduct which degrades or shows hostility or aversion toward an individual even partly because of a person's belonging to a protected class. Conduct similar to that described above as sexual harassment and discrimination, if based on one of these protected classifications is illegal. For example, verbal conduct such as epithets, jokes based on ethnicity, age-related derogatory comments, foul or obscene language or racial slurs will likely be unwanted and offensive to others resulting in unwelcome behavior that could be interpreted as harassing or discriminatory.

II.C.3 Employee Responsibilities.

All employees of MCS are responsible for taking appropriate action to prevent and eliminate harassment and discrimination at MCS. If any employee experiences discrimination or harassment, MCS encourages the employee to firmly and promptly notify the offender that his or her conduct is offensive, even if it is not directed at you. If an employee chooses not to address the issue directly with the person, or if the conduct continues, please report the conduct immediately. If an employee observes discrimination or harassment of another employee, student, visitor or guest, by a fellow employee, report the concern immediately.

At no time should any employee assume that inappropriate conduct between a student and an adult is acceptable, "consensual" or that it should not be reported because you are concerned that you misinterpreted the conduct.

II.C.4 Reporting Complaints.

If any employee experiences or observes harassment or discrimination please bring the concerns directly to the Dean of Students, the Director, or the Business Manager. All concerns and complaints will be promptly investigated by the individual to whom it was reported or a third-party investigator, if appropriate. The complainant and the alleged offender will be instructed to limit their work contact with each other immediately, pending the outcome of the investigation.

II.C.5 No Retaliation.

MCS will not tolerate retaliation or reprisals of any type against any employee who complains of harassment or provides information in connection with any such complaint. Retaliation is considered to be misconduct and grounds for disciplinary action, up to and including discharge.

II.C.6 Complaint Procedure, Investigation and Response.

Complaints may initially be made verbally, however, the complainant **MUST** complete a "Harassment Complaint Form" to assist with the investigation process.

II.C.6.a Normally, an investigation will include interviews with the complainant, and the alleged offender (who will be told of all of the allegations against him or her) and all witnesses or other relevant persons as necessary to establish the facts. All employee-witnesses, the complainant and the alleged offender are expected to cooperate in the investigation. Failure to cooperate or deliberately providing false information during an investigation, including in complaint itself, will be grounds for disciplinary action, up to termination or discharge. Other individuals, such as a third party investigator, may be involved to resolve the complaint. The investigator will collect and review all relevant documents.

II.C.6.b MCS will investigate every report of harassment or discrimination. In conducting an investigation, MCS will respect the privacy of all concerned; however, complete confidentiality may not always be possible because of the need to conduct a complete and thorough investigation and to ensure that both sides' interests are fairly protected.

II.C.6.c As soon as the investigation is finished, the investigator will meet with the individual's supervisor or if appropriate the supervisor's supervisor(s), and report whether he or she believes that discrimination or harassment has occurred. If the investigation results in a finding of discrimination and/or harassment, then the supervisor will determine the appropriate disciplinary action up to and including a recommendation to terminate or discharge the employee. The supervisor will inform the complainant and the alleged offender of the outcome of the investigation and his/her proposed disciplinary action. The date of the discussion with the respective party shall constitute the "determination date."

II.C.6.d Appeal. If the complainant or alleged offender is not satisfied with the outcome of a discrimination complaint, either employee may appeal that decision to the MCS Governance Board or to a neutral third party, whichever is deemed appropriate by the Director under the circumstances. The employee appealing the supervisor's decision must submit a written appeal to the Director with copies to the other party within five (5) working days of the determination date. The non-appealing party and supervisor of the appealing party has the option of submitting written materials in support of their respective positions within three (3) working days from the date they receive the appealing parties' appeal.

II.C.6.e Final Decision. The MCS Governance Board or neutral third-party will inform the complainant/respondent of the appeal decision in writing within five (5) working days from the date the appeal was submitted. This is the final level of review in the internal complaint process. The time lines set forth in this policy may be waived or extended by the MCS Governance Board.

II.D Religious Accommodation

Sometimes individuals hold religious beliefs or conduct religious practices that conflict with their work schedules or assigned responsibilities. MCS will attempt to provide a reasonable accommodation for religious beliefs and practices of such individuals if to do so does not impose an undue hardship for the employee's department, or interfere with the employee's ability to perform the essential functions of the position. If an employee would like to request reasonable accommodation based on her/his religious beliefs, please contact the Director or the Business Manager. Appropriate documentation may be requested to support the request. (See Section VII.G.8. on Religious Leave)

II.E Employee Background Check and Drug Testing

Prior to becoming an employee of MCS, a comprehensive background check consisting of prior employment verification, professional reference checks, education verification, licensure and certification confirmation, and a criminal background check are conducted in accordance with applicable laws. If applicable to your position, a driving records check will be completed. All employees must submit and pass a drug-screening test.

II.F Immigration Law Compliance

All offers of employment are contingent upon verification of your right to work in the United States. You will be asked to provide original documents verifying your right to work and, as required by federal law, to sign a Federal Form I-9, "Employment Eligibility Verification Form." If at any time, an employee cannot verify her/his right to work in the United States, MCS may be obliged to terminate your employment.

II.G Personnel Records

The responsibility of handling personnel records and related personnel administration functions at MCS is managed by the Director, through the Human Resource Specialist. Questions regarding insurance and benefits should be directed to the Director and Human Resource Specialist, with questions regarding wages and deductions directed to the Business Manager. MCS strives to balance its need to obtain, use, and retain employment information with each individual's right to privacy. To this end, it attempts to restrict the personnel information maintained to that which is necessary for the conduct of its business or which is required by federal, state, or local law. The Director, through the Human Resource Specialist, is responsible for overseeing the record keeping for all personnel information. Employees have a responsibility to ensure their personnel records are up to date and should notify the Director, through the Human Resource Specialist, in writing of any changes in name; address; contact phone numbers; marital status (for benefits and tax withholding purposes only); number of dependents (for benefits and tax withholding purposes only); addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only); beneficiary designations if applicable; and emergency contact information. With a change in any of these items, please complete an "employee change" form and return to the Human Resource Specialist as soon as possible.

II.G.1 Contents of File.

In addition, an employee's personnel file may contain the following information:

- a. Complete application for employment along with verification of qualifications for the position as outlined in job description;
- b. Professional license;
- c. Official transcript;
- d. Employee's contract;
- e. Signed Job description;
- f. Pre-employment references;
- g. Signed acknowledgment that the employee has received the MCS Employee Handbook, which includes separate acknowledgements that employee has received and

understands guidelines on child abuse and neglect, confidentiality, equal employment opportunity; drug free workplace, conflicts of interest, employee complaints and problem solving, termination and discharge, employee discipline, email and computer usage, the employee code of conduct and confidentiality.

- h. Performance appraisals;
- i. Documented attendance at educational and training programs, including in-service courses and orientation;
- j. Any complaints, allegations, inquiries or findings of student abuse or neglect; warnings or disciplinary actions;
- k. Documentation of equipment issued to employee: keys, pagers, cell phones, etc.

II.G.2 Separate File.

The following records will be maintained in a separate file, apart from the personnel file, for each employee:

- a. Employment medical records;
- b. INS (Immigration and Naturalization) I-9 Form;
- c. Workers' compensation records;
- d. Health records;
- e. Drug testing records;
- f. Fingerprint results/background check results

II.G.3 Inspection of Personnel File.

Employees may inspect their own personnel records in the presence of the Director, through the Human Resources Specialist, except documents relating to confidential materials related to pre-employment. Such an inspection must be requested in writing to the Director, through the Human Resources Specialist, and will be scheduled at a mutually convenient time. Employees who feel that any file material is incomplete, inaccurate, or irrelevant may submit a written request to the Director, through the Human Resources Specialist, that documentation to correct such materials be added to personnel files. Only supervisors and others in management who have an employment related need-to-know about another employee may inspect the personnel files of a particular employee.

II.H Work Schedule

II.H.1 Business Hours.

MCS generally operates from 7:30 am until 4:00 pm. Work schedules are determined by the Director. Please consult with your direct supervisor if there are any questions concerning your work schedule.

II.H.2 Student Supervision.

Students must be supervised at all times and never left unattended. If an employee needs to leave her/his classroom or workstation, immediately contact your direct supervisor so adequate coverage can be arranged. If an employee needs to leave the campus for any reason, the

employee is required to notify his/her direct supervisor, sign out at the front desk, and sign back in upon returning.

II.H.3 Absence or Lateness.

If you are unable to report to work, or if you will arrive late, you are required to contact your director supervisor by 6:30 am. If you know in advance that you will need to be absent, you must request this time off directly from your direct supervisor. If an employee is absent because of an illness, the Director may require a written statement be submitted from your health care provider stating that the employee is able to resume employment responsibilities. Unauthorized absences, lateness, or leaving campus may lead to disciplinary action, including possible termination or discharge.

II.H.4 Severe Weather and Emergency Conditions.

In the event of severe weather conditions or other emergencies, MCS will inform employees of school delays or cancellation through school and department phone trees, the school website, and radio and television stations.

II.I Building Access/Use

Access to the school buildings should be coordinated through your direct supervisor. All employees are responsible for securing their workstations daily. When accessing the buildings and classrooms after regular school hours and days, employees must secure buildings and the campus through a coordinated plan with your direct supervisor.

III WAGE AND SALARY POLICIES

III.A MCS – an equal opportunity employer

Employee compensation will be structured to attract, motivate, retain, and reward high quality personnel to effectively carry out the objectives of MCS without regard to race, color, ancestry, religion, age, sex, national origin, disability, medical condition, status as a veteran, sexual orientation, spousal affiliation, gender identity or any other basis protected by federal, state or local law. MCS will prioritize its expenditure of resources to achieve a competitive compensation position in public education in the local area market.

III.B Pay Periods

The payroll period is a two week period from Mondays 12:00 AM until Sundays 11:59 PM and each employee will be paid each subsequent Friday following the completion of that pay period. Your check will reflect your compensation for that pay period, less required payroll deductions. If you were hired after a payroll deadline (check with your direct supervisor), your first paycheck will be delayed until the second payday after you started work. You will be issued paychecks every two weeks.

Deductions will be itemized on each employee's payroll stub. Review your paycheck stub carefully each payday. If, at any time, you have any questions about the amounts shown on the paycheck or how they are calculated, please contact the Business Manager immediately. If an employee has been overpaid, and it is later discovered, the employee will be required to return the overpayment in full to MCS.

III.C Basis for Determining Pay

The MCS Governance Board adopts a salary schedule each year based upon education, experience, and legislative mandates.

III.D Salary Increases

MCS Governance Board shall set the salary schedule based on the school's annual budget. A licensed employee's salary will be based on the New Mexico Public Education Department's (NMPED's) mandated three-tier license, salary schedule. Any salary increase will be based on the salary schedule and individual qualifications.

III.E Direct Payroll Deposit

Direct payroll deposit is the automatic deposit of your pay directly into a financial institution account. Contact the Business Manager, through the Financial Coordinator, for details and the necessary authorization forms. This is a benefit we provide for your convenience. We encourage all employees to take advantage of this service.

III.F Mandatory Deductions from Paycheck

Federal, state and local income taxes and your contribution to Social Security and New Mexico educators' retirement system will be deducted from your paycheck as required by law. These deductions will be itemized on your check stub. The amount of the deductions will depend on your earnings and on the information you furnish on your W-4 form regarding the number of

exemptions you claim. If you wish to modify the number of deductions, please request a new W-4 form from the Business Manager, through the Human Resource Specialist. Only you may modify your W-4 form. Verbal or written instructions are not sufficient to modify withholding allowances. We advise you to check your pay stub to ensure that it reflects the proper number of withholdings. Other mandatory deductions from your paycheck include court-ordered garnishments or support deductions. If MCS receives a court order mandating that your pay be garnished you will be notified and provided a copy of the order. MCS will comply with the court order until such time as you provide a subsequently dated and signed court order directing MCS to cease making the deduction from your paycheck.

III.G Reimbursement for Travel and Expenses

Employees will be reimbursed for authorized travel and per diem expenses pursuant to the New Mexico Travel and Per Diem Rule, NMAC (New Mexico Administrative Code) 2.24.2 as amended. You must obtain 10-day prior written authorization, from your direct supervisor and Business Manager, for expenditures for which you expect to be reimbursed for by MCS. Failure to follow the appropriate procedures prior to incurring an expense, for which you want to be reimbursed, may result in a denial of your request for reimbursement.

III.H Employment Classifications

Your position at MCS is classified as either regular full-time, part-time or short-term. In addition, you are classified as either non-exempt or exempt. Certain policies and procedures outlined in the Employee Handbook may apply differently to you depending on how your job position is classified. If you have a question concerning applicability of any particular provision, contact the Director or the Business Manager.

III.H.1 Non-Exempt and Exempt Employees.

At the time you are hired or you transfer to a new position, you will be classified as either "exempt" or "nonexempt." This is necessary because, by law, employees in certain types of jobs are entitled to overtime pay for hours worked in excess of forty (40) hours per workweek. These employees are referred to as "non-exempt" in this Employee Handbook. This means that they are not exempt from (and therefore should receive) overtime pay.

Exempt employees are administrators, business managers, teachers, counselors, social workers, nurses, athletic coordinators, head custodians and others whose duties and responsibilities allow them to be "exempt" from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws.

III.H.2 Full-Time Employees.

An employee who works 40 hours per week is considered a full-time employee.

III.H.3 Part-Time Employees.

An employee who is regularly scheduled to work less than 40 hours per week is considered a part-time employee. Employees regularly scheduled to work between 20-39 hours per week are eligible for benefits on a pro-rated bases. Employees regularly scheduled to work less than 20 hours per week are not eligible for benefits.

III.H.4 Overtime Pay.

If you are a non-exempt employee you will be paid overtime in accordance with state and federal laws. Your supervisor must approve any overtime in advance; failure to obtain authorization prior to working overtime may result in disciplinary action. For purposes of determining overtime pay, MCS's workweek shall be from 12:00 a.m. Monday until 11:59 p.m. Sunday.

III.H.5 Compensatory Time.

MCS does not award compensatory time off.

III.H.6 Exchange Time

MCS will consider exchange time (1 to 1 time) when preapproved by your direct supervisor and upon submission of work log.

III.I Records of Time Worked.

If your position requires that you keep time records, you are responsible for accurately recording your time. No one may record hours worked on another's timecard or timesheet. Tampering with another's time record is cause for disciplinary action, up to and including discharge, of both employees. In the event of an error in recording your time, please report the matter to your direct supervisor immediately.

IV PERFORMANCE

IV.A Performance Reviews

Administrators will follow MCS policies and New Mexico Public Education Department requirements when conducting performance reviews for all licensed and certified personnel. The performance reviews will be conducted collaboratively between administrators and MCS employees. Nonexempt employees will be evaluated annually; licensed personnel will be evaluated in a manner consistent with NMPED regulations and the School's charter, if applicable. The MCS Governance Board will evaluate the school's Director no less frequently than once per year.

During a formal performance review the administrator/supervisor may cover the following areas:

- The quality and quantity of your work.
- Strengths and areas for improvement.
- Initiative and teamwork.
- Attendance.
- Customer service orientation.
- Problem solving skills.
- Ongoing professional growth and development.
- All other competencies for your position, level of licensure or certification.

Additional areas will also be reviewed as they relate to your specific job. Along with incorporating competencies, MCS will implement a multi-source feedback system to appraise the performance of all staff, professional, licensed and non-licensed, to nurture self-efficacy and goal-orientation. All employees will receive feedback from their supervisors, peers, team members, parents and students. The multi-source feedback system will be used to supplement the traditional evaluation system, enabling MCS to engage its employees in development activities, thereby enlisting its entire staff in continuous learning based on quality feedback.

Your review provides an opportunity for collaborative, two-way communication between you and your direct supervisor. This is a good time to discuss your interests and future goals. Your supervisor is interested in helping you to progress and grow in order to achieve personal as well as work-related goals. Your supervisor can answer any questions you may have about the performance review process.

Your supervisor uses your annual performance evaluation as a factor in recommending your continued employment. The Director makes the final determination for hire or non-hire of employees. Your performance evaluation may also be impacted by your willingness to follow and cooperate with MCS's employee conduct policies as described in this Handbook or other directives or instruction given to you by your direct supervisor.

V STANDARDS OF CONDUCT

Generally speaking, we expect each employee to act in a mature and responsible way at all times. Educational professionals are required to comply with the New Mexico Code of Ethical Responsibility of the Education Profession. 6.30.9 NMAC. If you have any questions concerning any work or safety rule, or any of the unacceptable activities listed below, please see your director supervisor for an explanation.

V.A Smoking

MCS is a smoke free campus. Therefore, the use of tobacco, or tobacco products at school or at any MCS-sponsored functions, events or activities is prohibited for students, faculty, and staff.

V.B MCS and Staff Meetings

On occasion, we may require that you attend a meeting or school function outside your duty day. If you are not able to attend, you must request prior permission from your direct supervisor to be absent. The direct supervisor of non-exempt employee will provide written approval for overtime, as appropriate; to attend said required meetings beyond duty hours.

V.C Computer Software (Unauthorized Copying)

MCS licenses the use of computer software from a variety of outside companies. MCS does not have the right to reproduce the software or to grant licenses for other users. Employees shall use the software only in accordance with the software publisher's license agreement. As a rule, do not download school-purchased software on any other computer without verifying the right to do so. Illegal reproduction of software can subject an employee to civil damages and criminal penalties, including fines and imprisonment. In addition, violation of this policy will result in disciplinary action up to and including discharge or termination from your employment.

V.D Employee Technology Acceptable Use Policy

MCS provides technology resources and business equipment to its staff for educational and administrative purposes. This policy governs the use of business equipment, computers and telephonic communication systems, including e-mail, Internet and Internet systems (collectively referred to as (technology resources). The use of MCS technology resources is a privilege granted to employees for the enhancement of job-related functions. Violation of this policy may result in disciplinary action.

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

1. Knowingly send, receive, or display sexually oriented images, messages, or cartoons.
2. Knowingly or recklessly send, receive, or display communications that ridicule, disparage, or criticize a person, a group of people, or an organization based upon race, national origin, sex, sexual orientation, age, disability, religion, or political beliefs or for any other reason.
3. Knowingly send, receive, or display communications that demean, threaten, insult, harass, or defame others.

4. Knowingly send, receive, or display communications that disparage or berate MCS, MCS Governance Board members, or employees, or diminish employee productivity and/or professionalism.
5. Violate any local, State, or Federal statute or regulation including, but not limited to copyright laws.
6. Solicit, endorse, or proselytize others for commercial ventures, outside organizations, or religious, social, or political causes.
7. Disrupt, disable, damage, or interfere with services, equipment, or other users.
8. Access, assist, or allow others to access equipment, files, passwords, user codes, or information without authorization.
9. Use MCS computers for personal business.

MCS reserves the right to review, audit, intercept, access, and disclose all matters placed on MCS technology resources, as business conditions and/or security considerations warrant, without employee notice, during or after employee working hours. The use, by an employee, of a MCS-provided password does not restrict MCS's right to access electronic communications. While MCS does not regularly monitor electronic communications it reserves the right to do so without notice.

Because MCS reserves the right to access and monitor the use of MCS's technology resources, no employee should have any expectation of privacy in connection with the use of this equipment or the transmission, receipt, or storage of information in such equipment, whether the information is personal or school-related.

V.E Dress Code and Personal Appearance

All MCS employees are expected to dress and groom themselves in accordance with accepted social and business standards. All MCS employees are expected to be suitably attired and groomed during working hours or when representing MCS. If you're direct supervisor decides that your attire and/or grooming are inappropriate for school you may be asked to leave your workplace until you are properly attired and/or groomed. Employees who violate the MCS Staff Dress Policy may be subject to disciplinary action.

V.E.1 MCS Staff Dress Policy

All MCS employees, including substitutes, should serve as role models for proper dress in the educational setting, and follow the Staff Dress policy (approved April 15, 2013). All MCS employees should model attire that exemplifies professionalism in the workplace and represents the mission of McCurdy Charter School.

Proper dress is modest, business casual. Shoes cannot be open-toed. Denim is not allowed.

Physical Education teachers, custodians, and security guards will wear attire approved by administration and reflective of their job duties.

V.F Drug-Free Workplace Policy

Employees who work while under the influence of alcohol or drugs present a safety hazard to themselves, their co-workers and students. In addition, employees who work under the influence

of alcohol or drugs threaten MCS's reputation and integrity. MCS policy is to create a drug-free workplace in accordance with the Drug Free Workplace Act of 1988. The unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in business off premises, such as at a parent's home, are strictly prohibited.

V.F.1 Prohibition and Standards.

General Prohibition. No employee will unlawfully possess, use, distribute, dispense, manufacture or be under the influence of alcohol or drugs while on MCS grounds; at MCS sponsored or supervised activities (e.g., field trips); in any MCS-owned, MCS-leased or private vehicle; while engaged in or going to or from MCS activities; or, while attending a MCS-related activity (e.g., workshop).

V.F.2 Definition of Drug.

For purposes of this policy, the term "drug" will include any "illicit drug," "controlled substance," "intoxicating substance," "inhalant," "counterfeit substance," "look-alike substance," "marijuana," "cannabis," "opiate," "hallucinogen," "narcotic," or other unlawful drug for purposes of federal or state law including, but not necessarily limited to the Drug-Free Workplace Act, the Drug-Free Schools and Communities Act Amendments, the U.S. Controlled Substances Act and the New Mexico Controlled Substances Act. NMSA (New Mexico Statutes Annotated) 1978 §§30-31-1 et seq.

V.F.3 Exceptions.

This policy is not intended to prevent possession of a controlled substance if it was obtained directly pursuant to a valid prescription or order, from a physician, dentist or other person duly licensed, registered, or otherwise permitted under federal and state law to distribute or dispense the substance in the course of professional practice. If an employee is taking prescribed or over-the-counter medication that may affect work performance, this information should be immediately reported to your direct supervisor.

V.F.4 Conditions of Employment.

As a condition of employment, each employee will abide by the terms of the drug-free workplace policy. Every employee is required to notify the Director of any criminal drug conviction or plea of no contest for a violation occurring in the workplace no later than five (5) days after such conviction.

V.F.5 Sanctions.

Where an employee violates the terms of this policy or is convicted of violating a criminal drug statute for an offense occurring in the workplace, the employee will be subject to sanctions, consistent with law and policy, which may include either appropriate personnel action against the employee, up to and including termination; or, a requirement that such employee satisfactorily participate in a drug-abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health agency, law enforcement or another appropriate agency. The employee will be responsible for all uninsured costs associated with any such program.

The School reserves the right to search and inspect for maintenance of a safe drug-free workplace. Refer to Section V.K regarding Employee Privacy.

V.G Acceptance of Gifts/Payments for Tutoring

Advance approval from the Director is required before an employee may solicit a gift on behalf of MCS. MCS staff members are not to receive payment for tutoring, counseling, advising or providing services related to special programs from any student assigned to their classroom or other school functions.

V.H Employment of Relatives

If you and members of your family are employed by MCS, one may not supervise the other nor work in the same department. The Director will decide which employee will be transferred in such situations. Family members include the employee's spouse, son, daughter, parent, parent-in-law, grandparent, grandparent-in-law, granddaughter, grandson, daughter-in-law, son-in-law, step-parent, domestic partner (a person with whom the employee's life is interdependent and with whom the employee shares a mutual residence), brother, sister, brother-in-law, sister-in-law, daughter or son of the employee's spouse or domestic partner, and any relative living in the household of the employee or domestic partner. Should two employees who work together or supervise each other enter into a personal, non-work related relationship, one or both employees may have to be reassigned.

No person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, sister, sister-in-law, brother, or brother-in-law of the Director may be employed by MCS unless approved by the MCS Governance Board. The MCS Governance Board may not hire a Director who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, sister, sister-in-law, brother, or brother-in-law of any member of the MCS Governance Board.

V.I Solicitations and Distributions

Solicitation for any cause during working time and in working areas is not permitted. You are not permitted to distribute non-MCS literature in work areas at any time during working time. Employees are not permitted to sell raffle chances, merchandise or otherwise solicit or distribute literature without management approval. Persons not employed by MCS are prohibited from soliciting or distributing literature on MCS property. There are occasions when information will be shared with students and families regarding community events and activities. This communication will be coordinated through the administrators.

V.J Confidentiality

As an employee of MCS, you may learn confidential information about students, other employees or school business (together referred to as "confidential school information"). During and after employment with MCS, confidential school information may not be shared with non-employees of MCS and may only be shared with other MCS employees on a need-to-know basis. If you violate this policy, disciplinary action will be taken up to and including termination or discharge.

MCS will provide employee information to outside agencies only upon written authorization of the employee or as provided by law. Only the Director or her/his designee can make decisions

about releasing confidential personnel information. Most banks, credit agencies, or other parties requiring employment information will provide you with an appropriate form. You must provide a written and signed authorization form to the school, before MCS will release your personal information. MCS's standard reference letters are limited to confirming dates of employment, job title, and current rate of pay. All requests for employment verification must be received by the Director, through the Human Resource Specialist, or Business Manager in writing. MCS's response will be in writing. MCS does not provide letters of recommendation.

MCS protects employees' confidentiality and expects the employees to protect confidential school information as well. No one should provide any information about an employee and must refer any phone calls seeking such information to the Director, through the Human Resource Specialist, or Business Manager. Under no circumstances will MCS verify employment by telephone.

In addition, MCS also expects that you respect the privacy of your fellow employees, both with employees and non-employees. Personal information about any employee may not be discussed with other employees or non-employees without written authorization. Breaching confidences may be grounds for disciplinary action up to and including termination or discharge.

V.K Employee Privacy

MCS reserves the right to search any person entering on its property or offsite while performing services for MCS and to search property, equipment, and storage areas including but not limited to, clothing, personal effects, vehicles, buildings, rooms, facilities, offices, parking lots, desks, cabinets, lunch and equipment boxes or bags, and equipment. Any items that you do not want to have inspected should not be brought to work.

V.L Basis for Conduct-related Discipline

In addition to the foregoing described standards of conduct, the following is a list of unacceptable activities that can result in disciplinary action, up to and including termination. This list should NOT be considered comprehensive and nothing in this list alters the at-will nature of employment for applicable employees.

- Violation of any MCS policy.
- Violation of security or safety rules or failure to observe safety rules or MCS safety practices.
- Negligence or any careless action, which endangers the life or safety of another person.
- Being intoxicated or under the influence of a controlled substance, including alcohol, while at work; use, possession or sale of a controlled substance in any quantity while on MCS premises (except medications prescribed by a physician to the employee in possession and which do not impair work performance.)
- Unauthorized possession of dangerous or illegal firearms, weapons or explosives on MCS property or at any school sponsored event.
- Engaging in criminal conduct or acts of violence or making threats of violence toward anyone on MCS premises or when representing MCS; fighting, or provoking a fight on MCS property.

- Insubordination or refusing to obey reasonable instructions or directives issued by your direct supervisor while at work.
- Unreasonably refusing to help out on a special assignment.
- Threatening, intimidating or coercing fellow employees on or off the premises at any time, for any purpose.
- Intentional or negligent destruction of or damage to school property, or the property of fellow employees, customers, suppliers, or visitors in any manner.
- Theft or unauthorized possession of school property or the property of fellow employees; unauthorized possession or removal of any school property, including documents, from the premises without prior permission from administration; unauthorized use of school equipment or property for personal reasons; using school equipment for personal profit or business.
- Dishonesty; falsification or misrepresentation on your application for employment or other work records; untruthfulness about sick or personal leave; falsifying reason for a leave of absence or other data requested by MCS; unauthorized alteration of MCS or student records or other documents.
- Spreading malicious gossip and/or rumors; engaging in behavior which creates discord and lack of harmony; interfering with another employee's ability to perform his/her job; restricting work output or encouraging others to do the same.
- Immoral conduct or indecency on MCS property.
- Conducting a lottery or gambling on MCS premises or when using MCS property and/or equipment.
- Unsatisfactory or careless work, failure to meet work productivity or work quality standards.
- Any act of harassment as described above.
- Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of your direct supervisor; stopping work before time specified for such purposes.
- Sleeping or loitering during working hours.
- Excessive use of MCS telephones for personal calls.
- Smoking on MCS property or in MCS vehicles.
- Creating or contributing to unsanitary conditions.
- Failure to report an absence or late arrival; excessive absence or lateness.
- Obscene or abusive language toward any supervisor, employee, parent, student, guest or visitor; indifference or rudeness; any disorderly/antagonistic conduct on MCS premises.
- Speeding or careless driving of vehicles, especially on the MCS campus or on MCS-sponsored events and activities.
- Failure to immediately report damage to, or an accident involving, MCS equipment or property.

- Unauthorized soliciting during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during business hours, or at a time or place that interferes with the work of another employee on MCS premises.
- Failure to use required timesheets, alteration of your own timesheet or records or attendance documents, punching or altering another employee's timesheet or records, or causing someone to alter your timesheet or records.
- Any other act or omission that impairs or restricts the ability of MCS to provide a safe and healthy environment for employees and students.

V.M Discipline Process

A number of tools are utilized to motivate, correct, and/or discipline employees, including, but not limited to verbal and written warnings, suspensions, and discharge or termination as determined to be appropriate in each individual circumstance.

If your work performance is unsatisfactory or if your conduct on the job becomes a problem, your direct supervisor may counsel you and work with you to help resolve the issues. You may initiate this counseling as well.

Your supervisor may, but is not required to, use a progressive, corrective process. This disciplinary process may involve, but is not limited to, oral or written warnings, probation for poor work performance/habits, disciplinary suspension, and termination.

If progressive discipline is not considered appropriate, however, the sequence described above will not be followed.

The Director reserves the right to discipline an employee by taking whatever actions, at her/his sole discretion, deemed to be appropriate and in the best interests of the school, up to and including termination or discharge.

In the case of serious misconduct, it may be necessary to protect the safety and security of the workplace by suspending or placing the involved employees on administrative leave in order to remove them from the workplace. In addition, in some instances, while your direct supervisor is investigating and considering appropriate action, you may be relieved from duty pending a full investigation of the circumstances. The investigation may have one of the following results: (a) if the circumstances do not justify suspension, you will be allowed to return to work, although other disciplinary action may be taken; (b) if the circumstances do justify suspension you will be notified of the suspension and dates and conditions for returning to work. You will not be paid or accrue sick leave (if applicable to you) for the period suspension occurs; or (c) if the circumstances justify termination, and you are not a "tenured" or contract employee within the meaning of the New Mexico School Personnel Act, you will be dismissed and a final paycheck will be issued excluding time of unpaid suspension. If you are a "tenured" or contract employee and the circumstances justify termination or discharge, the process outlined in the MCS Employee Handbook Section VI.E will be followed.

V.N Grievance Procedures

MCS recognizes that most personnel-related conflicts arise from a lack of communication. This procedure is designed to provide a formal mechanism for promoting or restoring such communication so that problems may be resolved before more serious difficulties arise. The purpose of this policy and these procedures is to provide for the reporting and resolution of legitimate employment-related concerns of the employees of MCS at the earliest possible time and with the least possible expense, disruption and friction.

Nothing contained herein will be construed to limit in any way the ability of MCS and the grievant to resolve any grievance by informal means. An employee's decision to refrain from the grievance procedure in lieu of alternative dispute mechanisms may limit the administration's ability to promptly and completely resolve the employee's concerns. You are encouraged to use this process to ensure timely and satisfactory resolutions.

No persons will suffer retaliation, recrimination, discrimination, harassment, or be otherwise adversely affected because of his or her use of this grievance procedure.

V.N.1 Definitions.

- a. "Grievant" means an employee who is personally and directly affected by a condition for which he or she seeks a resolution.
- b. "Grievance" means an allegation by an employee that the treatment he or she has received from a superior is unfair or improper, or that there has been a violation, a misinterpretation or an inequitable application of school policy, administrative rules or procedures that directly and adversely affect the grievant. A single grievance may be submitted jointly by more than one grievant.
- c. "Resolution(s)" means the proposed written decision by the appropriate administrator(s), grievance review committee, or MCS Governance Board, in response to the grievance.
- d. "Parties in interest" means the grievant and the superior or other employee(s) of MCS whose conduct or actions are the subject of the grievance.

V.N.2 Limitations to Grievance Procedure.

A former employee cannot file a grievance after the effective date of termination or discharge of employment.

The following situations are not covered by this grievance procedure and are therefore not a grievance under this policy:

- a. The discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his or her immediate supervisor.
- b. Any personnel decision made by the MCS Governance Board, including, but not limited to a refusal to re-employ, a discharge, a demotion, or any other action directly and adversely affecting the employment of an employee.

- c. Situations in which the MCS Governance Board and Director are without authority to act.
- d. Situations in which the remedy for the alleged violation exclusively resides in some person, agency, or authority other than the MCS Governance Board.
- e. Situations as to which a different procedure with MCS is prescribed by a state or federal authority.
- f. Situations as to which a different procedure or remedy has been provided by the MCS Governance Board.
- g. Situations involving a grievance by a contractor with MCS.

V.N.3 General Procedural Requirements.

- a. A grievance must be initiated at Level 1 within ten (10) workdays of the date upon which the grievant became aware of the circumstances, which gave rise to the grievance.
- b. Whenever possible, any grievance conference or hearing at any level will be scheduled during a mutually convenient time that does not conflict with the regularly scheduled school program.
- c. A grievant requiring the attendance and testimony of other employees will have the right to bring such witness as are willing to testify in his or her behalf, and any necessary substitutes or release time will be provided and the expense borne by MCS when hearings must be scheduled during the school day.
- d. A separate file will be maintained by the Director for grievances. All documents produced during the processing of a grievance will be kept in the separate file.
- e. All parties shall maintain confidentiality with regard to proceedings, and the resolution of the grievance, to the extent possible, and the proceedings will not be made public unless agreed to by the grievant and the Director or MCS Governance Board or unless the grievant pursues the matter beyond this policy.
- f. The grievance file will be maintained for one (1) year after being cleared according to the New Mexico State Records Center and Archives, and access to the file will be limited to the grievant, the immediate supervisor, the Director and the members of the MCS Governance Board.
- g. A grievant may terminate the process at any level if he or she indicates in writing a desire to do so, accepts the resolution at that level, or fails to pursue his or her grievance by filing at the next level within the specified time period or refuses to attend a scheduled meeting even if that meeting must occur after school.
- h. All grievances will be filed and processed on grievance forms prepared by MCS and available in the office of the Director.
- i. The time limits at any level may be extended by mutual agreement between the grievant and the Director, review committee or MCS Governance Board.
- j. Except as otherwise provided herein, unless a party can demonstrate prejudice arising from a departure from the proceedings established in this policy, such departure will be presumed to be harmless error.

V.N.4 Procedural Steps.

1. Level 1 (Informal Conference). Prior to the filing of a formal written grievance, the grievant will first discuss the grievance with her or his supervisor in a good faith attempt to resolve the grievance prior to the filing of a formal grievance. In the case of a claim of sexual harassment in which the grievant's supervisor is the subject of the claim, the grievant may initiate the grievance at the next supervisory level above that of the immediate supervisor.
2. Level 2 (Director). If the grievant is not satisfied with the discussion and disposition of the grievance at Level 1, he or she may file a written grievance with the supervisor (Director) within fifteen (15) days of the disposition. The Director will communicate her or his proposed resolution in writing to the grievant within five (5) workdays from the filing of the written grievance. If the proposed resolution is not acknowledged or approved by the grievant within five (5) workdays, the Director has the discretion to require a hearing or conference and gather such evidence prior to the preparation of the decision as she or he feels would assist in any appropriate resolution of the grievance. The hearing or conference will occur within five (5) workdays of the grievant's action/inaction regarding the Director's proposed resolution. The hearing or conference should be as informal as possible and will be conducted as the Director feels is appropriate for a full understanding of the grievance, the position of the grievant and the evidence supporting the position. The Director will have the right to ask any question of the interested parties, as she or he deems necessary. Within five (5) workdays following the hearing, the Director will render his or her written proposed resolution to the grievant.
3. Level 3 (MCS Governance Board). If the grievant is not satisfied with the resolution of the grievance at Level 3, or if the Director fails to issue a proposed resolution within the specified time limit, the grievant may make a written request to the Director for a hearing with the MCS Governance Board within ten (10) work days after the Director's resolution was rendered or due, if none was received. At its sole option, the MCS Governance Board may appoint a Grievance Review Committee to hear the grievance. The Grievance Review Committee will be comprised of three (3) persons, one from each of the following staff categories: Certified School Instructor; Administrator (other than the immediate supervisor or Director involved) and one MCS Governance Board member.

The MCS Governance Board will appoint the members. The Committee will select its Chairperson prior to the processing of the grievance. The Chairperson of the Committee will schedule an informal hearing within ten (10) workdays of receipt of the grievance. If a Committee member is unable to participate in the informal hearing, the Chairperson will designate a substitute from within the employee category of the non-attending member.

V.N.5 Procedure for Hearing before MCS Governance Board Committee.

The following procedure will be used at hearings before the MCS Governance Board Committee.

1. The parties in interest will submit written statements of position, which will be delivered to the MCS Governance Board Committee Chair at least five (5) days prior to the hearing. In addition, any other documentary evidence desired to be reviewed by the MCS Governance Board Committee will be submitted at that time.
2. The grievant will present his/her grievance first through testimony, witnesses, documents, etc. Cross-examination will not be allowed by the other party in interest, if any.
3. The other party or parties in interest, if any, will present their responses to the grievance. Cross-examination will not be allowed.
4. The Committee members may ask any questions that it deems necessary.
5. Arrangements to make a taped recording or to keep minutes of the proceeding will be made by the Chair. A verbatim transcript is not required, but any minutes or other written record will fairly reflect the substance of the hearing.
6. Within five (5) days following the date of the hearing, the Committee will transmit its findings and recommendations for proposed resolutions to the MCS Governance Board. Within ten (10) working days, the MCS Governance Board shall consider the recommendations of the Committee. The MCS Governance Board may accept the recommendations as presented, impose a lesser sanction if disciplinary action was recommended, or decide to hold a new hearing on the grievance.
7. If the MCS Governance Board rules that it is appropriate to hear the grievance, it will set the date for such hearing and the parties in interest will be notified by the MCS Governance Board Chairperson. If the MCS Governance Board adopts the recommendations of the MCS Governance Board Committee, the decision shall be final.

V.N.6 Hearing before full MCS Governance Board.

If the MCS Governance Board decides to grant a new hearing the following procedures will be followed.

1. Each party in interest will have the opportunity to present oral statements limited to thirty (30) minutes each.
2. The presentation will be limited to a review of evidence previously presented, unless the MCS Governance Board, in its discretion, allows new evidence to be presented during the hearing.
3. Evidence may not be cross-examined by the other party in interest; however, the MCS Governance Board may ask questions of any party, as it deems necessary or appropriate.
4. Hearings will be conducted in an executive session, unless the grievant requests that the hearing be held in a public meeting.

5. The MCS Governance Board will render a written decision within 10 working days after the hearing. In arriving at its decision, the MCS Governance Board has complete discretion in fashioning such relief, if any, as it believes is appropriate, regardless of the relief requested. The MCS Governance Board's decision is final.

VI TERMINATION AND DISCHARGE

VI.A Definitions.

1. Termination. In the case of a licensed employee, “termination” means non-renewal of a contract at the end of its term. For all other employees, “termination” means severing or ending the employment relationship.
2. Discharge. Discharge means to sever the employment relationship of licensed personnel or employees under contract before the end of the existing contract.
3. Just cause. Just cause refers to a reason for termination or discharge that is rationally related to an employee’s competence or moral turpitude or the proper performance of his/her duties and that is not in violation of the employee’s civil or constitutional rights.

VI.B Termination of Employees with Less than Three (3) Consecutive Years of Service

VI.B.1 General.

MCS may terminate an employee (licensed or non-licensed) with fewer than three (3) years of consecutive service for any reason it deems sufficient.

VI.B.1.a Non-contract employees. Employees with three (3) years or less of consecutive service and who are not employed pursuant to a contract are “at-will” employees, that is, the employee may be dismissed from employment at any time and for any lawful reason the Director deems appropriate. A written notice of termination will be provided to the employee.

VI.B.1.b Contract employees. Contract employees with three (3) years or less of consecutive service; i.e., who have not been reemployed under a third consecutive contract, may be terminated by non-renewal of their contracts for any lawful reason the Director deems appropriate.

VI.B.2 Protest Procedure for Employees with Less than Three (3) Consecutive Years of Service.

For an employee with less than three (3) consecutive years who was terminated or whose contract was not renewed, there is no protest. A terminated employee may request a statement of reasons from the Director for her/his termination or non-renewal. Requests for an explanation will be made in writing and delivered to the Director no later than five (5) working days after receipt of the notice of termination or notice of non-renewal. Reasons for the Director’s decision will be provided to the employee within ten (10) days of receiving his/her request. The decision of the Director to terminate is final and not subject to appeal.

VI.C Termination/Discharge Policy for Employees with More than Three (3) Years of Consecutive Service

VI.C.1 Non-Contract and Contract

No employee who has been employed by MCS for three (3) years or more of consecutive service may be terminated or discharged except for just cause.

VI.C.2 Protest Procedure.

MCS provides the following procedures for challenges to termination or discharge decisions for employees with three (3) or more years of consecutive service:

VI.C.2.a Request for Statement of Reasons. An employee who has been employed by MCS for three (3) consecutive years and who receives a notice of termination or notice of non-renewal may request a written statement of the reasons for non-renewal. The employee must request that statement of reasons within five (5) working days from the date she receives the notice of termination. The Director shall provide the statement of reasons within five (5) working days from the request.

VI.C.2.b Statement before the MCS Governance Board. The opportunity to present to the MCS Governance Board will be granted, if within 10 working days after receiving the written reasons for termination, the employee submits a written statement to MCS Governance Board which includes an explanation of why the employee believes that he/she was terminated for reasons that do not constitute just cause. In addition, the statement must include facts, supporting documentation and potential witnesses who will support the employee's position. Thereafter, the MCS Governance Board will meet to hear the employee present the statement in no less than twenty (20) and no more than forty (40) working days after receipt of the employee's written statement of contentions. [Reference, NMSA 1978 §22-10A-27.]

VI.C.2.c Hearing on termination:

- i. The employee and the MCS Governance Board may have representation of their choice, but at their own expense.
- ii. The hearing will be conducted in accordance with the provisions of the Open Meetings Act.
- iii. A designee of the MCS Governance Board will first state the reasons for termination and present the factual support for those reasons. The reasons will be limited to those first provided to the employee after his/her request for an opportunity to address the MCS Governance Board.
- iv. The employee will next state his/her reasons and factual support for contending that the termination was not for just cause. Those reasons and factual support must be the same as those provided in the employee's written response to the statement provided by the Dean of Students.
- v. The Director may offer such rebuttal testimony that she deems appropriate.
- vi. Each party may question all witnesses.
- vii. Only evidence presented at the hearing will be considered and the MCS Governance Board is only required to consider that testimony it considers reliable.
- viii. No record will be kept of the hearing.
- ix. The MCS Governance Board will notify the employee and the Director of its decision in writing within five (5) working days from the conclusion of the meeting. [Reference, NMSA 1978 §22-10A-24.]

VI.C.2.d Appeals – Arbitration on Termination. Either the terminated employee or other representatives of MCS may appeal the decision of the Board. The matter will be appealed to an independent arbitrator who will hear all evidence as if presented for the first time. The arbitration process takes place as follows:

- i. **Timely Request.** The employee must submit a request for an appeal in writing that states his/her reasons for the appeal to the Chairperson of the MCS Governance Board within five (5) working days from the receipt of the MCS Governance Board's written decision. The request for appeal must include a statement of facts supporting the basis for appeal. Failure to submit a timely appeal will bar the employee's objection to the decision of the Governing Council and will render the Governing Council's decision final.
- ii. **Selection of Arbitrator.** The MCS Governance Board and the employee will meet within ten (10) working days from the receipt of the employee's timely request for appeal to select an independent arbitrator. If they cannot make a choice, they will ask the presiding judge of the First Judicial District Court for the State of New Mexico to select an individual to hear the matter. The judge will make the selection within five (5) days of the request. The arbitrator selected must be experienced in school employment matters and must have no financial, personal or other direct interest in the outcome of the proceeding.
- iii. **Scope of Arbitration.** The arbitrator will hear all of the evidence presented and not be limited to a review of the MCS Governance Board's decision. The issue before the arbitrator will be limited to whether the evidence presented demonstrates just cause for termination.
- iv. **Date of Arbitration.** The arbitration will be held within thirty (30) working days from the date the arbitrator is selected. Notice of the hearing will be provided by the arbitrator, which will include the date, time and location of the hearing.
- v. **Rules of Arbitration:**
 - MCS and the employee may have representation of their choosing, but at their own expense;
 - Discovery will be limited to depositions and requests for production of documents on a time schedule to be determined by the arbitrator;
 - The arbitrator has the power to issue subpoenas for witnesses and documents and to administer oaths;
 - The New Mexico Rules of Civil Procedure will not be strictly enforced, however, the rules will apply to the extent that both contentions and responses are amply and fairly presented;
 - The Rules of Evidence will not strictly apply, but the arbitrator will permit either party to call and examine witnesses, to cross-examine witnesses and to introduce evidence. The arbitrator will require reasonable substantiation of statements and authentication of records where the accuracy or truth is in reasonable doubt;

- The MCS Governance Board will have the burden to show by a preponderance of evidence that the employee was terminated for reasons that constitute just cause.
- If the MCS Governance Board cannot show just cause, or the employee sufficiently rebuts the MCS Governance Board's reasons, then the arbitrator will reverse the decision to terminate and order reinstatement of the employee;
- Either the employee or MCS may record the proceeding at their own expense, but it will not constitute an official record for purposes of further appeal.
- Departures from these procedures are considered harmless unless the party can demonstrate prejudice.
- Decision. The arbitrator will issue a written decision within thirty (30) working days of the hearing, which will contain findings of fact and conclusions of law.
- Remedies. The only remedies available to an employee who has been reinstated by the decision of an arbitrator are: reinstatement; back pay, but subject to any scheduled salary increase to which the employee may be entitled; or, both, less an offset for any compensation received by the employee during the period the compensation was terminated; e.g., unemployment benefits.
- Binding Decision. Decisions by the arbitrator are final and binding on both MCS and the employee. The decision may not be appealed unless the decision was procured by corruption, fraud, deception or collusion, in which case it will be appealed to the First Judicial District Court for the State of New Mexico.
- Costs/Fees. The employee and MCS will pay their own fees, expenses and costs. The arbitrator can assign to either party or both parties the fees and costs of the independent arbitrator.

VI.C.2.e Report to NMPED. MCS is required to report the terminations to the NMPED. [Reference NMSA 1978 §22-10A-25 (2003)]

VI.D Termination/Discharge Policy for Other Personnel Exempt From Protest Procedures

In addition to employees who have less than three (3) consecutive years of employment, the rights to due process protests upon termination do not apply to the following MCS personnel:

- Certified school instructors employed to fill the position of certified school instructor entering military service;
- Persons employed as licensed school administrators;
- Non-certified school employees employed to perform primarily school-wide management functions. [Reference, NMSA 1978 §22-10A-26 (2003)]

VI.E Discharge Policy for Contract Employees Discharged Prior to the end of their Contract Term

A contract employee may be discharged prior to the end of his/her contract term for just cause according to the following procedures:

VI.E.1 Notification and Immediate Removal.

- a. Notice of discharge. The Director will serve written notice (certified mail return receipt requested) or will arrange personal delivery retaining a receipt signed and dated by the employee, of intent to recommend to the MCS Governance Board that the employee be discharged. Service otherwise consistent with the New Mexico Rules of Civil Procedure will be sufficient to complete service as meant by these provisions.
- b. Stated reasons. The notice will include the reasons for the Director's recommendation that the employee be discharged along with a written description of the employee's right to a hearing before the MCS Governance Board.
- c. Immediate Removal. In the event that the Director determines that it is necessary to immediately remove the employee from the school premises, the employee will be placed on paid administrative leave pending the outcome of a hearing on the Director's decision to discharge.

VI.E.2 Protest Procedure/Hearing.

A contract employee who receives a notice of discharge may request a hearing before the MCS Governance Board by giving the Director a written request for hearing within five (5) working days of receipt of the notice of discharge.

VI.E.2.a Date of hearing. If the employee timely notifies the Director that he/she is requesting a hearing on the decision to discharge, a hearing will be scheduled for no less than twenty (20) and no more than forty (40) working days after the Director receives the written election from the employee. The employee will have at least ten (10) working days prior notice of the hearing date.

VI.E.2.b Hearing Procedures.

- i. MCS and the employee may have representation of their choosing and at their own expense.
- ii. Discovery will be limited to depositions and request for production of documents, which will be completed prior to the hearing.
- iii. The MCS Governance Board will have the authority to issue subpoenas for the attendance of witnesses and to produce documents and other evidence at the request of either party and will have the power to administer oaths.
- iv. MCS will have the burden of proving the just cause for discharge by a preponderance of the evidence. The evidence at hearing will be limited to the reasons as stated in the notice to the employee recommending the discharge.
- v. MCS will present its evidence first; the employee will present second; either party may present witnesses and introduce documents to prove their respective case.
- vi. An official record must be kept of the preceding and the employee is entitled to one copy at the expense of MCS.

- vii. The Governing Council will render its written decision within twenty (20) calendar days of the conclusion of the hearing and deliver its decision to the employee by certified mail return receipt requested or by personal delivery.

VI.E.3 Appeal from Decision on Discharge

Arbitration. Either the discharged contract employee or a representative(s) of MCS may appeal the decision of the MCS Governance Board. The matter will be appealed to an independent arbitrator who will hear all evidence as if presented for the first time.

VI.E.3.a Request Appeal/Arbitration. To request an appeal the employee must state his/her reasons for the appeal in writing (“request for appeal”) and submit it to the President of the MCS Governance Board within five (5) working days from the receipt of the MCS Governance Board’s written decision. The appeal must contain a statement of the particular reasons the employee believes the MCS Governance Board’s decision was incorrect and include a statement of facts supporting his/her decision.

VI.E.3.b Timely Appeal. Failure to submit a timely appeal will bar the employee's right to object to the decision of the MCS Governance Board and will render the MCS Governance Board’s decision final.

VI.E.3.c Selection of Arbitrator. The MCS Governance Board and the employee will meet within ten (10) working days from the receipt of the employee’s request for appeal to select an independent arbitrator. If they cannot decide they will request the presiding judge of the First Judicial District Court for the State of New Mexico to select an individual to hear the matter. The judge will make the selection within five (5) days of the request. The arbitrator selected will be experienced in school employment matters. He/she will have no financial, personal or other direct interest in the outcome of the proceeding.

VI.E.3.d Scope of Review. The arbitrator will hear all of the evidence presented and not be limited to a review of the Governing Council’s decision. The issue before the arbitrator will be limited to whether the evidence presented demonstrates just cause for discharge.

VI.E.3.e e. Date of Arbitration. The arbitration will be held within thirty (30) working days from the date the arbitrator is selected. Notice of the hearing will be provided by the arbitrator, which will include the date, time and location of the hearing.

VI.E.3.f Arbitration Rules:

- i. MCS and the employee may have representation of their choosing, but at their own expense;
- ii. Discovery is limited to depositions and requests for production of documents on a time schedule to be determined by the arbitrator;
- iii. The arbitrator has the power to issue subpoenas for witnesses and documents and to administer oaths;
- iv. The New Mexico Rules of Civil procedure will not be strictly enforced, however, the rules will apply to the extent that both contentions and responses are amply and fairly presented;

- v. The Rules of Evidence will not strictly apply, but the arbitrator will permit either party to call and examine witnesses, to cross-examine witnesses, and to introduce evidence. The arbitrator will require reasonable substantiation of statements and authentication of records where the accuracy or truth is in reasonable doubt;
- vi. The MCS Governance Board will have the burden to show by a preponderance of the evidence that the reasons provided for recommended the employee's discharge constitute just cause;
- vii. If the MCS Governance Board cannot show just cause, or the employee sufficiently rebuts the MCS Governance Board's reasons, then the arbitrator will find in favor of the employee;
- viii. Either the employee or MCS may record the proceeding at their own expense, but it will not constitute an official record for purposes of appeal; only the official record prepared by a certified court reporter will constitute the official record;
- ix. Departures from these procedures are considered harmless unless the party can demonstrate prejudice;
- x. Decision. The arbitrator will issue a written decision within thirty (30) working days of the hearing, which will contain findings of fact and conclusions of law;
- xi. Final Decision. Decisions by the arbitrator are final and binding on both MCS and the employee; the decision may not be appealed unless the decision was procured by corruption, fraud, deception or collusion, in which case it will be appealed to the Second Judicial District Court for the State of New Mexico.
- xii. Costs/Fees. The employee and MCS will pay their own fees, expenses and costs; the arbitrator may assign to either party, or both of them, the fees and costs of the independent arbitrator.
- xiii. Compensation after discharge. Payment of compensation to any certified school instructor or certified administrator will terminate as of the date a final decision, provided by the MCS Governance Board. If the contract is to be paid monthly during a twelve (12) month period for services to be performed during a period less than twelve (12) months, the person will be entitled to a pro rata share of the compensation payments due for the period during the twelve (12) months in which no services were to be performed.

VI.F Phasing Out and Elimination of Positions/Reduction-in-Force/Furloughs

From time-to-time, it may be necessary to phase-out or eliminate certain job classifications or reduce the number of positions in a particular employment category. An orderly process will be established by the MCS Reduction in Force Policy to guide such phase-out or reduction in force. A reduction in force carried out pursuant to the MCS policy is just cause for termination or discharge. The MCS may also implement a voluntary or involuntary furlough if such measures are necessary due to budgetary constraints and can avoid a reduction in force. Any furlough implement shall be conducted according to MCS policy.

VI.G Administrative Leave Pending Possible Disciplinary Action

If you are suspected of violating MCS's policies, procedures, or work rules, you may be placed on administrative leave with pay pending an investigation of the situation. Administrative leave is not intended as punishment, but rather provided for the purpose of allowing a thorough and thoughtful investigation of a situation before a decision is rendered.

VI.H Resignation/Job Abandonment

Non-exempt employees should give a minimum of two weeks written notice of resignation to the Director. All contract employees are required to provide written notice of their intent to terminate employment with MCS to the Director at least thirty (30) calendar days in advance. Failure to provide adequate notice may result in a complaint to the NMPED Licensing Bureau.

MCS will consider you to have voluntarily terminated employment if you do any of the following:

- Resign from MCS;
- Fail to return from an approved leave of absence on the date specified for your return; or
- Fail to report to work or call in for two (2) or more consecutive workdays.

VI.I Retirement

Eligible employees, who meet the criteria established by the New Mexico Educators Retirement Board and wish to retire, should contact the Business Manager in advance of the anticipated retirement date to initiate retirement proceedings. Employees anticipating retirement should contact the New Mexico Educators Retirement Board to ensure that the employee follows the most appropriate and current guidelines.

VI.J Return of MCS Property

Any MCS property issued to you, such as keys, computer equipment, etc. must be returned to MCS at the time of your resignation, termination, or discharge. You will be responsible for any lost or damaged items. If you not return property of value, you will be asked to sign a wage deduction authorization form for this purpose.

VI.K Safety

VI.K.1 General Employee Safety.

MCS is committed to the safety and health of all employees and recognizes the need to comply with regulations governing injury and accident prevention and employee safety. Maintaining a safe work environment, however, requires the continuous cooperation of all employees. MCS will maintain safety and health practices consistent with the needs of our profession. If you are ever in doubt about how to safely perform a job, it is your responsibility to ask the direct supervisor for assistance. Any suspected unsafe conditions and all injuries that occur on the job must be reported to the school nurse and the Human Resource Specialist immediately. Compliance with these safety rules is considered a condition of employment. We strongly encourage employee participation and your input on health and safety matters.

SAFETY COMMON SENSE:

- **Lifting:** Ask for assistance when lifting heavy objects or moving heavy furniture. Bend your knees, get a firm grip on the object, hold it close to your body and space your feet for good balance. Lift using your stronger leg muscles, not your weaker back muscles.
- **Materials Handling:** Do not throw objects. Always carry or pass them. Use flammable items, such as cleaning fluids, with caution. Also, stack materials only to safe heights.
- **Trash Disposal:** Keep sharp objects and dangerous substances out of the trashcan. Items that require special handling should be disposed of in approved containers.
- **Cleaning Up:** To prevent slips and tripping, clean up spills and pick up debris immediately.
- **Preventing Falls:** Keep aisles, work places and stairways clean, clear and well lighted. Walk, don't run. Watch your step.
- **Handling Tools:** Exercise caution when handling objects and tools. Do not use broken, defective or greasy tools. Use tools for their intended purpose only. Wear safety glasses or goggles whenever using a power tool.
- **Falling Objects:** Store objects and tools where they won't fall. Do not store heavy objects or glass on high shelves.
- **Work Areas:** Keep cabinet doors and file and desk drawers closed when not in use. Remove or pad torn, sharp corners and edges. Keep drawers closed. Open only one drawer at a time.
- **Using Ladders:** Place ladders securely. Do not stand on boxes, chairs or other devices not intended to be used as ladders.
- **Machines:** Do not clean machinery while it is running. Lock all disconnect switches while making repairs or cleaning.
- **Electrical Hazards:** Do not stand on a wet floor while using any electrical apparatus. Keep extension cords in good repair. Don't make unauthorized connections or repairs. Do not overload outlets.
- **Fire Prevention:** Know the location of the fire extinguisher(s) in your area, make sure they are kept clear at all times, and verify their working condition. Make sure all flammable liquids, such as alcohol, are stored in approved and appropriately labeled safety cans and are not exposed to any ignition source. Evacuation maps and exits should be clearly posted. Be familiar with fire drill procedures and plans for evacuating students.

VI.K.2 Reporting Safety Issues/Workers Compensation Injuries.

All accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues must be reported immediately to the direct supervisor. If you or another employee is injured, you should contact outside emergency response agencies, if needed. The Employee's Claim for Worker's Compensation Benefits Form must be completed for any instance of employee injury, even if no medical attention is sought at the time of injury. If you fail to report your injury timely, you may jeopardize your right to collect workers' compensation benefits.

VI.L Weapons

MCS prohibits all persons who enter MCS property from carrying a handgun, firearm, knives of any length, or other weapons regardless of whether the person is licensed to carry the weapon or not. The only exception to this policy will be police officers, security guards or other persons who have been given written consent by MCS to carry a weapon on the property. Any employee violating this policy will be subject to disciplinary action.

All MCS employees must review and be familiar with safety policies and procedures listed in the Safe School Plan.

VI.M Violence in the Workplace Policy

MCS has adopted a policy prohibiting workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect MCS or which occur on MCS property will not be tolerated. Every employee is required to report incidents of threats or acts of physical violence of which he/she is aware to the Director.

Acts or threats of violence include conduct which is sufficiently severe, offensive, or intimidating to alter the employment conditions at MCS, or to create a hostile, abusive, or intimidating work environment for one or several employees. Examples of workplace violence include, but are not limited to, the following:

- Hitting or shoving an individual
- Threatening an individual or his/her family, friends, associates, or property with harm
- Intentional destruction of or threatening to destroy MCS's property.
- Making harassing or threatening phone calls.
- Harassing surveillance or stalking (following or watching someone).
- Unauthorized possession or inappropriate use of firearms or weapons.

VI.N Security

Maintaining the security of MCS buildings and vehicles is every employee's responsibility. Develop habits that insure security as a matter of course. For example, when you leave MCS premises make sure that all entrances are properly locked and secured. All MCS employees are required to follow the security procedures.

VI.O Parking Areas

All MCS employees must use the parking areas designated for employees. Remember to lock your car every day and park within the specified areas. Courtesy and common sense in parking will help eliminate accidents, personal injuries, and damage to your vehicle and to the vehicles of other employees. If you should damage another car while parking or leaving, immediately report the incident, along with the license numbers of both vehicles and any other pertinent information you may have, to your direct supervisor. The MCS is not responsible for any loss, theft or damage to your private vehicle or any personal property.

VI.P Prohibited Disclosure of Student information

No person shall sell or use student, faculty or staff lists with personal identifying information obtained from MCS for the purpose of marketing goods or services directly to students, faculty or staff or their families by any means of communication. The provisions of this section shall not apply if the students and their parent/guardian have consented in writing.

VI.Q Prohibited Sales by School Personnel

Employees of the school shall not, directly or indirectly, sell or be a party to any transaction to sell or receiving any commission or profit from any contract for sale any instructional material, furniture, equipment, insurance, school supplies to MCS. No employee of the school shall solicit or sell or be the party to a transaction to solicit or sell insurance or investment securities to any employee of the school. Violation of the prohibited sales provisions may constitute a fourth degree felony. In addition, the NMPED may suspend or revoke the licensure of a licensed school employee for acting contrary to this provision.

VI.R Conflict of Interest

Employees are prohibited from using confidential information acquired by virtue of their associations with the MCS for their individual or another's private gain. Employees are prohibited from requesting, receiving or accepting a gift or loan for themselves or another that tends to influence them or appear to influence them in the discharge of their duties as employees.

VII BENEFITS

MCS is committed to sponsoring a comprehensive benefits program for all eligible employees. Literature is available from our insurance companies for details on your health/dental coverage. Please see the Business Manager for information on your benefits and coverage.

MCS reserves the right to modify or terminate non-mandatory employer benefits at any time

If you are a full-time employee you will be eligible to receive all of the benefits described in this Employee Handbook. Coverage is available to you and your dependents as defined in the benefit summary plan descriptions. Please see the Business Manager for details.

VII.A Group Insurance

Employees may participate in the New Mexico Public School Insurance Authority's (NMPSIA) Employee Benefits Group Plan, which consists of Group Medical, Dental, Vision, and Basic Life coverage. Employees who are active at work and work the minimum qualifying number of hours shall be eligible for the following:

1. Full-time employees shall be entitled to participate in Medical, Dental, and Vision coverage.
2. MCS shall enroll and pay premiums at the rate of 100% for Basic Life insurance coverage for full time employee.
3. Members of the MCS Governance Board are not eligible to participate in medical, dental, vision, and life insurance coverage.
4. A newly eligible employee is required to enroll within thirty-one (31) calendar days of being hired or within thirty-one (31) calendar days of being upgraded to that of an eligible employee.
5. An eligible employee who has a change in status is required to complete the appropriate NMPSIA Employee Record Change Card within thirty-one (31) calendar days from the qualifying event.
6. Pursuant to federal law and NMPSIA rules, an eligible employee may enroll in medical coverage for the occurrence of "special events" as defined by NMPSIA rules. These enrollments do not apply to dental or vision coverage.
7. MCS shall comply with the 1985 Consolidated Omnibus Budget Reconciliation Act (COBRA) in notifying employees of their right to continue health and life insurance coverage upon resignation, termination, or retirement. Dependents that are also losing coverage upon becoming ineligible shall also be informed of their COBRA rights.

VII.B Life Insurance Coverage

1. The Charter School shall provide \$50,000 Basic Life coverage to all employees with the cost to be borne by MCS and beginning October 1, 2013.
2. Charter School employees have the option to select additional Voluntary Life for themselves, spouse or children, which is a 100% employee deduction.
3. MCS shall provide employees, on a matching basis, long-term disability coverage. The waiting period for coverage shall be thirty (30) days.

VII.C New Mexico Retirement Plan

The New Mexico Educators Retirement Act is provided to eligible employees (those who have completed sufficient service) with a monthly pension benefit upon retirement. All employees who work more than 25% of the time (.25 FTE) are mandated by the New Mexico Educational Retirement Act to participate in the retirement plan. Participation in the Plan begins on the first day of the month following your date of hire. MCS and the employee are required by State law to contribute to this retirement plan operated by the New Mexico Educators Retirement Board. The details regarding MCS and employee contributions, vesting, administration, and investments are provided in the Summary Plan Description, made available through the Education Retirement Board.

VII.D Social Security

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

VII.E Workers' Compensation

MCS maintains Workers' Compensation Insurance coverage for employees who sustain an injury or illness compensable under the New Mexico workers' compensation laws. MCS pays the full cost of the workers' compensation insurance. All workers' compensation claims are subject to evaluation and investigation by MCS and its insurance carrier. If you are injured while performing duties related to your job at MCS, you must report the injury promptly to your immediate supervisor. More information is available from MCS's Business Manager.

VII.F Unemployment Compensation

MCS employees are covered in accordance with applicable unemployment compensation laws and regulations that also govern eligibility for unemployment benefits. All forms or contacts related to unemployment compensation claims should be delivered or referred to the MCS Director or Business Manager.

VII.G Leave Benefits

As a part of the Benefits package provided to MCS employees, the Board may allow approved leaves of absence. Leaves may be granted with or without pay. Requests for Leave forms must be completed and submitted to your direct supervisor for approval. Explanations of the reason for leave request need not be entered on a Request for Leave form for personal leave. However, explanations are necessary for all other types of leave.

VII.G.1 Sick Leave

Regular 188 day employees are entitled to 10 sick days per school year; regular 210 day employees are entitled to 11 sick days per school year; regular 220 employees are entitled to 12 sick days per school year; regular 236 and 240 day employees are entitled to 13 days of sick days per year.

Unless otherwise provided for, or as approved by the Director, sick leave is to be used by employees in accordance with the following provisions:

- a. Sick leave is to be used only in the event of illness of the employee, or of the employee's immediate family. Misuse of sick leave is cause for discipline, up to and including termination or discharge. For the purposes of this section, "immediate family" is defined as a spouse, child, sibling, parent, grandparent, any other relative permanently residing with the employee, or any other person as defined by the Director.
- b. Notice of absence from work due to illness should be provided to your direct supervisor (or designee) by no later than 6:30 a.m. on the day of illness. If use of sick leave is foreseeable advance notice shall be provided to your direct supervisor (or designee).
- c. An employee will not be paid for unused sick leave days upon severance of his/her employment from MCS. However, unused sick leave may be carried over into succeeding school years up to a maximum of 320 hours or 40 days. Accumulated unused sick leave must be used for personal or family illnesses as described in the Family Medical Leave provisions below.
- d. At any time, and especially after three (3) days, the Director may request that an employee bring a doctor's note verifying that your leave was necessitated by illness.
- e. Employees will not be paid for unused sick leave when employment with MCS is voluntarily or involuntarily severed.

VII.G.2 Personal Leave.

All full-time employees are entitled to two (2) days of personal leave (based on average hours worked per day) per year. Requests for personal leave must be made at least two school days in advance and your direct supervisor has the discretion to deny personal leave as deemed it appropriate. A request must be in writing and approved prior to taking the leave.

Personal leave hours do not accumulate (do not carry over) into the next year. Personal leave may not be taken immediately before or after a holiday or a school vacation, but the days may be taken consecutively. Employees will not be paid for unused personal leave when employment with MCS is voluntarily or involuntarily severed.

VII.G.3 Annual Leave

The specified days of annual leave must be approved by the immediate supervisor in advance and annual leave may not be carried forward into the next contract year. At least three (3) weeks prior to the date of the intended annual leave, a written, signed, request must be submitted to the immediate supervisor for his/her approval.

VII.G.3.a Annual Leave for Exempt Employees on a twelve (12) month contract

Annual leave for exempt salaried employees on a twelve (12) month contract in the positions of Director, Dean of Students, and Business Manager is twenty (20) days of paid annual leave.

Annual leave for other exempt salaried staff on a twelve (12) month contract in the positions of Human Resource Manager/Asst. to Director and Head of Operations is:

- Ten (10) days after one (1) year of service.
- Fifteen (15) days after three (3) years of service.
- Twenty (20) days after five (5) years of service.

Salaried staff are to work academic vacations as scheduled by the Director, or immediate supervisor. Annual leave will be credited as of August 1 each year. Staff will be allowed to use accumulated annual leave in advance of the August 1 crediting date to avoid absences during time when their presence is necessary. Annual leave will be pro-rated for employees working less than one (1) year prior to the termination of employment. The employee will then have the next twelve (12) months to use the amount earned.

VII.G.3.b Annual Leave for **Non-Exempt Employees** on a twelve (12) month contract

After the first twelve (12) months of continuous service (on the first anniversary date as a full-time employee) all full-time hourly employees in the positions of Secondary School Secretary, Information Systems Clerk, and Custodians, will be entitled to five (5) working days of Annual leave. Annual leave will be pro-rated for employees working less than one (1) year prior to the termination of employment.

Thereafter, a full time employee who works a calendar year will accumulate one (1) additional day of annual leave and a full time employee who works less than a calendar year will accumulate one-half (1/2) day of additional annual leave for each year of service after the first, until a maximum of fifteen (15) days of annual leave is accumulated. Earned annual leave (from the previous year's work) will always be granted on August 1st and must be taken during the next year of service or be forfeited. Annual leave must be taken as time actually away from work or the time will be forfeited--an employee **may not** choose to continue working and at the same time collect for annual leave earned.

Employees will not be paid for unused annual leave when employment with MCS is voluntarily or involuntarily severed.

VII.G.4 Family and Medical Leave Act (FMLA)

MCS acknowledges that from time to time situations occur in employees' lives that require time away from work. MCS will provide eligible employees unpaid leaves of absence to attend to family and medical needs in accordance with the federal Family and Medical Leave Act of 1993 and as amended in 2008.

VII.G.4.a Eligibility for FMLA Leave. An employee is eligible for FMLA leave if he/she:

- Has worked for MCS for at least 12 months in the last 7 years; and
- Has worked at least 1,250 hours for MCS during the 12 calendar months immediately preceding the request for leave.

Employees with any questions about their eligibility for FMLA leave should contact the Director or his/her designee.

VII.G.4.b FMLA Leave. Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

- i. To care for the employee's son or daughter during the first 12 months following birth;
- ii. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
- iii. To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;
- iv. For incapacity due to the employee's pregnancy, prenatal medical or child birth; or
- v. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of her or her position.

VII.G.4.c Married couples. In cases where a married couple is employed by MCS, the two spouses together each may take a combined total of 12 weeks leave during any 12-month period pursuant to Section VII.G.4.b.i and ii, or to care for the same individual pursuant to Section VII.G.4.b.iii.

VII.G.4.d Covered Service Member Leave. Eligible employees who are family members of covered Service members are entitled to take up to 26 workweeks of leave in a "single 12-month period" to care for a covered Service member with a serious illness or injury incurred in the line of duty on active duty. The definition of "family members" includes family members covered in Section VII.G.4.b.i and "next of kin," which means the nearest blood relative (including siblings, grandparents, aunts, uncles, and first cousins). The 26 weeks include leave for qualifying exigencies described below. All other provisions of the FMLA apply, such as employee eligibility, appropriate notice, medical certifications, definitions, etc. As with other types of leave, MCS has the right to require the employee to support a request for leave with an appropriate medical certification. When two eligible employees are married and work for MCS, and when the reason triggering the FMLA event is to care for a Service member under this section, a combined total of 26 weeks applies.

VII.G.4.e Qualifying Exigency. The 12 weeks available to all FMLA-eligible employees is available to eligible employees with a covered military member serving in the National Guard or Reserves to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. "Qualifying exigency" means:

- Military member's short-notice deployment (leave to address any issue that arises from an impending call or order to active duty in support of a contingency operation seven days or less prior to the date of deployment);
- Military events and related activities (leave to attend any military ceremony, program or event related to the active duty call or to attend family support or assistance programs and informational briefings);

- Arranging for alternate childcare and related activities;
- Addressing certain financial and legal arrangements;
- Periods of rest and recuperation for the service member (up to 5 days of leave);
- Attending certain counseling sessions;
- Attending post-deployment activities (available for up to 90 days after the termination of the covered service member's active duty status); or

Other activities arising out of the service member's active duty or call to active duty and agreed upon by MCS and the employee

VII.G.4.f Intermittent Leave. Intermittent leave and reduced work schedules are allowed when such are medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt MCS's operations. Covered Service member Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both MCS and employee agree to such intermittent leave. If an employee requests intermittent leave, it may be necessary for MCS to transfer him/her to another position that will better accommodate an intermittent or reduced schedule.

VII.G.4.g Pay, Benefits, and Protections During FMLA Leave. Employees taking FMLA leave must use all of their available accrued and unused paid sick and personal days and vacation (if applicable) as part of the leave. Once the employee's paid leave benefits are exhausted, the employee will continue for the duration of the family and medical leave without pay.

VII.G.4.h Medical and other benefits. MCS will continue to maintain group health insurance coverage for the employee and, where applicable, for his/her dependents during the FMLA leave, up to a maximum of twelve weeks in a twelve-month period. After an employee's paid leave is exhausted, an employees must arrange to pay the premium contributions they previously had deducted in order to continue group health or other insurance for themselves and, where applicable, their dependents during the family and medical leave. The employee will be required to arrange for and pay for other benefits while on leave without pay. Failure to make arrangements and to pay the premiums for benefits other than health insurance while on leave may result in termination of those employee benefits. If an employee fails to return to work at the end of the family and medical leave, MCS may require the employee to reimburse it for the amount MCS paid for the employee's health insurance premiums during the leave.

VII.G.4.i Employee Responsibilities When Requesting FMLA Leave.

- If the need to use FMLA leave is foreseeable, the employee must give MCS at least 30 days prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.
- Requests for FMLA leave should be submitted to MCS's Director or his/her designee by using the Request for Family/Medical Leave form.

- When submitting a request for leave, the employee must provide sufficient information for MCS to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for leave.
- An employee undergoing planned medical treatment will be required to make a reasonable effort to schedule the treatment to minimize disruptions to MCS's operation.

VII.G.4.j Employer responsibilities. When an employee requests leave, MCS will inform the employee whether he or she is eligible under the FMLA. If the employee is, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, MCS will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, MCS will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement.

VII.G.4.k Medical Certification. If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee must supply appropriate medical certification. Employees may obtain Medical Certification forms from the Director or his/her designee. When the employee requests leave, MCS will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after you request leave). If the employee provides at least 30 days' notice of medical leave, he or she should also provide the medical certification before leave begins.

Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. MCS, at its expense, may require an examination by a second healthcare provider designated by MCS, if it reasonably doubts the medical certification initially provided. If the second health care providers' opinion conflicts with the original medical certification, MCS, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

MCS may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided.

VII.G.4.l Reporting While on Leave. If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact MCS on the first and third Tuesday of each month regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable

(within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

VII.G.4.m Exemption for Highly Compensated Employees. Highly compensated employees (i.e., highest-paid 10 percent of employees at MCS) may not be returned to their former or equivalent position following FMLA leave if restoration of employment will cause substantial economic injury to MCS. (This fact-specific determination will be made by MCS on a case-by-case basis.)

VII.G.4.n Special Rules for Instructional Employees. Instructional employees are subject to certain limitations on FMLA leave coverage. An “instructional employee” includes teachers, instructional assistants, coaches and other employees whose duties principally involve the direct provision of instruction services to students. The following limitations on FMLA for instructional employees arise when leave is requested near the end of the semester or when intermittent leave is involved.

i. Leave near the end of a semester:

- (A) If an instructional employee begins leave more than five weeks before the end of a semester, MCS may require the employee to continue taking leave until the end of the semester if (i) the leave will last at least three weeks, and (ii) the employee would return to work during the three-week period before the end of the term.
- (B) If the instructional employee begins leave during the five-week period before the end of a semester for an eligible reason other than his/her own serious illness, MCS may require the employee to continue taking leave until the end of the semester if (i) the leave will last more than two weeks, AND (2) the employee would return to work during the two-week period before the end of the term.
- (C) If the instructional employee begins leave during the three-week period before the end of a semester for an eligible reason other than his/her own serious illness, MCS may require the employee to continue taking leave until the end of the semester if the leave will last more than five working days.

ii. Intermittent Leave.

- (A) If an instructional employee needs intermittent or reduced leave and the employee would be on leave for more than 20 percent of the total number of working days over the leave period, (e.g. five days in a four week period) the employer may require the employee to choose between the following:
- (B) Taking a certain period of consecutive (full) days on leave, not greater than the duration of the employee’s planned medical treatment, or
- (C) Transferring 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.

iii. **Counting FMLA days**

- (A) If the employee is required to remain on leave until the end of a semester academic term, the employer may only designate as FMLA leave for the period of time the employee is actually unable to work, not the period of time after which he or she was ready and able to return to work but was asked by the employer to remain on leave.

VII.G.5 Bereavement Leave

After a death in the immediate family of any employee, MCS provides up to three (3) consecutive days of bereavement leave without loss of pay beginning with the date of death and ending with and/or including the day after the funeral or final services. For each bereavement day the employee was schedule to work, an employee may receive pay an amount equivalent to the number of hours the employee was scheduled to work that day, or if instructional personnel, number of days. An employee may be required to submit proof of death and/or funeral or services date. Immediate family includes current spouse, parent, step-parents, parent-in-law, step parent-in-law, grandparent, child, stepchild, grandchild, sibling, step-siblings, current domestic partner, child of domestic partner and any relative living in the household of the employee.

At the Director's discretion, additional Bereavement Leave without pay may be granted.

VII.G.6 Leave for Jury Duty and Subpoena for Witness Service

If you are a regular employee, full-time or part-time, and are required by an order of court to serve as a juror, MCS will pay you the difference between your jury duty pay and your regular straight-time pay for any schedule work time that you miss during jury duty. To be reimbursed, you must present a court voucher and proof of actual jury duty service.

To receive jury duty pay, employees must provide MCS's Business Manager with a copy of the court order as soon as it has been received. An employee required to be available for jury duty, but not required to be in court, must report to work. Utilization of the court calling system, if available, is required in order to receive jury duty pay.

If you are served with a Subpoena for witness duty and the matter in which you are to testify is directly related to MCS, e.g. MCS student or employee matter, MCS will pay you the difference between your witness fees, plus any mileage reimbursement, and your regular straight-time pay for any schedule work time that you miss. To be reimbursed, you must present the subpoena and a copy of the witness fee payment voucher.

VII.G.7 Professional Leave

Professional leave may be granted at the discretion of the Director, upon request, for professional development, professional organizational activities, school-related professional activities, or other activities related to the employee's assignments.

VII.G.8 Religious Leave

Religious leave may be granted, upon request, for observance of recognized religious events. Personal leave may be used or leave without pay may be granted.

VII.G.9 Military Leave of Absence

If you are a full-time employee and are inducted into the U.S. Armed Forces, you will be eligible for reemployment after completing military service, provided he/she:

- a. Shows military orders to the Director as soon as they are received.
- b. Satisfactorily completes active duty service of five years or less.
- c. Enters the military service directly from employment with MCS.
- d. Applies for and is available for re-employment within ninety (90) days after discharge from active duty. If the employee is returning from up to six (6) months of active duty for training, then he/she must apply within thirty (30) days after discharge.

VII.G.10 Military Reserves or National Guard Leave of Absence

Employees who serve in the U. S. military organizations or state militia groups may take the necessary time off during the school year, with pay up to 15 days, to fulfill this obligation, and will retain all of their legal rights for continued employment under existing laws. These employees may apply accrued personal leave (and unused earned safe deposit box safe deposit box annual leave) to the leave if they wish, however, they are not obliged to do so. You are expected to notify your direct supervisor as soon as you are aware of the dates you will be on duty so that arrangements can be made for replacement during this absence.

VII.G.11 Voting Leave

Voting Leave will be granted to employees who are eligible voters and whose scheduled work day begins less than two hours after the polls open (before 9:00 a.m.) and ends less than three hours before the polls close (after 4:00 p.m.) If you qualify you will be granted for a maximum of two (2) hours with pay in order to vote in an election recognized under the law. Written requests for this leave must be submitted prior to the day of the election. The Director will schedule voting leave to ensure department work is covered.

VII.G.12 Domestic Violence Leave

VII.G.12.a The Law. Promoting Financial Independence for Victims of Domestic Abuse Act, NMSA 1978, §§ 50-4A-1 to 50-4A-8 went into effect July 1, 2009. Under the Act employers are required to give eligible employees "domestic abuse leave," which is defined as "intermittent paid or unpaid leave time for up to fourteen days in any calendar year... to obtain or attempt to obtain an order of protection or other judicial relief from domestic abuse or to meet with law enforcement officials, to consult with attorneys or district attorneys' victim advocates or to attend court proceedings related to the domestic abuse of an employee or an employee's family member." It is prohibited under the Act to retaliate against an employee who uses domestic abuse leave.

VII.G.12.b Notice. When domestic abuse leave is taken in an emergency, the employee or the employee's designee shall give notice to the employer within twenty-four hours of commencing the domestic abuse leave. All information provided to employer under this provision shall remain confidential and employer may not disclose employee's information unless

employee consents in writing, or pursuant to a court or administrative agency order or as otherwise required by state or federal law.

The School will require verification of the need for domestic abuse leave, and, if so, an employee shall provide one of the following forms of verification through furnishing in a timely fashion:

- i. A police report indicating that the employee or a family member was a victim of domestic abuse;
- ii. A copy of an order of protection or other court evidence produced in connection with an incident of domestic abuse, but the document does not constitute a waiver of confidentiality or privilege between the employee and the employee's advocate or attorney; or
- iii. The written statement of an attorney representing the employee, a district attorney's victim advocate, a law enforcement official or a prosecuting attorney that the employee or employee's family member appeared or is scheduled to appear in court in connection with an incident of domestic abuse.

VII.G.12.c Benefits and Leave Accrual. Employee shall be required to use any unused sick leave, personal leave or annual leave during periods of domestic abuse leave, and thereafter any remaining leave shall be designated unpaid leave. Employee's health coverage and other benefits shall continue during domestic leave. The School shall not include time taken for domestic abuse leave in calculating eligibility for benefits.

VIII JOB DESCRIPTIONS

VIII.A Director

The Director is responsible to, and shall serve under the direction of, the MCS Governance Board.

Education Program:

- Administers the development, coordination, maintenance and evaluation of educational programs, including the Core Knowledge curriculum, and Paideia Programs, character development programs, community involvement and Service learning modules, as well as the bilingual education program.
- Supervises methods of teaching, supervision, and administration in effect at the school.
- Keeps informed of modern educational thought and practices by advance study, by visiting other schools, by attending educational conferences and workshops, and by other appropriate means.
- Keeps public and Board informed about modern education practices, educational trends, and the policies, practices, and challenges in the school.
- Ensures that all activities of the school are conducted in accordance with the laws of the state of New Mexico, charter school laws, federal laws, and adopted policies of the MCS Governance Board.
- Assumes responsibility for the overall financial planning of the school and for the preparation of the annual budget, and submits it to the Board for review and approval.
- Establishes and maintains efficient procedures and effective controls for all expenditures of school funds in accordance with adopted budget, subject to direction and approval by the Board.
- Maintains or has maintained adequate records for the school, including financial accounts; business and property records; and personnel, attendance, and academic records.
- Provides suitable instructions and guidance to protect and maintain school property.
- Oversees the completion and submission of required reports.
- Interprets the budget and finances to the community.
- Remains current on charter school requirements and approved legislation.
- Conducts parent information meetings relative to school's entrance (lottery) requirements.
- Assess facilities needs and recommends plans to Board.

MCS Governance Board:

- Attends and participates in all meetings of the Board and its committees, except when excused by the Board's Chairperson.
- Takes prompt action to implement all directives of the Board.
- Advises the Board on the need for new and/or revised policies.
- Provides timely advice to the Board on the implication of changes in statutes or regulations affecting the school's programs.

- Informs and advises the Board about programs, practices, and problems of the school, and keeps the Board informed of the activities operating under the Board's authority.
- Prepares and submits to the Board recommendations relative to all matters requiring Board action, placing before the Board such facts, objective information, and reports as are needed to ensure the making of informed decisions.
- Develops and implements rules and regulations in keeping with Board policy.
- Acts as chief public relations agent for the school.
- Acts on own discretion if action is necessary in any matter not covered by Board policy, reports such action to the Board as soon as practicable, and recommends policy guidance in the future.

Personnel:

- Completes performance evaluations of Director Principals.
- Ensures that all employees are evaluated in accordance with the laws of the state of New Mexico and adopted Board policies.
- Provides and/or facilitates professional development opportunities for school staff.
- Communicates to all employees all actions of the Board relating to personnel matters, and receives from employees all communication to be made to the Board.

Required and/or Preferred Knowledge, Skills, and Other Characteristics (Qualifications):

- Valid New Mexico administrative certificate.
- Master's degree from an accredited college or university with specialization in the areas of administration, supervision, and evaluation of educational programs.
- Five or more years of school administration experience preferably at a dual language school.
- Experience as a classroom teacher preferred.
- Bilingual (Spanish/English) skills preferred.

Physical Requirements:

- Work is performed predominantly in an indoor environment and requires frequent sitting, standing, bending, repetitive motion, vision to monitor, and lifting up to 15 pounds. Some outdoor supervisory tasks may also be required.

Work Year: 12 months

Reports to: MCS Governance Board

VIII.B Business Manager

- Prepare and present an annual school budget to the MCS Governance Board
- Prepare and present the Budget Adjustment Requests (BAR)
- Post the revenue to the appropriate fund and revenue code
- Responsible for impressed funds and disbursement of funds

- Aware of and follow the public school financial standards pursuant to NMAC, and follow Generally Accepted Accounting Principles (GAAP) standards
- Responsible for ensuring the safeguard of all financial and student records from potential theft and destruction
- Responsible for reconciliation of all bank statements
- Accuracy of payroll journal, backup of journal, and generation of payroll checks
- Maintain all employees' earnings, deductions, and leave records
- Responsible for substitute payment disbursement
- Entry of pay rates and deduction changes in accordance with benefits
- Responsible for the maintenance of employee insurance premium reconciliation, savings, tax-sheltered annuities, and other voluntary and mandatory payroll deductions
- Responsible for completing required NMPED financial reports in collaboration Director and MCS Governance Board Treasurer and monthly, quarterly, and annual payroll tax-benefit reports required by federal, state, and local governmental agencies
- Accommodating and assisting State Auditor in yearly audit
- Assisting MCS Governance Board and Director as appropriate and needed in oversight of the school
- Oversight of the school physical plant and coordination and ordering of all building supplies and equipment in accordance with approved internal control policy
- Financial record keeping - collect, record, and deposit money
- Coordinate all supply orders for all departments in accordance with approved internal control policy
- Coordinate and approve all textbook orders and teaching aids in collaboration with Director and Administrative Assistant in accordance with internal control policy
- With approval of Director, prepare contracts to enter into the Financial Management System
- Maintain vendor invoices, matching encumbrance copy and receiving copy of purchase order, then matching with approved purchase order copy
- Prepare requisitions
- Manage school activities funds
- Trained in using the Operating Budget Management System (OBMS) for the purpose of providing assurance that the data of MCS are in compliance with federal and state laws and procedures and the NMPED

Physical Requirements:

- Work is performed predominantly in an indoor environment and requires frequent sitting, standing, bending, repetitive motion, vision to monitor, and lifting up to 15 pounds.

Work Year: 12 months

Reports to: Director

VIII.C Dean of Students

Education Program:

- Assists in the development, implementation, and evaluation of intervention programs that address the needs of at-risk students.
- Performs a variety of administrative duties to assist the Superintendent in managing the school;
- Assists the Superintendent in providing instructional leadership to the school.
- Supervises and evaluates the performance of designated certificated and/or classified personnel; assigns duties to faculty and staff as appropriate to meet school objectives; assists with the recruiting, interviewing, and selection of new faculty and staff.
- Develops and administers disciplinary procedures in accordance with district policies and state laws; receives referrals and confers with students, parents, teachers, community agencies, and law enforcement; responds to and resolves parent, student, and staff concerns and complaints; serves on discipline or expulsion panels as assigned.
- Supervises students on campus before and after school; monitors students during lunch, recess, passing periods, and other activities; instructs students in appropriate behavior; disciplines students in accordance with established guidelines.
- Monitors and organizes attendance functions; prepares letters, calls parents, and attends meetings as needed, regarding absent or tardy students; provides leadership for attendance improvement efforts.
- Provides direction to a variety of faculty, staff, and student programs and services; participates in formal and informal classroom visitations and observations; provides recommendations and suggestions for improvement as appropriate.
- Participates as needed in Individual Educational Plan meetings and Student Assistance Teams.
- Liaison to the after school program in collaboration with school staff and/or personnel from outside agencies.
- Liaison to student government, extracurricular activities, the student athletics program, and other competitive or performance programs and events. Supervises activities, including evening activities, as assigned. Coordinates with Athletics and Band Boosters to plan and carry out the school's student activities. -Participates in interviewing, selecting, hiring, and supervising of personnel involved with a variety of student activities.
- Attends meetings of parent and other groups; provides supervision for afternoon and evening activities.
- Works with the Superintendent to establish a safe and secure learning environment for students. Develops plans for emergency situations in collaboration with other administrators, staff, and public safety agencies; directs the work of yard duty staff and crossing guards; plans and debriefs emergency drills; updates the school safety plan.

- Prepares and maintains a variety of district, county, state, and federal records and reports; directs preparation of records and reports by staff.
- Participates in administrative meetings and training to improve administrative skills; maintains current knowledge of the district's adopted curriculum.
- Performs other duties as assigned.

Operations

- Supervises personnel to carry out maintenance work.
- Evaluates and recommends necessary improvements in school buildings and grounds.
- Organizes, supervises, and directs the school's transportation program
- Develops and implements safety education programs.
- Coordinates late starts, snow days, and make-up days for the school.
- Assists teachers in securing transportation for pre-approved educational field trips and athletic events.

Personnel

- Completes performance evaluations of teachers and classified staff.
- Assists instructional staff in securing substitute teachers.
- Coordinates and supervises the work of all classified staff members.
- Provides or facilitates professional development opportunities for classified staff.

Required and/or Preferred Knowledge, Skills, and Other Characteristics (Qualifications)

- Valid New Mexico administrative certificate.
- Master degree from an accredited college or university with specialization in the areas of administration, supervision, and evaluation of educational programs.
- School administration experience preferably at a dual language school.
- Experience as a classroom teacher preferred.
- Bilingual (Spanish/English) skills preferred.

Physical Requirements

- Work is performed predominantly in an indoor environment and requires frequent sitting, standing, bending, repetitive motion, vision to monitor, and lifting up to 15 pounds. Some outdoor supervisory tasks may also be required.

Work Year: Dean of Students: 220 days: 12 months

Reports to: Director

VIII.D Special Education Coordinator

The Special Education Coordinator will serve as the primary communicator between parents of students with special needs, their teachers and support staff, and other pertinent personnel. The SPED Coordinator will also be in close contact with the Director to ensure that state and federal

guidelines and timelines are being implemented correctly and in a timely fashion. In particular, this position will:

- Facilitate or designate an appropriate facilitator of Multidisciplinary Team/IEP (Individual Educational Plan) meetings following performance-based reevaluations. Also facilitate any Manifestation Determinations or Addendums to the IEP.
- Facilitate or designate an appropriate facilitator of annual IEP meetings
- Coordinate with the diagnostician all reevaluations with testing to be completed in a timely manner
- Coordinate support/ancillary special education staff needed to supply specific services for any special needs students
- Manage and maintain special education confidential files
- Coordinate the transfer of or request for any special education records to or from other schools
- Assure that all special education IEP forms are available either in hard copy or electronically
- Coordinate with administration regarding special education policies, procedures, and/or technical assistance
- Ensure, along with administration, that the physical plant is up to ADA code for special needs access to the building.
- Assist administration in the building of the Master Schedule as it pertains to any special needs issues
- Facilitate with any textbook purchase or other teaching materials, hardware or software particular to the specific needs of special education students.
- Ensure that the appropriate state reports are correct and submitted in a timely fashion
- Assist with implementation/ participate as a member of SAT meetings but will not act as chair
- Assist/ participate on meetings, and other intervention committees
- Ensure that all special education students are receiving their required services in the Least Restrictive Environment
- Ensure that all special needs students have an appropriate “Next Step” plan and transition plan for post-secondary choices
- Assist with Professional Development as it pertains to all teachers working with special needs students, particularly differentiated instruction

Physical Requirements

- Work is performed predominantly in an indoor environment and requires frequent sitting, standing, bending, repetitive motion, vision to monitor, and lifting up to 15 pounds. Some outdoor supervisory tasks may also be required.

Work Year: 220 days

Reports to: Director

VIII.E Bilingual Coordinator

- Complete State Bilingual Application
- Provide training to staff related to one-way language immersion program heritage language program
- Implement all components of bilingual program as delineated in the State Bilingual Application
- Work to complete necessary applications and to implement program components
- Provide teachers assistance in developing planners and lesson plans
- Assist parents in completing home language survey
- Administer home language assessments
- Secure services for English language learners

Physical Requirements

- Work is performed predominantly in an indoor environment and requires frequent sitting, standing, bending, repetitive motion, vision to monitor, and lifting up to 15 pounds. Some outdoor supervisory tasks may also be required.

Work Year: 210 days

Reports to: Director

VIII.F Athletic Coordinator

- Responsible for assessing the school's athletic program.
- Responsible for administering all National Federation, New Mexico High School Activities Association, school district and building rules and regulations. Frequent meetings may be called to facilitate a smooth operation of these rules and regulations with coaches.
- Responsible for the scheduling of all athletic contests, as cleared through the Dean of Students.
- Attend the athletic events of MCS whenever possible.
- Work with coaches and Dean of Students in problems of discipline concerning athletics. Will also maintain a file of all athletic suspensions and expulsions from teams in regard to giving each athlete "due process".
- Responsible for the coordination and planning of athletic budgets.
- In conjunction with the coaches will arrange transportation of all athletic teams.
- Coordinate the use of all school athletic facilities by groups outside the school with the respective building Dean of Students.
- Maintain an active program that promotes sportsmanship and welcome the competing teams and guests.

Physical Requirements

- Work is performed predominantly in an indoor environment and requires frequent sitting, standing, bending, repetitive motion, vision to monitor, and lifting up to 15 pounds. Some outdoor supervisory tasks may also be required.

Work Year: 220 days

Reports to: Director

VIII.G Teachers

- Teach in line with the school mission and vision
- Monitor and direct student activity in accordance with the student's IEP (when applicable), and the school's policies and procedures
- Maintain accurate records of student progress
- Be proactive and diligent in classroom management strategies and uphold the discipline policy of MCS
- Utilize a diverse array of techniques and modalities in order to maximize a student's academic and personal outcomes
- Participate regularly in grade level and staff meetings
- Participate in a personal growth plan tied to the school's professional development plan
- Create lesson plans and planners which align with state standards
- Communicate regularly with families regarding student progress
- Analyze student data to drive instruction and track student progress
- Hold NM certification and be highly qualified in teaching assignment areas

Physical Requirements

- Work is performed predominantly in an indoor environment and requires frequent sitting, standing, bending, repetitive motion, vision to monitor, and lifting up to 15 pounds. Some outdoor supervisory tasks may also be required.

Work Year: 170 student days plus 16 professional development days (186 total)

Reports to: Dean of Students

Professional Expectations for Teachers:

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

Reporting of Students' Grades: It is the responsibility of all teaching staff to update Power School within five (5) school days of any test, quiz or assignment due date. Teachers are expected to have two (2) data points per week i.e. quizzes, tests, and projects.

Reporting on Students At-Risk for Failure: It is the responsibility of the teacher to contact the parent(s) or guardian(s) by telephone or email to inform him/her (them) of a grade that puts a student at risk of failure. (Grade is a D or an F.)

All students receive a progress report at mid- quarter.

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

Teachers will create daily or weekly lessons plans, in electronic form, that include:

- The approximate date when the lesson will be taught,
- The content area being addressed,
- The NM standards and benchmarks (Common Core) addressed,
- Target goals and outcomes,
- Assessments and measures of student learning,
- Plans for differentiation.
- Plans for Tier I and Tier II interventions

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

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

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

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

VIII.H Instructional Assistant

- Support student learning in any way deemed appropriate by the teacher
- Participate in staff and professional development as determined by the Director of Special Education, Bilingual Education and/or Dean of Students
- Assist with clerical teacher duties
- Be flexible with assigned duties – cover classes when needed
- Work with small groups at teacher discretion

Physical Requirements

- Work is performed predominantly in an indoor environment and requires frequent sitting, standing, bending, repetitive motion, vision to monitor, and lifting up to 15 pounds. Some outdoor supervisory tasks may also be required.

Work Year: 188 days

Reports to: Classroom Teacher

VIII.I Secretary

- Oversee and maintain office equipment and supplies
- Record and report staff absences and requests for leave
- Assist supervisor with supply and instructional material orders and distribution of catalogs
- Type memos as needed and requested by administration
- Answer the phone and record messages as appropriate
- Maintain inventory of assets
- Prepare agendas for all meetings and send out notification
- Prepare minutes from meetings for dissemination at a later date
- Maintain student cumulative files. Process requests for student records
- Maintain student records including attendance and enrollment

Physical Requirements

- Work is performed predominantly in an indoor environment and requires frequent sitting, standing, bending, repetitive motion, vision to monitor, and lifting up to 15 pounds.

Work Year: Elementary Secretary: 220 days. Secondary Secretary: 12 months

Reports to: Director and Dean of Students