

# PAPA 2024-25 EMPLOYEE HANDBOOK



## PAPA VISION

The Public Academy for Performing Arts will be a small, supportive educational community where students achieve high academic standards and pursue excellence in the performing arts.

## MISSION STATEMENT

The Public Academy for Performing Arts is a public charter school that integrates a rigorous college preparatory curriculum with the performing arts and prepares students to pursue their passions and talents.

11800 Princess Jeanne Ave NE  
Albuquerque, NM 87112

Phone: (505) 830-3128

Fax: (505) 830-9930

Website: [www.paparts.org](http://www.paparts.org)

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## I. OVERVIEW OF PAPA COMMUNITY

### A. Vision and Mission:

**Vision:** The Public Academy for Performing Arts will be a small, supportive community where all students pursue both high academic achievement and excellence in the performing arts.

**Mission:** The Public Academy for Performing Arts is a public charter school that integrates a rigorous college preparatory curriculum with the performing arts and prepares students to pursue their passions and talents.

**B. PAPA Working Environment:** PAPA endeavors to create a positive, professional working environment for all employees. In pursuit of this goal, PAPA has adopted the following employee relations objectives:

1. Provide an exciting, challenging, and rewarding workplace and experience.
2. Select employees on the basis of skill, training, ability, attitude, and character without discriminating.
3. Review salary schedules, employee benefits, and working conditions periodically with the objective of being competitive, yet consistent with sound business practices.
4. Assure employees an opportunity to discuss any issue with the appropriate administrator.
5. Take prompt and appropriate action to resolve issues which may arise in the everyday conduct of our business.
6. Respect individual rights and treat all employees with courtesy and consideration.
7. Maintain open communication, professionalism, and mutual respect within our working relationships.
8. Promote an atmosphere consistent with PAPA's vision and mission.

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 PAPA and any of its employees. The provisions of this handbook have been developed at the discretion of the Governing Council, and the policies/procedures in this handbook may be amended, revised, supplemented, or rescinded at any time, at the sole discretion of the PAPA Governing Council.

**C. Employee Expectations:** As a member of PAPA's team, employees are expected to perform assigned duties in a positive, professional, and skillful manner. Employees are expected to cooperate with administration and fellow employees while building positive, working relationships with students and parents. How employees interact with fellow staff and those whom PAPA serves, and how they accept direction can affect the success of each department. In turn, the performance of one department can impact the entire service offered by PAPA.

The Governing Council is dedicated to making PAPA an organization where administration is approachable and sharing ideas and opinions are encouraged. All communication should have the same end result in mind: to promote and support student academic and/or performing art success. All employees are encouraged to bring forward their suggestions and ideas about how PAPA can become a better place to work and our service to students enhanced. When an opportunity for improvement arises, employees should talk to the Executive Director who will bring ideas to the

attention of the people of PAPA who may be responsible for implementing it. All suggestions are valued.

Employees are expected to go through the proper channels when issues arise or to voice potentially controversial opinions. The chain of command begins with the staff member(s) involved; then moves on to the Department Chair (if not resolved); then to the Executive Director; and finally the Governing Council. All communication must be ethical, professional, and supportive of the vision and mission of PAPA without the intention of undermining those involved.

**D. Purpose of the Employee Handbook:** The purpose of this handbook is to provide guidance and information in regard to the various, in some instances complex, employment issues, terms, and policies/procedures. It has been developed to advise employees of their rights and responsibilities to PAPA. Any clarification questions should be presented to the Executive Director or Business Manager in charge of human relations for PAPA.

## II. EMPLOYMENT POLICIES

**A. Equal Employment Opportunity:** PAPA is an equal opportunity employer committed to maintaining a non-discriminatory, diverse work environment. PAPA does not unlawfully discriminate against any person on the basis of 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. This policy covers all PAPA programs, services, policies, and procedures.

**B. Employees with Disabilities:** In accordance with the Americans with Disabilities Act (ADA), PAPA does not discriminate against any "qualified individuals with a disability." Individuals qualify for employment if they meet the educational, skill, 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 a 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.

PAPA 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 Executive Director. In accordance with the ADA, PAPA 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 PAPA or other employees. If an employee believes he/she has been unlawfully discriminated against because of a disability, the employee should discuss the matter with the Executive Director or the Human Resources Manager.

**C. Anti-Harassment/Discrimination Policy:** PAPA 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 any questions arise about the school's policy, the Executive Director or his/her designee should be contacted for clarification.

1. No Tolerance Harassment/Discrimination Policy. PAPA is committed to creating a workplace free of discrimination and harassment. Both the law and PAPA prohibit any form of discrimination and/or harassment based on 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. All of these groups are referred to in this policy as "protected classes." This prohibition applies in your relationships with all other employees, students, parents and guardians, visitors and guests.

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.

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;
- 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.

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.

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.

3. Employee Responsibilities. All employees of PAPA are responsible for taking appropriate action to prevent and eliminate harassment and discrimination at PAPA. If an employee experiences discrimination or harassment, PAPA encourages him/her to firmly and promptly notify the offender that his/her conduct is offensive, even if it is not directed at the employee. If the conduct continues the employee should report the conduct immediately. If an employee observes discrimination or harassment of another employee, student, visitor or guest, by a fellow employee, the concern should be reported immediately. At no time should an employee assume that inappropriate conduct between a student and an adult is acceptable, "consensual" or that it should not be reported because he/she concerned that the conduct may be misinterpreted.

4. Reporting Complaints. If an employee experiences or observes harassment or discrimination he/she should bring the concern directly to PAPA's Executive Director or the Business Manager in charge of human resources. The complaint will be promptly investigated. The complainant and the alleged offender will be instructed to limit their work contact with each other immediately, pending the outcome of the investigation.

5. No Retaliation. PAPA 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.

6. Complaint Procedure, Investigation and Response. Complaints may initially be made verbally; however, the complainant will be asked to complete a "Harassment Complaint Form" to assist with the investigation process. The form can be obtained through the business office.

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 and including 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.

b. PAPA will investigate every report of harassment or discrimination. In conducting an investigation, PAPA 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.

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."

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 PAPA Governing Council or to a neutral third party, whichever is deemed appropriate by the Executive Director under the circumstances. The employee appealing the supervisor's decision must submit a written appeal to the Executive 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.

e. Final Decision. The Governing Council 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 timelines set forth in this policy may be waived or extended by the Governing Council.

**D. Religious Accommodation:** Sometimes individuals hold religious beliefs or conduct religious practices that conflict with their work schedules or assigned responsibilities. PAPA 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 you would like to request reasonable accommodation based on your religious beliefs, you should contact the Executive Director or the Business Manager. You may be asked to provide appropriate documentation to support your request.

**E. Employee Background Check:** Prior to becoming an employee of PAPA, a comprehensive background check consisting of prior employment verification, professional reference checks, education licensure and certification confirmation, and a criminal background check is conducted in accordance with applicable laws.

**F. Immigration Law Compliance:** All offers of employment are contingent upon verification of a potential employee's right to work in the United States. Potential employees will be asked to provide original documents verifying right to work and, as required by federal law, to sign a Federal Form I-9, "Employment Eligibility Verification Form." If an immigrant employee, at any time cannot verify his/her right to work in the United States, PAPA may be obliged to terminate employment.



**G. Personnel Records:** The responsibility of handling personnel records and related personnel administration functions at PAPA has been assigned to the Business Manager. Questions regarding insurance, wages, and interpretation of personnel policies may be directed to him/her. PAPA 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 Executive Director (or designee) is responsible for overseeing the record keeping for all personnel information. Employees have the responsibility of ensuring their personnel records are up to date and should notify the Business Manager 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. If you have a change in any of these items, please complete an "employee change" form and return to the Business Manager as soon as possible.

1. Contents of File. 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 employee policies handbook. Separate signed acknowledgements submitted by the employee signifying understanding of policies and procedures including, but not limited to those regarding child abuse/neglect, drug free workplace, handling cash/checks from fundraisers, code of ethical conduct, and computer usage.
  - 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 employees: keys, pagers, cell phones, etc.

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.

3. Inspection of Personnel File. Employees may inspect their own personnel records in the presence of the Executive Director (or designee). Such an inspection must be requested in writing to the Executive Director (or designee) 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 Executive Director (or designee) that documentation to correct such materials be added to personnel files. Only supervisors and others in administration who have an employment related need-to-know about another employee may inspect the personnel files of a particular employee.

#### **H. Work Schedule:**

1. Business Hours. PAPA generally operates from 7:30 am until 4:30 pm. Work schedules are determined by the Executive Director.

2. Classroom Coverage. Students must be supervised at all times and are never left unattended. If an employee needs to leave the classroom or work station, he/she must contact the Executive Director so adequate coverage can be arranged. If an employee needs to leave the campus for any reason, he/she is required to notify the Executive Director, sign out at the front desk, and sign back in upon returning.

3. Duty Day, Sign Out. The duty day for regular start teachers is 7:45am - 3:30pm and late start teachers is 8:45am - 4:30pm. All other staff report as instructed by the Executive Director. When an employee leaves campus during the duty day, they must check out in the office and back in when they return.

4. Absence or Lateness. If an employee is unable to report to work, or if he/she will arrive late, he/she is required to contact the Executive Director and administrative assistant before 6:00am or the night before by 10:00pm. If an employee knows in advance that he/she will need to be absent, a leave request must be turned in to the Executive Director. If an employee is absent because of an illness, the Executive Director may require the submission of a written statement from the employee's health care provider stating that he/she is able to resume employment responsibilities. Unauthorized absences, lateness, or leaving campus may lead to disciplinary action, up to and including possible discharge. Documentation from a medical professional is required when the absence extends a holiday, during an in-service day, or if the employee needs flexibility with hours due to a medical condition.

5. Attendance at PAPA Events. Staff are expected to volunteer at three (3) events per year in addition to attending the following: Open House, Panda BamBOO, Prospective Student Open House, Year End Awards Ceremony, and Graduation.

6. If teachers are asked to substitute during their prep period, they will be reimbursed for their time at a rate of \$35/period. This reimbursement assumes that tasks usually completed during the prep period will need to be completed during non-contract hours.

7. Severe Weather and Emergency Conditions. In the event of severe weather conditions or other emergencies, PAPA will close if APS has a closure or delay (unless the only APS schools on closure or delay are east mountain schools).

**I. Fundraising for Out of State Travel:** All out of state travel must be approved by the Governing Council. A specific, written fundraising plan must be submitted to and approved by the Executive Director prior to submission with the out of state travel packet to the Governing Council. The fundraising plan must include: total amount of money needed for trip, cost breakdown by activity (hotel, airfare, conference cost, meals, etc.), deadlines for payment, expected parent contribution. Parent contribution may not exceed 33% of the individual student's cost. Interim goals for fundraising must be identified and consequences of not meeting those goals may include cancellation of the trip.

**J. Personal Items in the Classroom:** Personal items that violate safety procedures/protocols or that place undue stress on the electrical system or limit the capacity of the PAPA's technology/internet/servers are not permitted. These items include but are not limited to: microwaves, refrigerators, personal/space heaters, lights, coffee pots, or decorative string lights.

### **III. WAGE AND SALARY POLICIES**

**A. PAPA – 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 PAPA 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. PAPA will prioritize its expenditure of resources to achieve a competitive compensation position in public education in the local area market.

**B. Pay Periods:** Paychecks will be issued on the 5<sup>th</sup> and 20<sup>th</sup> of each month for a total of 24 paychecks. Checks will reflect compensation for the pay period, less required and optional payroll deductions. If an employee is hired after a payroll deadline (check with the Business Manager), his/her first paycheck will be delayed until the second payday after employment begins. Paychecks will be issued on the Friday before if the 5<sup>th</sup> or 20<sup>th</sup> falls on a weekend or holiday.

Deductions will be itemized on the payroll stub. Paycheck stubs should be carefully reviewed by employees each payday. If questions arise about the amounts shown on a paycheck or how they are calculated, the employee should contact the Business Manager. If an employee has been overpaid, and it is later discovered, he/she will be required to return the overpayment in full to PAPA

**C. Basis for Determining Pay:** The PAPA Governing Board adopts a salary schedule for teachers, ancillary staff and educational assistants each year based upon education, experience, and legislative mandates.

**D. Salary Increases:** Each job class or licensing level presently has a salary range. Increases beyond the initial or minimum salary for a class or license level may be granted annually until the employee reaches the top step of their salary range. If an employee receives a new job at a higher or lower level of pay, the salary will be adjusted according to the salary schedule rules that are adopted by the PAPA Governing Council.

If a certified PAPA employee intends to seek a change in licensure level that will result in an increase of salary or is seeking National Board Certification, the intent must be reported to the Executive Director, in writing, by April 1<sup>st</sup> of the year prior to the change. In order for an increase in salary to occur within a contract year, the change must be approved and all licensure documentation submitted to the PAPA Business Office by October 1<sup>st</sup> of the corresponding contract year. Salary increases for licensure changes that occur after October 1<sup>st</sup> will not begin until the following contract year.

**E. Direct Payroll Deposit:** Direct payroll deposit is the automatic deposit of an employee's pay directly into a financial institution account. The Business Manager should be contacted for details and the necessary authorization forms. This is a benefit we provide for employee convenience. We encourage all employees to take advantage of this service.

**F. Mandatory Deductions from Paycheck:** Federal, state and local income taxes and employee contribution to Social Security and New Mexico Educators retirement system will be deducted from pay checks as required by law. These deductions will be itemized on the check stub. The amount of the deductions will depend on earnings and on the information furnished on an employee's W-4 form regarding the number of exemptions claimed. If an employee wishes to modify the number of deductions, a new W-4 form must be requested from the Business Manager. Only an employee may modify his/her W-4 form. Verbal or written instructions are not sufficient to modify withholding allowances. Employees are advised to check pay stubs to ensure that the proper number of withholdings are reflected. Other mandatory deductions from an employee's paycheck include court-ordered garnishments or support deductions. If PAPA receives a court order mandating that an employee pay be garnished he/she will be notified and provided a copy of the order. PAPA will comply with the court order until such time as the employee provides a subsequently dated and signed court order directing PAPA to cease making the deduction.

**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 2.24.2 as amended. An employee must obtain prior written authorization for expenditures for which he/she expects to be reimbursed for by PAPA. Failure to follow the appropriate procedures prior to incurring an expense, for which an employee wants to be reimbursed, may result in a denial of the request for reimbursement.

**H. Employment Classifications:** An employee's position at PAPA is classified as either regular full-time, part-time or short-term. In addition, employees 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 Executive Director or the Business Manager prior to signing the receipt for this handbook.

1. Non-Exempt and Exempt Employees. At the time an employee is hired or transfers to a new position, he/she 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 the Executive Director, principals, business managers, teachers, counselors, social workers, 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.

2. Full-Time Employees. An employee who works 40 hours per week, is considered a full-time employee.

3. Part-Time Employees. An employee who is regularly scheduled to work less than 40 hours per week is considered a part-time employee. If an employee is part-time working less than 20 hours per week, he/she is not eligible for the full employee benefits described in this Employee Handbook.

4. Overtime Pay. If an employee is a non-exempt employee he/she will be paid overtime in accordance with state and federal laws. Any overtime must be approved in advance by the Executive Director. Failure to obtain authorization prior to working overtime may result in disciplinary action. For purposes of determining overtime pay, PAPA's work week shall be from 12:00 a.m. Monday until 11:59 p.m. Sunday.

## IV. PERFORMANCE

**A. Performance Reviews:** The Executive Director will follow Governing Council policies and New Mexico Public Education Department requirements when conducting performance reviews for all certified and classified personnel. The performance reviews will be conducted collaboratively between the Executive Director (or assistant designee) and PAPA employees. Non-exempt employees will be evaluated annually. Licensed personnel will be evaluated in a manner consistent with PED regulations. The school's Executive Director will be evaluated no less frequently than once per year by PAPA's Governing Council.

During a formal performance review the Executive Director may cover the following areas:

- The quality and quantity of an employee's 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 an employee's position, level of licensure or certification.

Additional areas will also be reviewed as they relate to a specific job.

The evaluation provides an opportunity for collaborative, two-way communication between an employee and Executive Director. This is a good time to discuss interests and future goals. The Executive Director is interested in helping employees progress and grow in order to achieve personal and work-related goals. The Executive Director can answer questions concerning the performance review process.

The Executive Director uses the annual performance evaluation as a factor in determining future employment and assigned position. The performance evaluation may also be impacted by an employee's willingness to follow and cooperate with PAPA's employee conduct policies as described in this handbook or other directives or instructions given by the Executive Director or direct supervisor.

## **V. STANDARD OF CONDUCT**

Generally speaking, PAPA expects each employee to act in a professional and responsible manner at all times following the New Mexico Public Education Department Regulation 6.60.9.9 "Standards of Professional Conduct". If an employee has any questions concerning any work or safety rule, or any of the unacceptable activities listed below, he/she should present those questions to the Executive Director.

**A. Smoking:** The use of tobacco, or tobacco products at school or any PAPA-sponsored functions, events or activities is prohibited.

**B. Meetings:** Attendance at staff meetings, parent meetings or a school function outside your duty day may be required. If you are a non-exempt employee, you will be paid for required time spent. Prior approval by the Executive Director will be required for any overtime.

**C. Computer Software (Unauthorized Copying):** PAPA licenses the use of computer software from a variety of outside companies. PAPA 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. Employees must 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.

**D. Employee Technology Acceptable Use Policy:** PAPA 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 PAPA technology resources is a privilege granted to employees for the enhancement of job-related functions, violation of which may result in disciplinary actions.

PAPA does not attempt to articulate all possible violations of this policy. In general, users are expected to use PAPA computers and computer networks in a responsible, polite, and professional manner for work related applications. 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 or otherwise undermine the vision and mission of PAPA.
4. Knowingly send, receive, or display communications that disparage or berate PAPA, 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 PAPA computers for personal business.

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

**E. Social Networking Website Use and Cell Phone Use with Students:** State statutes and regulations and the PAPA Governing Council-adopted ethical and professional policies and standards require that professional educators and School employees establish strict, appropriate and professional boundaries in their conduct and communications with students. To that end, School employees shall not use Social Networking Websites or texting on cell phones as a means of communication with any School student for purposes unrelated to the school curriculum or school programs. School employees shall not use Social Networking Websites or personal cell phones to distribute or publish pictures, videos, or any other school curriculum-related material as an element of a classroom activity or assignment without prior written approval of the Executive Director. Social networking websites include, but are not limited to, Facebook, MySpace, YouTube or similar Internet-based websites.

**F. Dress Code and Personal Appearance:** Employees are expected to dress and groom in accordance with accepted social and business standards at any time he/she is representing PAPA. If the Executive Director decides that an employee’s attire and/or grooming are

inappropriate, the employee may be required to leave the workplace/activity until he/she is properly attired and/or groomed. Employees who violate dress code standards may be subject to disciplinary action up to and including termination or discharge.

**G. 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 PAPA's reputation and integrity. PAPA policy is to create a drug-free workplace in accordance with the Drug Free Workplace Act of 1988. The unlawful manufacture, distribution, 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.

**Prohibition and Standards.**

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

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 1978 §§30-31-1 et seq.

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 the Executive Director or her designee.

4. Conditions of employment. As a condition of employment, each employee will abide by the terms of this drug-free workplace policy. Every employee is required to notify the Executive 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.

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.

**H. Acceptance of Gifts:** Advance approval from the Executive Director is required before an employee may solicit a gift on behalf of PAPA. PAPA 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.

**I. Employment of Relatives:** If an employee and members of his/her family are employed by PAPA, one may not supervise the other nor work in the same department. If the employees are unable to develop a workable solution, the Executive Director will decide which employee may be transferred in such situations. Family members include the employee's spouse, child, 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 transferred.

No person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, or daughter-in-law of the Executive Director may be employed by PAPA unless approved by the Governing Council. The Governing Council may not hire a Executive Director who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, or daughter-in-law of any member of the Governing Council.

**J. Solicitations and Distributions:** Solicitation for any cause during working time and in working areas is not permitted. Employees are not permitted to distribute non-PAPA 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 PAPA are prohibited from soliciting or distributing literature on PAPA property without the approval of the Executive Director.

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

PAPA will provide employee information to outside agencies only upon written authorization of the employee or as provided by law. Only the Executive Director or his/her designee can make decisions about releasing confidential personnel information. Most banks, credit agencies, or other parties requiring employment information will provide an appropriate form. Employees must provide a written and signed authorization form to the school, before PAPA will release personal information. PAPA'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 Executive Director or Business Manager in writing. PAPA's response will be in writing. PAPA does not provide letters of recommendation.

PAPA 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 Executive Director or Business Manager. Under no circumstances will PAPA verify employment by telephone.

In addition, PAPA expects that employees respect the privacy of 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.

**L. Employee Privacy:** PAPA reserves the right to search any person entering on its property or offsite while performing services for PAPA 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.

**M. 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 some employees.

1. Violation of any PAPA policy, Educator Code of Ethics, State or Federal law, or NMPED mandates.
2. Negligence or any careless action which endangers the life or safety of another person..
3. Insubordination or refusing to obey instructions properly issued by your supervisor pertaining to your work; unreasonably refusing to help out on a special assignment.
4. 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 PAPA; unauthorized alteration of PAPA or student records or other documents.
5. Spreading malicious gossip and/or rumors; engaging in behavior which creates discord and lack of harmony; interfering with another employee on the job; restricting work output or encouraging others to do the same.
6. Unsatisfactory or careless work, failure to meet work productivity or work quality standards.
7. Arriving late or leaving work early (including during prep) without prior approval of administration..
8. Failure to report an absence.
9. Failure to immediately report damage to, or an accident involving, PAPA equipment.
10. 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.

11. Any other act or omission which impairs or restricts the ability of PAPA to provide a safe and healthy environment for employees and students.

**N. 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 supervisor may counsel you and work with you to help resolve the issues. You may initiate this counseling as well. Your supervisor may also use a progressive, corrective process. This progressive 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. Decisions about whether discipline is necessary and what type of discipline is to be imposed are at the sole discretion of the Executive Director.

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 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” 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” employee and the circumstances justify termination or discharge, the process outlined in this handbook will be followed.

**O. Grievance Procedures for on the Job Problems:** As an employee of PAPA and an important member of our team, we are concerned that your on the job problems are brought to the attention of PAPA. Many problems tend to arise out of misunderstanding or lack of complete information. If problems are kept hidden, they tend to fester and to grow out of proportion to their seriousness. If you feel that anything has occurred that is in any way unfair to you, or if you have any complaints, requests, or constructive criticism, the best way to eliminate the problem is to talk it over. If the problem involves harassment of any kind, please see the previous section. This grievance procedure policy does not apply for complaints about the following situations:

1. The contents of an evaluation or the discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his/her immediate supervisor;
2. Discharge or termination decisions (See below);
3. Situations in which the remedy for the alleged violation resides exclusively in some person, agency, or authority other than PAPA, its Executive Director or Governing Council;
4. A former employee cannot file a grievance after the effective date of separation from employment.

All problems should be taken to your immediate supervisor first for discussion. Your supervisor is always ready and willing to answer your questions about your work or your progress. If you

have ideas for doing things a better way or encounter a problem about practices discussed herein or if any problems arise in the course of your work, talk to your supervisor. In most instances, the problem can be immediately solved after this first step is taken.

If, after talking to your supervisor, you have not received a satisfactory explanation or decision, you should notify your supervisor that you wish to present the problem to the Executive Director. To do this, please write a note to the Executive Director stating

- (1) your name and department;
- (2) what the problem is;
- (3) when you discussed it with the supervisor;
- (4) what your supervisor's response was;
- (5) why you disagree; and
- (6) what you suggest as the proper response to the problem you raised.

The Executive Director or his/her designee will investigate and, to the extent necessary, will discuss the problem with you.

Option for a third step: If you feel you did not receive a satisfactory explanation or decision, you should notify the Executive Director that you wish to present the problem to a neutral third party. To do this, please write a note to the Executive Director stating

- (1) your name and department;
- (2) what the problem is;
- (3) when you discussed it with your supervisor and the Executive Director;
- (4) what his/her responses were;
- (5) why you disagree; and
- (6) what you suggest as the proper response to the problem you raised.

The person designated by the Executive Director will investigate and, to the extent necessary, will discuss the problem with you.

In all cases, if an immediate decision is possible, it will be given to you; if not, you will be informed of a time when an answer will be available.

We urge you to bring all problems or complaints into the open since only in this manner can any action be taken by PAPA. All complaints should be brought no later than ten (10) school days from the complaint of the incident. This is to ensure that a proper investigation and fair evaluation can take place.

## **VI. TERMINATION AND DISCHARGE**

### **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.

## **B. Termination/Discharge Policy for Employees with Less than Three (3) Consecutive Years of Service:**

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

a. Non-contract employees. Employees with three (3) years or fewer of consecutive service and who are not employed pursuant to a contract are considered at-will employees. A written notice of termination will be provided to the employee.

b. Contract employees. Contract employees with three (3) years or fewer of consecutive service; i.e., who have not been reemployed under a third consecutive contract, may be terminated by non-renewal of their contracts without cause.

2. Protest Procedure for Employees with Fewer than Three (3) Consecutive Years of Service. For an employee of fewer than three (3) consecutive years who was terminated or whose contract was not renewed, there is no protest procedure because such an employee may be terminated or not renewed without just cause. However, an employee of fewer than three (3) years may request a written explanation from the Executive Director that details the rationale for his/her termination or non-renewal. Requests for an explanation will be made in writing and delivered to the Executive Director no later than five (5) working days after receipt of the notice of termination or notice of non-renewal. Reasons for the determination will be provided to the employee within ten (10) days of receiving his/her request. The decision of the Executive Director to terminate is final and not subject to appeal.

## **C. Termination/Discharge Policy for Employees with Three (3) Years or More Years of Consecutive Service.**

1. Non-Contract and Contract: No employee who has been employed by PAPA for three (3) years or more of consecutive service may be discharged except for just cause as described in the employment contract.

2. Protest Procedure. PAPA provides the following procedures for challenges to termination or discharge decisions for employees with three (3) or more years of consecutive service:

a. Request for Statement of Rationale. An employee who has been employed by PAPA 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 Executive Director will provide a written statement of the rationale within five (5) working days from the date she receives the request.

b. Hearing Before the Governing Council. If after receiving the Executive Director's written reasons for termination, the employee contends that the reasons do not

constitute just cause, the employee will be granted permission to address his/her objections to termination to the Governing Council by following these steps:

i. The employee must submit a written request for a hearing before the Governing Council within ten (10) days after receiving the written rationale for termination from the Executive Director. The request for hearing must include a statement explaining 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.

ii. The Governing Council will meet to hear the employee present the statement in no less than five (5) and no more than fifteen (15) working days after receipt of the employee's written statement of contentions.

iii. At the hearing, both the employee and the Governing Council may have representation of their choice, but at their own expense. Both parties will notify the other no later than 10 calendar days prior to the scheduled hearing date whether either will have an attorney present. Failure to notify the other of having an attorney representative will be good cause to postpone the hearing.

iv. Rules for Hearing:

(A) The hearing will be conducted in accordance with the provisions of the Open Meetings Act; i.e. the employee may request that the hearing be held in a public session. The PAPA Governing Council, however, reserves the right to deny an open meeting if the grounds for termination are based on issues that will include identifiable student information and the employee has not secured a full release from the named student's legal guardian at least three days prior to the proceedings. The employee must provide the original release to the school.

(B) A designee of the Governing Council 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 Governing Council.

(C) 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 Executive Director.

(D) The Executive Director may offer such rebuttal testimony that he/she deems appropriate.

(E) Each party may question all witnesses.

(F) Only evidence presented at the hearing will be considered and the Governing Council is only required to consider that testimony it considers reliable.

(G) No record will be kept of the hearing.

(H) The Governing Council will notify the employee and the Executive Director of its decision in writing within five (5) working days from the conclusion of the meeting.

[Reference, NMSA 1978 §22-10A-24.]

**D. Appeals from Determinations by Governing Council: Arbitration.** Either the terminated employee or other representatives of PAPA may appeal the decision of the Council. 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:

1. **Timely Request.** The employee must submit a request for appeal in writing that states his/her reasons for the appeal to the President of the Governing Council within five (5) working days from the receipt of the Governing Council'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.

2. **Selection of Arbitrator.** The Governing Council 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 make a choice, they will ask the presiding judge of the Second 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.

3. **Scope of Arbitration.** 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 termination.

4. **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.

5. **Rules of Arbitration:**

a. PAPA and the employee may have representation of their choosing, but at their own expense; both parties will notify the other no later than 10 calendar days prior to the scheduled hearing date whether either will have an attorney present. Failure

to notify the other of having an attorney representative will be good cause to postpone the hearing.

b. Discovery will be limited to depositions and requests for production of documents on a time schedule to be determined by the arbitrator;

c. The arbitrator has the power to issue subpoenas for witnesses and documents and to administer oaths;

d. 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;

e. 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;

f. The Governing Council will have the burden to show by a preponderance of evidence that the employee was terminated for reasons that constitute just cause.

g. If the Governing Council cannot show just cause, or the employee sufficiently rebuts the Governing Council's reasons, then the arbitrator will reverse the decision to terminate and order reinstatement of the employee;

h. Either the employee or PAPA may record the proceeding at their own expense, but it will not constitute an official record for purposes of further appeal.

i. Departures from these procedures are considered harmless unless the party can demonstrate prejudice.

6. 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.

7. 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.

8. Binding Decision. Decisions by the arbitrator are final and binding on both PAPA 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.

9. Costs/Fees. The employee and PAPA 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.



**E. Report to PED:** PAPA will report to the Albuquerque Public Schools all terminations and all actions arising from terminations annually. APS is required to report the terminations to the NMPED. [Reference NMSA 1978 §22-10A-25 (2003)]

**F. Termination/Discharge Policy for Other Personnel Exempt From Protest Procedures:** In addition to employees who have fewer than three (3) consecutive years of employment, the rights to due process protests upon termination do not apply to the following PAPA personnel:

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

**G. Termination/Discharge Policy for Contract Employees Discharged Prior to 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:

1. Notification and Immediate Removal.
  - a. Notice of discharge. The Executive 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 Governing Council that the employee be discharged. Service otherwise consistent with the rule 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 Executive Director's recommendation that the employee be discharged along with a written description of the employee's right to a hearing before the Governing Council.
  - c. Immediate Removal. In the event that the Executive 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 recommended discharge. The hearing will take place prior to discharge unless the employee presents a risk of harm to self, students, employees or the continued operations of PAPA.
2. Protest Procedure/Hearing. A contract employee who receives a notice of intent to recommend discharge may request a hearing before the Governing Council by giving the Executive Director a written notice of his/her decision to request a hearing within five (5) working days of receipt of the notice to recommend discharge.
  - a. Date of hearing. If the employee timely notifies the Executive Director that he/she is requesting a hearing on the recommendation for discharge, a hearing will be scheduled by for no less than twenty (20) and no more than forty (40) working days after the Executive Director receives the written election from the

employee. The employee will have at least ten (10) working days prior notice of the hearing date.

b. Hearing Procedures.

i. PAPA and the employee may have representation of their choosing and at their own expense. Both parties will notify the other no later than 10 calendar days prior to the scheduled hearing date whether either will have an attorney present. Failure to notify the other of having an attorney representative will be good cause to postpone the hearing

ii. Discovery will be limited to depositions and requests for production of documents, which will be completed prior to the hearing.

iii. The Governing Council 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. PAPA 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. PAPA 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 PAPA.

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.

3. Appeal from Decision on Discharge: Arbitration. Either the discharged contract employee or a representative(s) of PAPA may appeal the decision of the Governing Council. The matter will be appealed to an independent arbitrator who will hear all evidence as if presented for the first time.

a. Request Appeal/Arbitration. To request an appeal the employee must state his reasons for the appeal in writing ("request for appeal") and submit it to the President of the Governing Council within five (5) working days from the receipt of the Governing Council's written decision. The appeal must contain a statement of the particular reasons the employee believes the Governing Council's decision was incorrect and include a statement of facts supporting his/her decision.

b. Timely Appeal. Failure to submit a timely appeal will bar the employee's right to object to the decision of the Governing Council and will render the Governing Council's decision final.

c. Selection of Arbitrator. The Governing Council 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 Second 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.

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.

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.

f. Arbitration Rules:

i. PAPA and the employee may have representation of their choosing, but at their own expense. Both parties will notify the other no later than 10 calendar days prior to the scheduled hearing date whether either will have an attorney present. Failure to notify the other of having an attorney representative will be good cause to postpone the hearing;

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 Governing Council 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 Governing Council cannot show just cause, or the employee sufficiently rebuts the Governing Council's reasons, then the arbitrator will find in favor of the employee;

viii. Either the employee or PAPA 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 PAPA 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 PAPA 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 of a final decision, provided by the Governing Council, if not appealed, or by the arbitrator. 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.

**H. Phasing Out and Elimination of Positions/Reduction-in-Force:** 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 PAPA Reduction in Force Policy to guide such phase-out or reduction in force. A reduction in force carried out pursuant to PAPA's policy is just cause for termination or discharge.

**I. Administrative Leave Pending Possible Disciplinary Action:** If you are suspected of violating PAPA's policies, procedures, or work rules, you may be placed on administrative leave with pay pending an investigation of the situation.

**J. Resignation:** Non-exempt employees should give a minimum of two weeks written notice of resignation to the Executive Director. PAPA will consider you to have voluntarily terminated your employment if you do any of the following:

1. Resign from PAPA,
2. Fail to return from an approved leave of absence on the date specified by PAPA, or
3. Fail to report to work or call in for two (2) or more consecutive work days

All contract employees are required to provide written notice of their intent to terminate employment with PAPA to the Executive Director at least thirty (30) calendar days in advance. Failure to provide adequate notice may result in a complaint to the PED Licensing Bureau.

**K. 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 retirement policies.

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

**M. Safety:** PAPA 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. PAPA 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 Executive Director for assistance. Any suspected unsafe conditions and all injuries that occur on the job must be reported 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 trash can. 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, workplaces 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 and make sure they are kept clear at all times. Notify your supervisor if an extinguisher is used or if the seal is broken. 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 exits should be posted. Be familiar with fire drill procedures and plans for evacuating students.

### **REPORTING SAFETY ISSUES:**

All accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues must be reported immediately to the Executive Director or his/her designee. 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 in a timely manner, you may jeopardize your right to collect workers' compensation benefits.

**N. Weapons:** PAPA prohibits all persons who enter PAPA 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 PAPA to carry a weapon on the property. Any employee violating this policy will be subject to disciplinary action

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

**O. Violence in the Workplace Policy:** PAPA 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 PAPA or which occur on PAPA 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 Executive Director.

Acts or threats of violence include conduct which is sufficiently severe, offensive, or intimidating to alter the employment conditions at PAPA, 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:

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

**P. Security:** Maintaining the security of PAPA buildings and vehicles is every employee's responsibility. Develop habits that ensure security as a matter of course. For example:- When you leave PAPA premises make sure that all entrances are properly locked and secured.

**Q. Parking Areas:** You are encouraged to 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 supervisor. PAPA is not responsible for any loss, theft or damage to your private vehicle or any personal property.

**R. Conflict of Interest:** No person shall sell or use student, faculty or staff lists with personal identifying information obtained from a public school or a local school district for the purpose of marketing goods or services directly to students, faculty or staff or their families by means of telephone or mail. The provisions of this section shall not apply until the students, parent(s) have consented in writing or it is for a legitimate educational purpose as determined by PED regulations.

1. Employees of the school shall not directly or indirectly, sell or be a party to any transaction to sell or receive any commission or profit from any contract for sale on any instructional materials, furniture, equipment, insurance, or school supplies to PAPA. This provision shall not apply in cases in which school employee contracts to perform special services with the school with which they are associated or employed during time periods wherein service is not required under a contract for instruction, administration or other employment.
2. 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.
3. Violation of these conflict of interest provisions may constitute a fourth degree felony. In addition, the PED may suspend or revoke the licensure of a licensed school employee for acting in a manner that constitutes a conflict of interest.

## **VII. BENEFITS**

PAPA 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 coverages.

If you are a full-time employee, or a part-time employee who works twenty-one and one quarter (21.25) hours or more per week, you will be eligible to receive all of the benefits described in this Employee Handbook. For part-time employees, benefits are prorated. Coverages are available to you and your dependents as defined in the benefit summary plan descriptions. Please see the Business Manager for details.

**A. Group Insurance:** A comprehensive, quality insurance program is available to employees and their families. You become eligible for coverage on the first day of the month following your date of hire.

The following benefits are provided, as defined and limited in the literature provided by our insurance company:

- Medical Care Coverage
- Dental Care Coverage
- Vision Care Coverage
- Retirement Savings

Upon enrolling, you will obtain summary plan descriptions describing your benefits in detail. Should you select coverage, you will pay a percentage of coverage yourself and your dependent(s) coverage based on the coverage you select. PAPA will pay a portion of the insurance premium. According to the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, in the event of your termination of employment with PAPA or loss of eligibility to remain covered under our group health insurance program, you and your eligible dependents may have the right to continued coverage under our health insurance program for a limited period of time at your own expense.

Charter Schools shall comply with all state laws and regulations pertaining to employee health and basic life insurance coverage. The requirements of the New Mexico Public Schools Insurance Authority (NMPSIA) Employee Benefits Group Plan shall apply at all times to Charter Schools in the administration of benefits. The Charter School is required to provide newly hired employees with the appropriate applications, information and instructions relating to the enrollment process.

Employees may participate in the 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.) All employees who work a minimum of twenty (20) hours or more per week shall be entitled to participate in Medical, Dental, and Vision coverage.
- 2.) Charter School shall enroll and pay premiums at the rate of 100% for Basic Life insurance coverage for any employee who works a minimum of fifteen (15) hours per week, regardless if the employee participates or is eligible to participate in any other line of NMPSIA coverage.



3.) Members of the Governing Council are not eligible to participate in medical, dental, vision, and life insurance coverage.

- A. 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.
- B. 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.
- C. 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.
- D. The Charter School 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 who are also losing coverage upon becoming ineligible shall also be informed of their COBRA rights.
  - a. The Charter School shall provide the following Basic Life/Accidental Death and Dismemberment coverage to all employees: \$50,000 Life/AD&D.
  - b. Charter School employees have the option to select Voluntary Life through Prudential for themselves, spouse or children, which is a 100% employee deduction.
  - c. PAPA shall provide employees, on a matching basis, long-term disability coverage. The waiting period for coverage shall be sixty (60) days.

**B. 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*. PAPA 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 PAPA and employee contributions, vesting, administration, and investments are provided in the Summary Plan Description, made available through the Education Retirement Board.

**C. Social Security:** In accordance with the applicable federal law, all employees are required to participate in and contribute to Social Security. PAPA 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.

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

**E. Unemployment Compensation:** PAPA 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 PAPA Executive Director or Business Manager.

**F. Leave Benefits:** As a part of the Benefits package provided to PAPA 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 the Executive Director 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

**1. Sick Leave:** Employees are entitled to the number of sick leave days stated in their contract. Unless otherwise provided for or as approved by the Executive Director, sick leave is to be used by employees in accordance with the following provisions:

Sick Leave is to be used only in the event of illness of the employee, or of the employee's immediate family, and for no other purpose. Misuse of sick leave is cause for disciplinary reasons, 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 Executive Director.

Notice of absence from work due to illness should be provided to the Executive Director or his or her designee by 6:30am on the day of illness or 10:00pm the night before, if possible, or as soon thereafter as is reasonable.

When possible, such as in the event of foreseeable extended illnesses and planned medical procedures, advance notice of the use of Sick Leave should be given to the Executive Director or his or her designee

An employee will not be paid for unused sick leave days upon severance of his/her employment from PAPA, however, unused sick leave may be carried over into succeeding school years up to a maximum of 200 hours. Accumulated unused sick leave may be used for personal or family illnesses as described in the Family Medical Leave provisions below. **If an employee resigns but returns to PAPA within one (1) year, Sick leave will be restored. If the employee returns after one (1) year, sick leave will not be restored.**

If an employee misses three (3) consecutive work days, during an inservice day or before/after a holiday due to illness, the Executive Director may request that you submit a release to return to work notice from your physician or licensed health practitioner. The Executive Director may, at any time, request that an employee bring a doctor's note verifying that your leave was necessitated by illness.

**2. Personal Leave** Personal Leave days are specified per the conditions of the employee contract for personal matters that require absence during working hours. Requests for personal leave should be made at least five (5) school days in advance and the Executive Director has the discretion to deny personal leave as she/he deems it appropriate. A request must be in writing and approved prior to taking the leave. Personal leave not taken shall be lost with no compensation upon severance of employment with PAPA.

**3. Professional Leave** Professional leave is granted at the discretion of the Executive Director. Professional leave may be assigned by the Executive Director. Requests for professional leave must be presented in writing and approved by the Executive Director prior to taking the leave.

**4. Family and Medical Leave Policy** (applicable only if PAPA has 50 or more employees)

a. Leave. In accordance with the Family and Medical Leave Act of 1993, PAPA has established a policy that will allow up to twelve weeks of unpaid leave in a twelve-month period:

- for an employee's own serious health condition that makes the employee unable to perform the functions of the employee's job;
- for a serious health condition of an employee's child, spouse, or parent where the employee is needed to care for that family member;
- upon the birth of a child to care for the child; or
- because of the placement of a child with an employee for adoption or foster care.

Any one of these reasons is referred to as an "employee's serious health condition" in this policy.

b. Eligibility. In order to be eligible for family and medical leave an employee must have worked for PAPA:

- for at least twelve months; and
- at least 1,250 hours during the year preceding the start of the leave.

c. Return to Work. Unless otherwise permitted by law, at the end of the approved family and medical leave, the employee will be offered restoration to the same position he/she held when leave commenced or to an equivalent position. PAPA may choose to exempt certain highly compensated employees from this requirement and not return them to the same or an equivalent position.

An employee whose family and medical leave exceeds twelve weeks within a twelve-month period will not be guaranteed a job upon return from the leave, unless otherwise required by law. An employee who fails to return to work at the end of an approved medical leave will be considered as having voluntarily terminated.

PAPA requires that upon returning from leave due to an employee's serious health condition, the employee must provide certification from his/her health care provider or

that of his/her family member. If the employee is ill when the employee is able to resume work his/her health provider must provide certification that the employee is fit for duty with regard to the serious health condition that caused the employee's need for family and medical leave.

d. Request for Leave. Employees must provide thirty days' prior notice if the leave is foreseeable. If an employee is unable to provide such notice, notice must be provided as soon as practicable.

An employee undergoing planned medical treatment will be required to make a reasonable effort to schedule the treatment to minimize disruptions to PAPA's operation.

Family and medical leave request forms are available from the Business Manager and completed and returned to the Business Manager for approval by the Executive Director.

e. Certification. An employee requesting a family and medical leave for a serious health condition must provide the PAPA with certification from a health care provider.

The Business Manager has certification forms for the health provider to complete. The forms must be fully completed.

The employee should furnish the required certification when requesting leave or soon after the leave is requested, but not more than fifteen calendar days from the start of the requested leave, unless it is not practical under the particular circumstances. During the leave, PAPA may also require that the employee obtain recertification of the medical condition supporting the leave.

PAPA has the right to require an employee to obtain an opinion by a health care provider designated and paid for by PAPA either before or during the leave. If there is a disagreement, a third health care provider will settle the dispute.

f. Disability/Workers' Compensation Benefits. Employees on a family and medical leave due to their own serious health condition may be eligible for payments from other sources such as workers' compensation, state disability, or disability insurance, if any. Employees should ask the Business Manager if they think they are eligible for these benefits.

g. Substitution of Paid Leave. Employees taking family and medical leave must use all of their available accrued and unused paid sick and personal days and vacation (if full-time, year-round employee) 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.

h. Benefit Continuation. PAPA will continue to maintain group health insurance coverage for the employee and, where applicable, for his/her dependents during the family and medical leave, up to a maximum of twelve weeks in a twelve-month period. Employees must, however, 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, by result in termination of those employee benefits.

If an employee fails to return to work at the end of the family and medical leave, PAPA may require the employee to reimburse it for the amount PAPA paid for the employee's health insurance premiums during the leave.

**5. Bereavement (Funeral) Leave:** may be granted, upon request, to all employees for a death in the immediate family of the employee. Up to three (3) working days of leave with pay (not charged to other leave time) shall be granted to regular, full-time employees upon request. The purpose of this leave is to make arrangements for and attend funeral services of the employee's spouse, child, parent, parent-in-law, grandparent, granddaughter, grandson, daughter-in-law, son-in-law, domestic partner, brother, sister, daughter or son of the employee's spouse or domestic partner, and any relative living in the household of the employee. Funeral leave pay will only be made to employees for actual time spent away from work for the funeral or its arrangements. For example, if the death occurs at a time when work is not scheduled, payment will not be made. Requests for extended bereavement may be considered by the Executive Director.

**6. Leave for Jury Duty and Court Subpoena Leave:** is available to employees as follows:

1. Full-time and part-time employees will receive their normal pay for days that they are required to report to jury duty. Employees must immediately report a call to jury duty or subpoena to their supervisor.

2. If an employee is excused from jury duty or the subpoena assignment prior for any full day, they must report to work on that day.

3. In order to receive compensation for jury duty leave, the employee must remit all fees paid by the courts to PAPA.

**7. Religious Leave:** may be granted, upon request, to all employees for observance of recognized religious events. Personal leave may be used or leave without pay will be granted. This leave may be granted for up to two (2) days per year.

**8. 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:

a. You show your orders to the Executive Director as soon as you receive them.

b. You satisfactorily complete active duty service of five years or less.

c. You enter the military service directly from your employment with PAPA.

d. You apply for and are available for re-employment within ninety (90) days after discharge from active duty. If you are returning from up to six (6) months of active duty for training, you must apply within thirty (30) days after discharge.

**9. Military Reserves or National Guard Leave of Absence:** Employees who serve in 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 vacation time to the leave if they wish, however, they are not obliged to do so. ***You are expected to notify your 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.***

**10. Voting Leave:** will be granted to employees who are eligible voters and whose work day begins less than two hours after the polls open and ends less than three hours before the polls close. If you qualify you will be granted 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. Employees utilizing this benefit must vote in the election for which they are granted leave. The Executive Director will schedule voting leave to ensure department work is covered

## Student Health & Wellness Guidance

This chart is designed to guide staff on how to welcome a student back from extenuating circumstances.

### **Extended Absence: when a student is absent 3 or more consecutive days**

- a. Teachers, after 3 days AU, contact Annette and ask her to contact parent for information.
- b. In the event that a parent contacts the school:
  - i. **Medical Issue-** Attendance clerk (Ms. Griego) will notify teachers via email with any information about the absence that protects privacy and confidentiality. If a student is a special education student, Ms. Griego will copy Mr. Power and Mr. Power will notify the case-manager. Ms. Griego will collect information related to any special care needs or temporary accommodations for the student's recovery from the parent. She will also request information from teachers by email regarding the plan for make-up work. Ms. Griego will complete the return to school check-list, provide copies to teachers, the student, and the parent and schedule a one week follow-up meeting with an administrator for the student.
    1. **Teacher Role: Provide Ms. Griego with the info requested in the email, initiate classroom welcome back procedures when the student returns (follow the return to school check-list).**
      - a. **Middle School Student- provide assignments to the student or exempt based on the student's circumstances.**

- b. High School Student- send a list of prioritized assignments, exempt non-essential work, minimum required to understand where the class is.
- ii. **Mental Health Issue-** Annette will notify Ms. Padilla. Ms. Padilla will call the parent, schedule re-entry, email teachers, loop in Mr. Heard for possible 504 plan, excuse attendance in PowerSchool, and schedule check-in. If student is a special education student, Ms. Padilla will copy Mr. Power and Mr. Power will notify case-manager. Ms. Padilla will complete the return to school check-list, provide copies to teachers, student, and parent and schedule one week follow-up with the student.
  - 1. Teacher Role: Provide Ms. Padilla with info requested in email, initiate classroom welcome back procedures when student returns (follow the return to school check-list).
    - a. Middle School Student- provide assignments to the student or exempt based on student's circumstances.
    - b. High School Student- send a list of prioritized assignments, exempt non-essential work, minimum required to understand where the class is.

## **Extended Absence: Behavior Intervention**

### **1. Out of School Suspension**

- a. Administration or designee will notify teachers in an email. Administration communicates with families the expectation of work and reflection while they are off campus. We tell families and students that they are to work on assignments from home on google classroom, and to call the front office if there is any trouble getting assignment access. We check out a chromebook if they don't have one and will give a hot spot if they don't have internet access. Students are assigned a reflection essay or assignment based on their infraction. During re-entry students meet with parents and administration to discuss lessons learned, changes in behaviors, follow-up targeted or intensive interventions, and what additional support the student may need in relation to working with their peers, avoiding gossip, etc. SAT Coordinator may initiate data tracking to begin a Functional Behavioral Assessment for the student.
- b. Teacher responsibility: Post work in google classroom, or provide material for pick up while they are out of school or provide learning opportunity and access upon their return. If teachers do not provide access to work while they are gone and will not provide access with their return, the work must be excluded from the gradebook.
  - i. welcome student back to class, be available for a check-in, before or after class is a great opportunity to welcome the student back, find

out if they have any concerns or needs that you can help with as they're-integrate to your class.

- ii. Ms. Padilla may follow up with teachers for a scatterplot to begin the process of conducting a functional behavioral assessment.

**Absence/Tardies:** 3 or more tardies or absences to your class?

1. 3 or more? Teacher responsibility: Conference with student, problem solve obstacles, create shared agreements, notify the parent and document, ask if parents have access to PowerSchool. Ms. Lucero can help parents with PowerSchool.
2. If the student is absent after the above teacher intervention is done and documented- refer to the administration and provide your documentation. If a student has an IEP, refer to Mr. Power, all others to Ms. Molina and Ms. Griego.

**Student re-Entry Plan:**

[https://docs.google.com/document/d/1iHx\\_U6px9HIUnhIARzfvkxOlghUC0CM32DSKvyYLP-0/edit?usp=sharing](https://docs.google.com/document/d/1iHx_U6px9HIUnhIARzfvkxOlghUC0CM32DSKvyYLP-0/edit?usp=sharing)

**Behavior Intervention Behavior Interventions**

<b>Classroom Managed behavior:</b> The following guidelines are in place to provide staff with direction in classroom management expectations PRIOR TO administrative intervention.	<b>Universal Interventions (Layer One)</b>	<b>Targeted Interventions (Layer Two)</b> <small>Interventions in red are required; others are examples of targeted classroom interventions to correct and teach expected behaviors.</small>			<b>Intensive Interventions (Layer Three)</b> <small>A referral to the office, for these offenses, is to be made only after the classroom teacher has exhausted all avenues available to them, including documented parental contact and input.</small>
Behaviors which only impact the student: <ul style="list-style-type: none"> <li>● Unprepared</li> <li>● Out of seat</li> <li>● Unapproved use of phone</li> <li>● Not following directions</li> <li>● Tardiness</li> <li>● Inappropriate use or destruction of materials</li> <li>● Off-task</li> <li>● Lack of supplies</li> </ul>	Schoolwide positive behavioral expectations taught and posted school-wide.  Explicit monthly SEL instruction.  Staff training annually on trauma-informed and culturally responsive	<b>1<sup>st</sup> Occurrence</b>  Eye contact/proximity  Student reset/refocus in classroom  Verbal redirect to expected behavior	<b>2<sup>nd</sup> Occurrence</b>  Restorative conversation (teacher and student)  Loss of privileges  Verbal warning  <b>Email/phone call to parent</b>	<b>3<sup>rd</sup> Occurrence</b>  Loss of lunch (teacher supervised with re-teaching of expectations)  <b>Email/phone call to parent</b>  Reset/refocus in	Individualized Behavioral Intervention Plan  Referral to administration/office referral.  <b>Email/phone call to parent</b>  Restorative conference (teacher, parent, admin, student)



<ul style="list-style-type: none"> <li>• Out of class for longer than approved</li> <li>• Work refusal</li> </ul> <p>Behaviors which impact the learning of others or the learning environment:</p> <ul style="list-style-type: none"> <li>• Talking back to teacher</li> <li>• Visiting/talking during instruction</li> <li>• Touching others</li> <li>• Touching others belongings</li> <li>• Invading/violating other's space</li> <li>• Noise-making</li> <li>• Yelling</li> <li>• Inappropriate language</li> <li>• Plagiarism/cheating</li> <li>• Name-calling</li> <li>• Running</li> <li>• Cell phone violations</li> <li>• Inappropriate use of tech (not involving threats, intimidation or pornography)</li> </ul>	<p>practices and positive behavioral supports.</p> <p>Daily attendance by all teachers</p> <p>Classroom shared agreements and norms which are co-created and posted in the classroom.</p> <p>Frequent active and experiential recognition of students when they are performing the expected behaviors.</p> <p>Connection circles, class community meetings or classroom conversations to reinforce connections and positive learning environment.</p>			<p>alternative setting (office or counselor)</p> <p>Behavioral agreements between home and teacher.</p> <p>SAT referral for Functional Behavioral Assessment</p>	
<p><b>Office Managed Behaviors:</b> The following guidelines are in place to provide direction regarding those types of violations that lead to immediate referral and administrative intervention. Upon referral, the teacher may be asked for follow-up information/documentation, within the school day or next school day.</p>		1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence	3 <sup>rd</sup> Occurrence	
Level I		Parent/Admin/	Parent/Admin	Parent conference	

<p>Repeated classroom infractions which result in office referral</p>		<p>Teacher restorative Conference</p> <p>In school reflection period-3 day ISS or lunch detention from the class where the infraction occurred, supervised by office</p> <p>Student reflection paper</p> <p>SAT referral/FBA</p>	<p>restorative Conference</p> <p>1 day suspension</p> <p>Student reflection paper</p> <p>Weekly review of performance and problem-solving support with admin or counselor.</p> <p>SAT Referral</p>	<p>3 day suspension</p> <p>Loss of privileges</p> <p>Close monitoring which may include but is not limited to supervised lunch, escort, and restricted access to common areas or digital devices.</p>
<p>Ditching</p>		<p>2 day ISS parent contact</p> <p>Attendance conversation restorative conversations</p> <p>1 day School Community Service</p> <p>Credit for missed work is at the discretion of the teacher.</p> <p>3 days ISS parent contact</p> <p>2 days School Community Service</p> <p>Loss of passing period and/escort</p> <p>5 days ISS parent contact</p> <p>3 Days School community service</p> <p>Loss of privileges, school extra-curricular activities</p>		
<p><b>Level II</b> Intentionally harmful behaviors: Require immediate referral to Administration.</p>		<p>1st Occurrence</p>	<p>2nd Occurrence</p>	<p>3rd Occurrence</p>

Stealing		Restorative conference with parent/guardian  1 Day OSS  Restitution  School-based community service  SAT Referral/FBA	Restorative conference with parent/guardian  3 Days OSS  Restitution  School-based community service	Restorative conference with parent/guardian  5 Days OSS  Close monitoring which may include but is not limited to supervised lunch, escort, and restricted access to common areas or digital devices.  Behavior contract
Property destruction		Restorative conference with parent/guardian  1 (minor)-3 (major) days of in-school suspension  Restitution  School-based community service	Restorative conference with parent/guardian  1 Day OSS  Restitution  School-based community service	Restorative conference with parent/guardian  3 Days OSS  Restitution  Close monitoring which may include but is not limited to supervised lunch, escort, and restricted access to common areas or digital devices.  Behavior Contract
Reckless endangerment of self or others		1 day ISS  parent conference	3 day OSS  parent conference  Participation in specialized classes, completion of learning modules related to behaviors	5 Day OSS  parent conference  Close monitoring which may include but is not limited to supervised lunch, escort, and restricted access to common areas or digital devices.

				Behavior Contract
Bullying, Harassment, Intimidation		1 day OSS Parent conference No contact, stay-away, or behavioral contracts.	3 days OSS Parent Conference Mandatory participation in Health and Community Safety education either school or community provided (with verification) Loss of privileges Participation in specialized classes, completion of learning modules related to behaviors	5 days OSS Parent Conference Mandatory participation in Health and Community Safety education either school or community provided (with verification) Close monitoring which may include but is not limited to supervised lunch, escort, and restricted access to common areas or digital devices. Behavior Contract
Sexual Harassment				
Tampering with security		1 days OSS Parent Conference	3 days OSS Parent Conference	5 days OSS Parent Conference Behavioral Contract
Verbal abuse of a staff member		1 day OSS Parent Conference	3 days OSS Parent Conference Loss of Privileges	5 days OSS Parent Conference Behavior Contract
Inappropriate use of tech involving threats, intimidation, pornography)		3 days OSS Parent Conference	5 days OSS Parent Conference Participation in specialized classes, completion of learning modules related to behaviors	5 days OSS Parent Conference Participation in specialized classes, completion of learning modules related to behaviors Behavior contract

Breach of Behavioral Contract (4th+ occurrence of behavior)		Parent Conference  9 day OSS	Parent conference  Manifestation hearing(students with IEP or BIP)  Recommend expulsion	
<b>Office Managed Behaviors:</b> Level III: Illegal Behaviors		1 <sup>st</sup> Occurrence	2 <sup>nd</sup> Occurrence Decisions to suspend a student long-term or recommend expulsion require documented referral and review to Health and Wellness Team (HAWT) or Manifestation Determination meeting for students with disabilities and those with BIP's.	
Drugs (possession, use, distribution)		Parent conference  5 days out of school suspension  Police report  Mandatory participation in Health and Community Safety education either school or community provided (with verification)	Parent conference  Police report  Manifestation hearing (students with IEP or BIP) or HAWT referral  Recommend Expulsion	
Assault and battery of a staff member		9 days out of school suspension  Parent conference  Police report  Manifestation hearing (students with IEP or BIP) or HAWT referral  Recommend expulsion		

Possession or use of deadly weapon or firearm		<p>9 days out of school suspension</p> <p>Parent conference</p> <p>Police report</p> <p>Manifestation hearing (students with IEP or BIP) or HAWT referral</p> <p>Recommend expulsion</p>		
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## Overnight Trip/Lock-in Medication Management

### Procedures:

- 1) At least 2 weeks prior to the overnight stay(s) send out permission slips with the overnight medication form attached.
- 2) Assign a staff member to give out the medication (provide training if necessary)
- 3) Collect all the medication sheets at least 3 days prior to travel. *(if a student's meds change prior to the trip they must provide a new sheet for the medication notebook on the dropoff with the medication.)* All students must have this.
- 4) Organize the medication notebook in alphabetical order by last name.
- 5) Pick up the med box prior to the trip.
- 6) Make sure all medications are dropped off with the student (by the parent or driver unless student self-drives) \*If a plane trip just have the medication manager check to make sure the student has their meds prior to travel, then collect upon arrival at the hotel/hostel. Medication should be in the prescription bottle with only the medication needed for the trip.
- 7) Anyone without meds or proper documentation to take their meds needs to be picked up, or will not be allowed to travel with the group.
- 8) No students should have over the counter meds unless they are listed separately on their med sheet. The typical over the counter meds for emergency use will be in the med box,
- 9) The medication manager will provide meds and document on the back of the medication form the date/time given. (including emergency meds such as tylenol, etc)
- 10) At the end of the overnight stay, parent or driver will pick up the medication bottles from the medication manager. Medications not picked up will be brought back to school and stored in the medication storage in the health office.

## Overnight Stay Medication Permission Form

Legal Student Name \_\_\_\_\_ Date \_\_\_\_\_

Preferred Name (if applicable) \_\_\_\_\_

Name of Parent/Guardian: \_\_\_\_\_

Phone: Home: \_\_\_\_\_ Cell: \_\_\_\_\_ Work: \_\_\_\_\_

Emergency Contact Name: \_\_\_\_\_ Phone \_\_\_\_\_

Allergies: Food \_\_\_\_\_ Medication \_\_\_\_\_ Other \_\_\_\_\_

Has EpiPen \_\_\_\_ Yes \_\_\_\_ No

Medical/Health Concerns: Asthma: \_\_\_\_\_ Diabetes: \_\_\_\_\_ Seizures:

\_\_\_\_\_

Other: \_\_\_\_\_ (please explain) \_\_\_\_\_

No Medical/Health Concerns: \_\_\_\_\_ :

I give my permission for the following emergency non-prescription medication to be given:

Initial yes or no for each medication.

Tylenol	Yes	No
Ibuprofen	Yes	No
Tums	Yes	No
Pepto-Bismol	Yes	No
Benadryl	Yes	No

All parties recognize that medication will be provided by the parent/guardian for administration to a student during an overnight field trip only when it is medically necessary.

- **Any prescription or nonprescription medication to be provided to the student on a field trip must: Be in the original container. Have the correct information on the**

**pharmacy label. All medication bottles should be placed in a zip-lock bag with the student's legal and preferred name (if applicable) written on the bag.**

- The parent (or person driving the student ) will provide the school the designated school employee with the original labeled prescription bottle with the appropriate amount of medication in it. Bottles containing medication that exceeds the number of the days of the trip will not be accepted. Medications in baggies or in unlabeled or incorrect bottles will not be accepted. The medication must match the bottle it is in. (If it is a plane trip the medication will be carried on the plane by the student but must be shown to the designated school employee prior to going through security) **Students will not be allowed to travel or stay at the overnight location without the correct medication.**
- Inhalers and emergency medications may be carried by students who have an Authorization for Self-Carry Administration of Medication form on file in the school health office.

As the Parent/Guardian of the above-named child, I give permission for him/her to be given the medication as prescribed below by designated staff member.

Parent Signature\_\_\_\_\_

Name of Medication	Amount to be given	Time given/ frequency	# in bottle	Instructions for administration





**Public Academy for Performing Arts  
Receipt of Employee Handbook**

I, \_\_\_\_\_, have received the 2024-25 Public Academy for Performing Arts Employee Handbook on \_\_\_\_\_.

My signature on this form acknowledges that I have received and agree to read the Public Academy for Performing Arts Employee Handbook.

I understand that the policies contained within the Employee Handbook represent fundamental and mandatory policies of the Public Academy for Performing Arts, and I agree to comply fully with the standards contained in this handbook. I understand that compliance with these standards, policies and procedures is a condition of my continued employment. The Public Academy for Performing Arts reserves the right to occasionally amend, modify and update the Employee Handbook.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date