



Horizon Academy West

SECTION C: EMPLOYEE POLICIES

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C.1 EQUAL EMPLOYMENT

Employment at HAW shall be governed by applicable state and federal laws, including without limitation the New Mexico School Personnel Act, and the policies and procedures adopted by the Council. HAW is an equal opportunity employer. HAW prohibits discrimination and sexual or other harassment in all facets of employment, compensation, promotion, transfer, demotion, layoff, termination or selection for HAW-sponsored training programs. Discriminatory behavior violates state and federal laws and regulations.

C.2 HIRING PROCESS

HAW shall endeavor to hire the best possible employees and contract personnel to carry out HAW's mission, consistent with budget constraints, applicable legal requirements, and time constraints. The hiring process shall be conducted in a fair, objective and consistent manner. If any Council member feels that he or she cannot be fair and objective in connection with any hiring decision, such member shall excuse himself or herself from the deliberations.

PROCEDURE C.2.1 ADVERTISING OF POSITIONS

All full-time and part-time employee positions at HAW (including adjunct teaching positions) shall initially be advertised at least one time in the Albuquerque Journal, and in such other publications as the Principal and Administration shall determine, subject to the following sentence. If an applicant for a newly created or vacant position has already been employed by HAW as an independent contractor or part-time employee in a related capacity with similar duties and responsibilities, and the Council determines that advertising the newly created or vacant position would, because of the associated time delays, jeopardize the ability of HAW to carry out its mission, the Administration may waive the necessity of advertising.

PROCEDURE C.2.2 EMPLOYEE INTERVIEW AND HIRING PROCESS

The Administration with the assistance of the Principal shall screen all resumes and applications submitted for any staff positions, including the senior administrator/s and interview potential candidates who appear to meet the minimum qualifications for the position. The Administration shall recommend to the Council any candidates for teaching positions, and the recommended salary to be offered to such candidates.

PROCEDURE C.2.3 APPROVAL OF HIRING AND WRITTEN CONTRACTS

The Governing Council shall approve annual salary for all employment positions at HAW, including substitute teachers and other temporary employees. The Governing Council shall approve the hiring of all employees at HAW (full-time, part-time, certified, non-certified, and at-will), other than substitute teachers and other temporary employees, after considering recommendations from the Principal. The Principal is authorized to hire substitute teachers and temporary employees, provided that all such hiring such otherwise comply with applicable law and other HAW policies and procedures. All HAW employees (other than substitute teachers and other short-term, non-certified temporary employees) shall execute written employment contracts with HAW, which shall be signed by the employee and two school officials (Administrator, Principal, or Business Manager). The Council shall approve the form of all employment contracts with HAW employees, which shall comply with the School Personnel Act, NMSA 1978, Sections 22-10-1 et seq. and expressly set forth the salary, and period of employment. Employment shall not begin until such employment contracts have been executed, unless emergency circumstances require emergency hiring actions, in which event the Governing Council shall formally ratify any hiring decisions with an effective employment date earlier than the execution date of the employment contract at the next Governing Council meeting. Copies of each employee's employment contract shall be maintained in the employee's individual personnel file (in a master employment file maintained by the business office).

PROCEDURE C.2.4 AT WILL EMPLOYMENT

Unless otherwise approved by the Council, all employees of HAW, other than the Principal, Administration, and certified school employees (including part-time and adjunct faculty), shall be hired on an "at will" basis, and can be dismissed at any time with or without cause, provided that, pursuant to NMSA 1978, any employee who has been employed by HAW for three consecutive years may not be terminated without just cause. The employment contract for an "at will" employee shall reflect such employee's at will status.

PROCEDURE C.2.5 TERMINATION OF EMPLOYMENT

HAW will comply with the provisions of the School Personnel Act and other applicable law in relation to termination of the employment of school employees. Termination of the employment of all employees, including the

employment of the contracts of all personnel contracted to provide support services to HAW on a non-employee basis shall be affected by the governing council. Termination by HAW of the employment of any HAW employee, either unilaterally by HAW or by mutual consent, will be recorded in writing and a copy given to the employee. Written resignation shall be requested from an employee resigning their employment with HAW. An employee or contractor whose employment or contract is terminated by HAW other than by mutual agreement shall be deemed forthwith upon such termination to have relinquished membership of the HAW Governing Council, any Council committee and any HAW committee or group directed by or under the supervision of any HAW staff or Council member. The spouse or family member of any employee or contractor whose employment or contract is terminated as aforesaid shall likewise be deemed forthwith upon such termination to have relinquished membership of any such committee or group. Immediately after cessation of employment for any reason whatsoever, no employee shall have unsupervised access to any material (comprising books, records, computer data and other property of whatsoever nature) on HAW premises. The Principal or nominee shall accompany the employee to secure removal of personal items only. If there is any doubt as to whether any material constitutes personal items of the employee, the material shall remain with HAW pending resolution save that photocopies of disputed documentation may be made at the employee's expense and the copies may be removed by the employee.

C.3 EMPLOYEE CONFLICT OF INTEREST

Employees are prohibited from using confidential information acquired by virtue of their associations with HAW for their individual or another's private gain. Employees are prohibited from requesting or receiving and accepting a gift or loan for themselves or another that tends to influence them or appear to influence them in the discharge of their duties as employees. Business with suppliers to HAW will not be influenced or appear to be influenced by an employee's financial interest. Employees must not engage in activities which violate federal, state or local laws or which, in any way, diminish the integrity, efficiency, or discipline at HAW.

C.4 REQUIREMENTS FOR SUBSTITUTE TEACHERS

All persons applying to become substitute teachers at HAW must be licensed as a substitute teacher by the state board of education. Wherever possible, HAW will give preference to hiring substitute teachers who have prior teaching experience, either as full-time teachers, substitute or part time teachers, or teaching assistants in a public or private school setting. Additionally, HAW will also consider applicants who are currently in an accredited teacher-training program. HAW will go beyond state age requirements to require that all of our substitute teachers in grades K-6 be at least 21 years of age at the time of employment as a substitute teacher at HAW. Applicants will also have submitted to a fingerprint-based background check, as stipulated by New Mexico state licensure procedures. An applicant's qualifications for substitute teaching at HAW will be determined through an interview process with our Principal and Administration. In order to assure high- quality teaching, each substitute teacher will be periodically evaluated by the Principal.

C.5 GRIEVANCE PROCEDURE

A complaint regarding a violation of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the New Mexico Human Rights Act, in an employment decision will be subject to a grievance procedure that provides for the prompt and equitable resolution of the dispute. The grievance procedure will follow these steps:

- A. The grievant will file a written complaint, stating the specific facts of his/her grievance, the alleged discriminatory act, and the remedy requested with the Principal.
- B. The Principal will make all reasonable efforts to resolve the matter informally at the administrative level most immediate to the complaint.
- C. In the event that the complaint cannot be resolved informally, HAW will convene an informal hearing no later than ten (10) working days after the filing of the complaint. At said hearing, both the grievant and the administrator responsible for the disputed action may present testimony and documents relevant to the complaint. Witnesses may be called and cross examined. Within ten (10) working days of the hearing, the hearing officer will provide a written copy of their determination to both parties. The grievant may appeal the outcome of the hearing to the Governing Council within ten (10) working days of the receipt of the determination. The appeal must be in writing. It must be submitted with copies of the original complaint, the minutes of the hearing and the written determination. The Governing Council may, at its discretion, convene within ten (10) working days a second hearing at which the parties may present additional testimony and argument.
- D. Within ten (10) working days of a second hearing, the Governing Council will provide both parties with a written decision.

E. If, at this or any other point, the grievance has not been satisfactorily resolved, further appeal may be made to the Office for Civil Rights, Region VIII, 1244 Speer Blvd., Suite # 310, Denver, Colorado 80204-3582. F. Timelines set forth herein may be waived upon mutual assent or a showing of good cause.

Employees of HAW will be informed of Section 504, the Americans with Disabilities Act and the relevant HAW Policy and that a complaint may be filed without reprisal by the Governing Council or any of its employees or agents. The grievant will be notified of his/her rights of appeal at each step of the process.

Cross Ref.: Governing Council Policy A.2 Physical Access for Students, Parents, and Employees with Disabilities directive

C.6 EMPLOYEE COLLECTIVE ORGANIZATION

Horizon Academy West does not interfere in employees' rights to organize collectively.

C.7 EQUAL EMPLOYMENT

The Horizon Academy West (HAW) is an equal opportunity employer. HAW prohibits discrimination and sexual or other harassment in all facets of employment, compensation, promotion, transfer, demotion, layoff, termination or selection for HAW-sponsored training programs. Discriminatory behavior violates state and federal laws and regulations. Legal Ref.: Title VII of the U. S. Civil Rights Act of 1964, Equal Pay Act of 1963, and Age Discrimination in Employment Act of 1967

C.8 PROCEDURE: 504/ADA EMPLOYMENT PRACTICES

A. Notice of the HAW's policy on non-discrimination in employment practices will be posted through annual newspaper notices posted throughout HAW.

B. Information regarding HAW's policy on non-discrimination in employment practices will be provided to potential employees in recruitment and interview settings.

C. In the planning of training sessions for employees, availability of training sessions (including physical access to the training site) will not be limited so as to discriminate against employees with disabilities.

D. In determining hiring, transfer or promotion of employees, placement will not be determined or influenced by any employee's disabling condition. It is the prerogative of the employer, however, to determine office, classroom, or other area of work based on already accessible work areas.

E. Each job description will be written to:

1. Identify any environmental factors that could create a barrier for a person with a disability;
2. Ensure that all essential physical, mental, and intellectual qualifications have been defined and justified.
3. Identify the types of abilities which would qualify a person to fulfill the essential functions of a job.

F. "Reasonable accommodation" may include for employees, where such would not impose "undue hardship,"

1. making facilities used by employees readily accessible to and usable by persons with disabilities;
2. job restructuring and part-time or modified work schedules;
3. acquisition or modification of equipment or devices;
4. the provision of readers or interpreters and other similar actions. This is not an all-inclusive list of possible accommodations.

G. HAW will not use employment tests or other selection criteria that tend to screen out persons with disabilities unless those criteria are demonstrably job related.

Reasonable Accommodations

A. The employee must initiate a written request for reasonable accommodation accompanied by documentation of the condition that may qualify as a disability. The type of documentation required will depend on the disability and can be, among others, medical, psychological or diagnostic.

B. When "A" above is complete and submitted to the Principal, options will be explored and a determination made of what occurs next.

1. At no time prior to this determination should any HAW employee or agent agree to a specific accommodation or make a financial commitment to the employee. Many accommodations can be accomplished on site with no need for modification and at no cost.

2. Options may include, but are not limited to, the development of an employee accommodation plan, physical access request, further medical clarification, job restructuring and/or transfer.

3. Any consideration of job restructuring or transfer must include the involvement of the Principal. When necessary, the Governing Council will assist the administration in determining the most cost-effective accommodations that meet the need, considering also the employee's suggestions on his/her Accommodation Request.

C. All accommodations agreed upon and initiated are documented by the employee's supervisor and/or the Principal. A copy of this is filed as confidential records on disability accommodations separate from the personnel files. No disability records will be kept in the personnel files.

C.9 GRIEVANCE PROCEDURE

A complaint regarding a violation of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the New Mexico Human Rights Act, in an employment decision will be subject to a grievance procedure that provides for the prompt and equitable resolution of the dispute. The grievance procedure will follow these steps:

A. The grievant will file a written complaint, stating the specific facts of his/her grievance, the alleged discriminatory act, and the remedy requested with the Principal.

B. The Principal will make all reasonable efforts to resolve the matter informally at the administrative level most immediate to the complaint.

C. In the event that the complaint cannot be resolved informally, HAW will convene an informal hearing no later than ten (10) working days after the filing of the complaint. At said hearing, both the grievant and the administrator responsible for the disputed action may present testimony and documents relevant to the complaint. Witnesses may be called and cross examined. Within ten (10) working days of the hearing, the hearing officer will provide a written copy of their determination to both parties. The grievant may appeal the outcome of the hearing to the Governing Council within ten (10) working days of the receipt of the determination. The appeal must be in writing. It must be submitted with copies of the original complaint, the minutes of the hearing and the written determination. The Governing Council may, at its discretion, convene within ten (10) working days a second hearing at which the parties may present additional testimony and argument.

D. Within ten (10) working days of a second hearing, the Governing Council will provide both parties with a written decision.

E. If, at this or any other point, the grievance has not been satisfactorily resolved, further appeal may be made to the Office for Civil Rights, Region VIII, 1244 Speer Blvd., Suite # 310, Denver, Colorado 80204-3582. F. Timelines set forth herein may be waived upon mutual assent or a showing of good cause.

Employees of HAW will be informed of Section 504, the Americans with Disabilities Act and the relevant HAW Policy and that a complaint may be filed without reprisal by the Governing Council or any of its employees or agents. The grievant will be notified of his/her rights of appeal at each step of the process.

Cross Ref.: Governing Council Policy A.2 Physical Access for Students, Parents, and Employees with Disabilities directive

C.10 EMPLOYEE CONFLICT OF INTEREST

Employees are prohibited from using confidential information acquired by virtue of their associations with HAW for their individual or another's private gain.

Employees are prohibited from requesting or receiving and accepting a gift or loan for themselves or another that tends to influence them or appear to influence them in the discharge of their duties as employees. Business with suppliers to HAW will not be influenced or appear to be influenced by an employee's financial interest. Employees must not engage in activities which violate federal, state, or local laws or which, in any way, diminish the integrity, efficiency, or discipline of HAW.

Procedure: CONFLICT OF INTEREST "...a certified school instructor or a certified school administrator shall not, directly or indirectly, sell or be a party to any transaction to sell any instructional materials, furniture, equipment, insurance, school supplies or work under contract to the Department of Education, school district or public schools with which he/she is associated or employed. Nor shall any such person receive any commission or profit from the sale or any transaction to sell..." (22-21-1. A NMSA 1978) "...The provisions of this section shall not apply... in cases in which certified school instructors or certified school administrators contract to perform special services...during time periods where in service is not required under a contract for instruction or administration." (This paragraph covers hiring athletic officials.) (22-21-1. B NMSA 1978) No violation of this section would result where the contract is truly with a spouse only, in the regular course of his/her business, and the employee has no personal interest, pecuniary or otherwise, in the contract. Administrative measures for any HAW employee who is found to be in a position of Conflict of Interest as defined above includes transfer to a position so he/she cannot conduct business with the outside agency in question. The Principal may at the request of any staff member conduct an investigation and report the findings to the Governing Council. New hires will be notified of the policy prior to assuming job duties. Employees must notify the Principal if conditions change.

SUPERVISION OF RELATIVES Definitions "Relative" is defined to include the spouse, child, grandchild, parent, sister, brother, aunt, uncle, niece, nephew, grandparent, son-in-law, daughter-in-law, sister-in-law, brother-in-law, mother-in-law, father-in-law, or a person in loco parentis. "Administrator" or "supervisor" is defined to include all staff members who direct, supervise and/or evaluate the work of any subordinate employee. Procedure: The relative of a HAW administrator or supervisor may not be assigned to any position in which the administrator may be able to directly or indirectly supervise, evaluate, or control the work of the relative except with the specific written approval of the Principal.

Relatives of Governing Council Members: see Governing Council Policy A.8. Legal Ref.: 22-21-1A NMSA 22-5-6 NMSA 1978

C.11 SEXUAL HARASSMENT

It is the policy of the HAW to provide a working environment free of discrimination based on sex. Sexual harassment in employment is prohibited. Sexual harassment is unwelcome sexual advances which request sexual favors and written or verbal conduct of a sexual nature. If the following conditions exist, those actions constitute harassment:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Legal Ref.: Section 703, Title VII, U. S. Civil Rights Act of 1964; and Title IX of the Education Amendments of 1972

C.12 DISCRIMINATION AND HARASSMENT

HAW is an equal opportunity employer and prohibits discrimination/harassment in all facets of employment to include but not limited to recruitment, job advertisement, employment, compensation, promotions, transfers, demotions, layoffs, termination's, or selection for HAW-sponsored training programs.

A. Discrimination and Harassment

Discriminatory and harassing behaviors violate HAW policies which are supported by State and Federal civil rights laws/regulations and denies access to equitable employment opportunities. This behavior includes, but is not limited to, comments, name-calling, conduct of a physical nature, or other expressive behavior directed at an individual or group on the basis of race, color, national origin, ethnic background, religion, sex, sexual orientation, age, political affiliation or marital status. Discriminatory and harassing behavior creates a demeaning, intimidating and hostile working environment. Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Age Discrimination in Employment Act of 1967, Equal Pay Act of 1963, New Mexico Human Rights Act, 1969, HAW Governing Council policies prohibit discrimination in the workplace. The HAW Title IX Coordinator is the Principal.

Harassment is considered to have occurred when such conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive work environment,
2. has the purpose or effect of substantially or unreasonably interfering with an employee's work performance, or
3. otherwise adversely affects an employee's workplace opportunities.

Individuals or groups are in violation of this policy if they engage in the following behaviors (not all inclusive) toward a student/fellow employee or any other individual on HAW grounds, in the work place, at HAW/ work-sanctioned activities or in vehicles owned/dispatched by HAW:

1. Making demeaning remarks directly or indirectly to an individual or group,
2. Displaying suggestive visual or written material or defacing HAW property or materials,
3. Staring, glaring, obscene gestures, suggestive gestures (touching your private/intimate parts in front of others),
4. Repeatedly asking someone out when he/she is not interested, or
5. Damaging, defacing, or destroying private property of any person.

B. Sexual Harassment Definition Sexual harassment is a misuse of power and the behavior creates an offensive, intimidating and hostile working environment. Sexual harassment is a form of gender discrimination as defined in Title VII of the Civil Rights Act of 1964 in Section 703. Sexual harassment is a violation of federal law and HAW policy. Sexual harassment is unwelcome sexual advances which include requests for sexual favors and written, visual or verbal conduct of a sexual nature. If the following conditions exist, those actions constitute sexual harassment:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
 2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual, or
 3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. If the behavior toward another employee makes them feel intimidated, uncomfortable or if the employee feels threatened, it may be considered sexual harassment even if the harasser did not intend for his/her action(s) to be offensive.
- Sexual harassment is also illegal under state human rights statutes and may be considered a criminal offense under state and local assault and child abuse laws.

C. Sexual Misconduct Definition Sexual misconduct may include, but is not limited to, physical act(s) of aggression, force or threat against another employee of the same or opposite sex, threatening to force or coerce sexual acts, including the touching of private/intimate parts, and coercing, forcing or attempting to coerce or force sexual intercourse. Although sexual misconduct may be considered sexual harassment, these acts need to be reported to the HAW Principal and/or the Governing Council.

D. Reporting/Complaint Procedure

1. Who may file a complaint: Any HAW employee who believes he/she has been discriminated against on the basis of race, color, national origin, ethnic background, religion, sex, sexual orientation, age, political affiliation or marital status may file a complaint. HAW encourages employees to report incident(s) of discrimination/ harassment and resolve their complaints at the lowest level. If further assistance is needed, contact your immediate supervisor or his/her supervisor. No employee will suffer retaliation or intimidation for participating in the internal complaint process. Retaliation against any employee seeking assistance, filing a complaint, or participating in the investigative process is grounds for a subsequent retaliation/harassment complaint. HAW will respect the privacy of the complainant, the individual(s) against whom the complaint is filed and the witnesses as much as possible, consistent with our legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations. HAW will make all reasonable efforts to maintain the confidentiality of the reporting of and investigation of discrimination and harassment.
2. How to file: All complaints filed with the Principal must be submitted in writing and a complaint form completed within 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Principal for good cause (to be determined by the Principal). All inquiries and discrimination complaints filed with the Principal are CONFIDENTIAL. Confidentiality also applies to the investigation process of all investigations conducted by the Principal.
3. Where to file: HAW Principal, 3021 Todos Santos NW, Albuquerque, New Mexico 87120 Phone: (505) 998-0459. U.S. Equal Employment Opportunity Commission 505 Marquette N.W., Suite 900 Albuquerque, New Mexico 87102 Phone: (505) 248-5201 Note: this is not an all-inclusive list. If you have questions regarding a specific concern and what agency to contact, please contact the Principal.

E. Appeal Process:

The Principal informs the Governing Council of the determination of the investigation indicating if there was (1) sufficient evidence to determine there was a violation of HAW policies and procedures or (2) insufficient evidence to support that there was a violation of HAW policies and procedures. The complainant and respondent have the right to appeal the Principal's determination. If the complainant or respondent is not in agreement with the Principal's determination, he/she will have (10) working days from the date of the determination to submit an appeal in writing to the Governing Council. The Governing Council will inform the complainant/respondent of the appeal decision in writing. After the Governing Council's review, the internal complaint process has concluded. The time lines set forth in this policy may be waived or extended by the Governing Council. Any employee who violates this policy by engaging in conduct defined throughout this policy that directly or indirectly causes intimidation, harassment or physical harm to another employee or student will be subject to disciplinary action as specified in current personnel policies and procedures. PRINCIPAL It is the responsibility of the Principal to monitor the compliance with HAW policies and procedures governed by State and Federal laws and regulations related to discrimination issues. NSBA/NEPN Classification: JBA

C.13 Tobacco/Drug Free Campus

Horizon Academy West is a DRUG/Tobacco FREE Campus in accordance with federal law. The unlawful possession, dispensing, distribution, manufacture, sale or use of controlled substances and alcohol in the workplace by a HAW employee is prohibited on HAW premises or as part of any HAW activity. Since HAW is the recipient of federal funding, as a condition of employment individual employees are required to notify their respective supervisors within five (5) days if they are convicted of a criminal controlled-drug statute violation occurring in the workplace. Failure by an employee to report such a conviction may be grounds for disciplinary action. Supervisors who become aware of a conviction of an employee for a criminal controlled-drug statute violation occurring in the workplace should immediately notify the Principal, who is responsible for ensuring institutional compliance with the Drug-Free Workplace Act of 1988. Violation of this policy will be considered a serious matter and inconsistent with HAW employment practices and will result in disciplinary action, which may include termination of employment and referral to law enforcement. HAW will implement and maintain drug-free awareness programs to inform employees about the dangers and risks of drug abuse in the workplace, about HAW's drug-free policy, about available community counseling and referral services, and about the penalties involved for drug violation convictions. HAW transportation contractors will implement drug-testing programs for all persons responsible for driving or maintaining HAW transportation vehicles consistent with the U.S. Department of Transportation guidelines. Legal Ref.: Public Law 100-690; Drug-Free Workplace Act of 1988; and Drug Free Schools and Communities Act, as amended in 1989

NSBA/NEPN Classification:

TOBACCO FREE

Employees violating the tobacco free policy will be subject to further disciplinary action as deemed appropriate by the immediate supervisor.

C.14 STAFF CONDUCT WITH STUDENTS

Staff members will maintain appropriate professional behavior while working with students and refrain from harassment, malicious or prejudicial treatment, and abridgement of student rights. Failure to comply with the obligations specified in this Section G.05 may result in disciplinary action against the staff member.

C.15 STAFF PARTICIPATION IN POLITICAL ACTIVITIES

Staff members of HAW may hold public offices regardless of the relationship between the public office and the interests of HAW. HAW seeks to assist employees/public officials in avoiding conflicts between the interests of the HAW and the interests of the public official's constituents. An employee of HAW who is a public official, acting in his or her capacity, may speak, act, debate and vote according to his or her convictions, without undue influence by the Governing Council or by the Principal. HAW and employees who hold public office will observe compliance with laws, especially those relating to Article Nine, Section Fourteen (the anti-donation clause) of the Constitution of the State of New Mexico.

C.16 GRIEVANCE ADJUSTMENT PROCEDURES

HAW will strive to resolve conflict through grievance adjustment procedures to ensure that all employees may bring to levels of authority legitimate grievances in order to secure equitable solutions. Grievances involving alleged acts of discrimination on the basis of race, sex, national origin, age, or handicap are processed through the Principal. If the grievance involves the Principal, the employee shall submit his/her grievance against the Principal to the Director (and visa versa).

C.17 EMPLOYEE INSURANCE

HAW strives to provide quality insurance and fringe benefits for its employees. Information regarding the programs may be obtained from the Principal. HAW will participate in Workers' Compensation benefit programs as specified in the New Mexico Workers' Compensation Law.

Legal Ref.: 52-1-1 NMSA 1978

C.18 LEAVE AND HOLIDAYS

1. Employees on 9- or 10-month contracts: All Nine/ten-month contract employees (full-time teachers, educational assistants, licensed personnel) will be entitled to:

1.1 Sick Leave. Eight (8) days each contract-year of sick will be accrued evenly each pay period through the duration of their contract. Sick leave may be carried over from year to year provided that the total accrued sick leave at any time shall not exceed 30(Thirty) days; employees shall not be paid for unused sick leave upon severance of their employment at HAW.

1.2. Personal Leave. Two (2) days per annum personal leave, accrued after the employee has worked at least thirty days of his/her contract. Personal leave may not be carried over from year to year, nor will an employee be compensated for unused, accrued personal days upon severance of their employment at HAW;

1.3 Part Time.

1.3.1 Sick Leave. Part time employees, who work more than half time or more as defined in HAW's policies, shall be entitled to eight (8) days prorated, per their FTE. Sick leave will be accrued evenly each pay period through the duration of their contract. Sick leave may be carried over from year to year provided that the total accrued sick leave at any time shall not exceed 30 (Thirty) eight-hour days; employees shall not be compensated for unused, accrued sick leave days upon severance of their employment at HAW.

2. Twelve-month employees. The Principal, assistant administrators, office staff, school business manager and other administrative staff that work 12 months will be entitled to:

2.1 Sick Leave. Eight (8) days per annum sick leave will be accrued evenly each pay period through the duration of their contract. Sick leave may be carried over from year to year provided that the total accrued sick leave at any time shall not exceed 30 (Thirty) days; employees shall not be compensated for unused, accrued sick leave days upon severance of their employment at HAW.

2.2 Annual Leave. Twelve-month employees shall be entitled to twenty-five (25) days per annum annual leave, will be accrued evenly each pay period through the duration of their contract. Twelve-month employees are expected to work during school breaks and non-teaching days as specified in the 12-month employee calendar. All annual leave must be used during school breaks and non-teaching days unless otherwise approved by the employee's direct supervisor. Twelve-month licensed employees are entitled to all school all paid legal holidays observed by HAW in addition to their regular annual leave. Employees may accumulate up to 50 days of annual leave and upon severance from employment at HAW be paid for unused annual leave at the rate of 25% of their daily salary based on their current contract rate.

2.3 Professional Development. Eight (8) days professional development leave accrued at the beginning of the employee's contract year. Professional development leave may not be carried over from year to year. Employees shall not be compensated for unused professional leave upon severance of their employment at HAW. Professional development leave must be approved in advanced by the employee's direct supervisor.

2.4 Part Time.

2.4.1 Sick Leave. Part time twelve-month employees, who work more than half time or more as defined in HAW's policies, shall be entitled to eight (8) days prorated, per their FTE. Sick leave will be accrued through 26 pay periods. Sick leave may be carried over from year to year provided that the total accrued sick leave at any time shall not exceed 30 (Thirty) eight-hour days; employees shall not be compensated for unused, accrued sick leave days upon severance of their employment at HAW.

2.4.2 Annual Leave. Part time twelve-month employees, who work more than half time as defined in HAW's policies, shall be entitled to twenty-five (25) days per annum annual leave prorated per their FTE, accrued through 26 pay periods. Twelve-month licensed employees are entitled to all school holidays and paid legal holidays observed by HAW in addition to their regular annual leave. Employees may accumulate up to 50 days of annual leave and upon severance from employment at HAW be paid for unused annual leave at the rate of 25% of their daily salary based on their current contract rate.

3. Independent Contractors. Independent contractors are not entitled to paid leave benefits.

4. Request for Leave.

4.1 Foreseeable Leave. When the necessity for leave is foreseeable, employees shall provide reasonable advanced written requests to the Principal for personal leave, annual leave and sick leave. Reasonable advanced notice means notice given as soon as the employee is made aware of the necessity for taking leave. The Principal shall provide the employee written approval of the request within five days of the request. The Principal has the discretion to request a return to work release from your health care providers at any time. If you anticipate a health-related procedure/treatment that will require more than three-days leave of absence, you must provide a written

excuse from your medical provider along with your request for leave as well as a statement that you are fit to return to work.

4.2. Unforeseeable Leave. In the case of the necessity to take unforeseen leave, employees must notify the Principal by no later than 5:00 am the morning you will be absent.

5. Sick Leave Bank.

5.1 Donating leave. All employees entitled to personal leave, may donate personal days to the school's Sick Leave Bank.

6. Bereavement Leave. Family Member Definition: A person who is a spouse, domestic partner, father, father-in-law, grandparent, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, ward, brother, brother-in-law, sister, sister-in-law, grandchild, aunts and uncles, nieces and nephews of Horizon Academy West employee. Family members shall include any individual residing in the employee's household, or a person for whom the employee is legally responsible. Up to (5) five days of leave with pay (not charged to other leave time) may be granted, upon request to the principal or director, for the death of an employee's family member. If the death occurs at a time when work is not scheduled, payment will not be made. If a holiday or part of the employee's vacation occurs on any of the days of absence, the employee may not receive holiday or vacation pay in addition to paid funeral leave.

7. School and Legal Holidays. School holidays and legal holidays will be determined annually and published in the school's calendar approved by the HAW Governing Council.

C.19 SHARED LEAVE BANK POLICY

I. PURPOSE

To provide a safety net against salary interruption for employees who have an emergency medical condition causing them to be unable to perform their assigned job duties. Donations of sick leave hours by employees who earn annual or sick leave provide income to an affected employee who would otherwise be on unpaid leave. The purpose is not to provide unlimited sick leave for any medical reason.

II. SCOPE

This policy applies to all .50 FTE or more faculty and staff.

III. GENERAL POLICIES

Employees who earn sick and/or annual leave may voluntarily donate accumulated sick and/or annual leave hours to a shared leave bank, on an annual basis, for distribution to aid another employee who is unable to work due to a medical emergency. A "medical emergency" is defined as a medical condition of the employee or a family member of the employee that will require a prolonged absence from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all leave available apart from the school leave bank. Donating employees donate sick and/or annual leave at their individual hourly pay rates and the recipient is credited with leave at his/her individual hourly pay rate. The leave recipient will be paid at his/her current pay rate, not at the rate of the person donating the leave time. Approval to receive donated leave time is dependent upon approval of the principal.

A. Eligibility to Receive Shared Leave

Faculty and staff may receive shared leave as follows:

1. The receiving employee must have exhausted all of his or her own accrued paid leave and compensation time before being eligible for leave through the Shared Leave Bank.
2. An employee must have worked at Horizon Academy West continuously for at least 77 working days before being eligible to receive donated leave pursuant to this policy.
3. The maximum amount of Shared Leave Bank benefits accessible to a recipient cannot exceed 16 working days of leave time, or the maximum hours available in the Shared Leave Bank, whichever is less.
4. If an employee returns to work prior to using all hours granted, the unused balance of hours granted shall return to the Shared Leave Bank.
5. The estate of a deceased employee is not entitled to payment for approved unused Shared Leave Bank hours. An employee who leaves the School's employment is not entitled to payment for approved unused Shared Leave Bank hours.

6. Shared Leave Bank hours may not be converted to cash.
7. Employees in need of donated leave may not solicit leave donations from other employees.
8. If the hours in the Shared Leave Bank are not sufficient and a medical emergency arises, the Principal may send a communication to faculty and staff indicating such a need, but may not, under any circumstances coerce an employee(s) to contribute leave time.
9. Applications for donated leave from the Shared Leave Bank shall be made as set forth in Section IV below.
10. A contributor does not have to first donate to the Shared Leave Bank in order to receive donations from the Shared Leave Bank.
11. Employees who use leave from the Shared Leave Bank are not required to pay the Bank back for leave used.
12. Approved shared leave may not be applied retroactively: that is, approved shared leave will only be applied for future leave requested by a qualified employee. Donated time will be available for use by the recipient in accordance with regular payroll procedures and deadlines.
13. Employees who are off work due to an on-the-job injury or illness are not eligible to use the Shared Leave Bank.
14. An intent to return to work is not required in order to be eligible for the Shared Leave Bank. However, employees who utilize the full amount of approved Bank benefits must return to work for six continuous months following their last day of use of the donated time before they are eligible to apply for additional benefits from the Bank. Failure to return to work on or before the last day of the designated leave will constitute job abandonment and a voluntary resignation by the employee.
15. Employees receiving a medical release for return to work on a part-time basis (i.e. fewer hours per day per week than the regular work schedule), may continue to use donated leave for the balance of the regular work schedule until medically released for full duty.
16. Unused donated leave shall revert to the donating employees on a prorated basis at the end of every school year.

Ref: NMSA 1978 §10-7-22 (HB403 2015)

B. Eligibility to Donate Shared Leave

Faculty and staff who earn sick and/or annual leave may donate sick leave as follows:

1. The donation of leave is strictly voluntary. No employee shall be coerced or financially induced into donating leave time.
2. A contributor may not designate a particular employee to receive the donation.
3. Time must be donated in whole hours.
4. An initial donation requires a minimum of one full-time working day.
5. The maximum number of days that may be donated by an employee during any 12-month period is 8 days. Employees must maintain a minimum of 24 days of annual/sick leave before donating leave in excess of that amount.
6. Leave which has been contributed to the Shared Leave Bank cannot be restored to the contributor.
7. The contributor's identity will remain confidential, unless he/she chooses to self-identify.
8. A contributor does not have to first donate to the Shared Leave Bank in order to receive donations from the Bank.
9. The contributor does not receive any type of tax deduction for the donated leave time.

IV. PROCEDURE

To request leave from Shared Leave Bank:

- A. An employee requesting leave from the Shared Leave Bank will complete and print an application form available from the Operations Manager's office, and submit to the Operations Manager.
- B. The application must be accompanied by a certified document from a healthcare provider that describes the nature, severity, and anticipated duration of the emergency medical condition of the recipient, and that includes a statement that the recipient is unable to work all or a portion of the recipient's work hours, and any other information that the School reasonably may require.

- C. After receiving an application, the Principal and the Payroll office will verify the employee's eligibility and status, including current accumulated annual and sick leave balances.
- D. The Principal will notify the requesting employee of the decision within five (5) business days of receipt of the employee's application.
- E. If the application is approved, the Payroll office will make the transfer of hours from the school's Shared Leave Bank to the employee's sick leave bank. Neither the donating employee nor the employee receiving time needs to reflect any transfer of hours on his/her time sheet; the hours will be reflected on the applicable employee's paystub leave balance.

To donate leave to Shared Leave Bank:

- A. An employee wishing to donate sick leave to the Shared Leave Bank will complete and print a leave donation form available from the Operations Manager's office.
- B. After receiving a leave donation form from an employee, the Principal and Payroll office will verify the donating employee's eligibility and status, including current accumulated sick/annual leave balances.
- C. The Principal will notify the donating employee of the decision within five (5) business days of receipt of the donation form.
- D. If the donation is approved, the Payroll office will make the transfer of hours from the donating employee's leave to the school's Shared Leave Bank. The donating employee does not need to reflect any transfer of hours on his/her time sheet; the reduction of hours will be reflected on the employee's paystub balance.

C.20 FAMILY MEDICAL LEAVE POLICY ("FMLA")

Because HAW is a public school, the federal Family Medical Leave Act provides that it is a covered employer. If an employee is eligible to received FMLA under the criteria of the law, an employee could be entitled to unpaid leave to attend to family and medical needs. To be *eligible* for FMLA coverage, however, the following criteria must be met:

- The employee has worked for Horizon Academy West for at least 12 months as of the date the FMLA leave is to start
- The employee has worked for at least 1,250 hours of service during the 12-month period immediately preceding commencement of the leave period immediately preceding commencement of the leave, **and**
- *The employer has more than 50 employees.*

FMLA leave for employees who meet the eligibility requirements described above may take up to 12 weeks of unpaid leave during a 12-month period for one of the following reasons:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**

Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Contact HAW's administration to apply for FMLA. A determination regarding an employee's eligibility for FMLA leave will be made on a case by case basis. If you are eligible, additional information about FMLA, how it applies to married couples, covered service members, pay, benefits during leave, and other information about FMLA will be provided.

As of the date of this policy adoption, HAW employs less than 50 employees, therefore there are no eligible employees at this time and will provide Medically Related Leave as stated below.

C.21 MEDICALLY RELATED LEAVE

HAW recognizes that in some instances employees may have emergency situations that necessitate a leave of absence. This additional paid leave is referred to as “MRPL.”

A. *Eligibility.* Employees are eligible for MRPL if they:

- Have worked for HAW for at least 12 months in the last 7 years;
- Have no other paid leave available beyond the leave required for the match described below; **and**
- Have worked at least 1,250 hours for HAW during the 12 calendar months

immediately preceding the request for leave.

B. *Qualifying Event.* To be eligible for MRPL, an employee must qualify and request MRPL according to HAW designated leave procedures. Eligible employees are entitled to request MRPL for the following reasons:

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

MRPL will not be awarded if the employee is released to return to work or voluntarily returns to work before the employee exhausts all other sources of paid leave. A request for MRPL must be submitted to the Principal by no later than one week prior to the date the employee anticipates taking leave for a qualified event and the anticipated need for MRPL. If the duration of the employee’s leave for a qualifying event is foreseeable, e.g. birth or adoption of a child, scheduled surgery, the request for MRPL must be requested as soon as reasonable under the circumstances.

C.22 MEDICAL AND OTHER BENEFITS

HAW will continue to maintain group health insurance coverage for the employee and, where applicable, for his/her dependents during FMLA or MRL leave, for up to a maximum of twelve weeks in a twelve-month period. After an employee’s paid leave is exhausted, an employee must arrange to pay the premium contributions (if any) 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 approved leave, may result in termination of those employee benefits.

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

C.23 DUTY DAY

The normal duty day will be eight (8) hours and includes a 30-minute lunch break. Teaching staff are expected to be at school from 7:30 a.m. until 3:30 p.m., unless prior arrangements and accommodations have been made with the Principal. The Principal will announce annually the school day time schedule.

C.24 STAFF DEVELOPMENT

All personnel are encouraged to pursue a program of continued growth. To assist employees in assuming this responsibility, HAW will provide HAW employees with staff development opportunities. Each teacher is entitled to

two days annual leave for professional development. All professional development leave days are subject to funding and advance approval by the Principal.

C.25 PERSONNEL EVALUATIONS

The Principal or the Principal's designee will maintain a system of evaluation for all personnel in compliance with the laws of New Mexico and the standards and procedures adopted by the Public Education Department. The Principal or the Principal's designee will be the only evaluators of personnel. It is the sole decision of the Principal to evaluate personnel and decide to continue or discontinue personnel's employment. The Governing Council shall evaluate the Principal and Director. Legal Ref.: 22-10-3.1 NMSA 1978 (1988 Supp.); 22-10-14 NMSA 1978 (1988 Supp.); and 22-10-17 NMSA 1978 (1986 Repl.)

C.26 TUTORING OR ADVISING FOR PAY

Except for HAW personnel receiving stipends for extra- or co-curricular activities and adjunct faculty, HAW personnel are not permitted to receive pay for tutoring or advising any students assigned to them for classroom teaching or other HAW functions.

C.27 BACKGROUND INVESTIGATIONS

Horizon Academy West shall conduct background checks, based upon fingerprint identification, of all prospective employees and at the expense of the employee. Background checks will be completed through Gemalto Cogent, a provider of electronic fingerprint services.

Online registration is at: https://www.aps.gemalto.com/nm/index_NM.htm

Employees shall, as a condition of employment and at the expense of the employee, submit to and clear a background check every five years after their initial hire date.

Horizon Academy West shall conduct background checks, based upon fingerprint identification, of all district contractors and contractor employees who may have unsupervised access to students. Background check clearance of district contractors, subcontractors and contractor employees, agents and assignees who may have unsupervised access to students shall be valid for five years at which time a contractor and the contractor's employees shall, at the contractor or contractor's employees' expense, submit to and clear a new background check.

Horizon Academy West shall conduct background checks, based upon fingerprint identification, of all volunteers, and at the volunteers' expense, who may have unsupervised access to students. Background check clearance of volunteers who may have unsupervised access to students shall be valid for two years at which time the volunteer shall, at the volunteer's expense, submit to and clear a new background check. HAW will reimburse parents/guardians whom are Active Emergency First Responders Personnel, Police, Fire, & EMS, for their background check for volunteering at the School.

Additionally, the superintendent, or his/her designee, shall develop procedural directives which outline requirements for employees to self-report, to a designated administrator of a school or the district, any known arrest, charge and/or conviction of criminal offense.

Legal Reference:

22-10A-5. Background checks; known convictions; alleged ethical misconduct; reporting required; limited immunity; penalty for failure to report.

22-14-32. Licensure not required; background checks; school-sponsored activity and volunteers.

C.28 EMPLOYEE STANDARDS OF CONDUCT

Employees of HAW shall serve as positive role models for students and set good examples in conduct, manners, dress and grooming. All personnel are expected to be neat, clean and appropriately dressed while representing HAW. Professional personnel are expected to dress in a manner that projects a professional image for the employee and HAW. Extremes in personal appearance or dress are not considered to be in good taste. In no case shall the standard for employees be less than that prescribed for students as published annually in the HAW Student Handbook. The Principal is expected to counsel staff on appearance and conduct, if necessary. Failure to comply with the obligations set forth in this Section G.15 may result in disciplinary action against the employee.

C.29 PROCEDURE: EMPLOYEE TECHNOLOGY ACCEPTABLE USE

HAW provides technology resources to its staff for educational and administrative purposes. The goal in providing these resources is to promote educational excellence in HAW by facilitating resource sharing, innovation, and communication among our employees. This policy governs the use of Internet, Intranet, and e-mail resources by our staff. The use of HAW technology resources is a privilege granted to employees primarily for the enhancement of job-related functions. Employees also may have limited access to these resources for personal use, if they comply with the provisions of this policy. Violations of this policy may result in the revocation of this privilege. Depending upon the severity of the infraction, employees may also face disciplinary action up to and including dismissal, civil litigation, and/or criminal prosecution for misuse of this resource. HAW does not attempt to articulate all possible violations of this policy. In general, users are expected to use HAW computers and computer networks in a responsible, polite, and professional manner. Users are not allowed to:

1. Knowingly send, receive, or display sexually oriented images, messages, or cartoons.
2. Knowingly 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.
3. Knowingly send, receive, or display communications that demean, threaten, insult, harass, or defame others.
4. Knowingly send, receive, or display communications that disparage or berate employees, or diminish employee productivity and/or professionalism. Nothing contained in this paragraph shall be construed to interfere with the conduct of official HAW business.
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.

HAW reserves the right to review, audit, intercept, access, and disclose all matters on HAW computers, Internet access, and e-mail systems, as business conditions and/or security considerations warrant, with or without employee notice, during or after employee working hours. The use of a HAW-provided password by an employee does not restrict HAW's right to access electronic communications. While HAW may or may not regularly monitor electronic communications, employees using this resource should have no expectation of privacy in their e-mail or on the Internet. Accordingly, employees must ensure at all times that their electronic communications are appropriate, lawful, and in compliance with the provisions of this Policy. As a condition of use of these resources, employees agree to HAW review and disclosure of e-mail and Internet records.

C.30 VIOLENCE PREVENTION PLAN

A. Violence Prevention and Security

1. Background Checks As required by law, all parties who will have unsupervised access to students shall have a full background check.
2. Building Access by Employees HAW buildings will customarily be opened, closed and secured only by the Principal, assigned custodian or another HAW employee specifically designated to perform those functions. The Principal may allow other employees to apply for access and/or the operation of the building in question. Any employee granted access privileges are required to enforce and abide by all HAW policies and procedures regarding the use of the building and any equipment therein. The Principal shall be responsible for establishing a procedure to keep accurate records of all persons to whom keys are issued and/or alarm codes are distributed, and to address the steps to be taken when a key is lost or stolen.
3. Principal Designation of Access Privileges At the beginning of each academic year the Principal will prepare a written roster of any employee who is authorized access to that building site while the building is locked but during normal access hours. The Principal may amend this roster as circumstance demands during the academic year. The

Principal must post the roster in a conspicuous place. 4. Normal Access Hours and Building Lock-Down Normal access hours for HAW facilities are defined as 7:00 a.m. to 3:30 p.m. five days per week. Certain facilities may have special hours of access different than those listed, which will be explained to any affected employee assigned to such locations. The Principal will determine the building lock-down hours, which are likely to be different than the normal access hours defined above. Building lock-down hours may be stricter, but not more lenient than the defined normal access hours. Employees must follow call-in and sign-in procedures whenever the building is locked, regardless of whether other employees are in the building. HAW employees may not enter HAW buildings outside of normal access hours, regardless of whether they hold keys for that building, without specific written permission from the Principal. Written permission must be carried on the employee's person while accessing any building outside normal hours. In the case of maintenance or construction contractors, the job supervisor from HAW will sign any special permission forms to enter the building. 5. Exceptions The only exceptions to this procedural directive will be school security performing normal security checks or alarm response, HAW employees responding to emergency call-outs and the Principal. 6. Call-In and Sign-In Procedures An employee who is entering a building during access hours but after the building has been locked, or an employee with afterhours access permission, MUST follow the call-in/sign-in and sign-out procedure developed by the Principal. Such procedures shall be prominently posted for the information of staff. 7. Sanctions: The Principal may remove key holding privileges from any employee who violates this procedure. The Principal may take the building keys from any employee found in the building in violation of this procedural directive. An employee who abuses building access privileges or who repeatedly violates this procedure may be subject to other disciplinary actions as outlined in human resources policy. Unauthorized persons, including employees, found in buildings after access hours may be subject to arrest.

B. Releasing a Student from School to Someone Other Than a Parent/Guardian Adherence to the following procedures will greatly minimize the chance of kidnapping, molestation, or release of a student to unauthorized persons. It is the responsibility of the Principal to acquaint the staff with the provisions of this procedure. Before releasing a student to anyone except his/her parent or guardian during a school day, obtain permission from the parent or guardian by telephone. When a parent or guardian telephones a request that a student be released early from school, the person taking the call must confirm the identity of the caller. They can do this by either hanging up and calling the person back and/or by asking the student to confirm the voice as being that of the parent or guardian or a person authorized to have custody of the student. In the event the telephone call is not being made from the student's home, question the caller in order to obtain information such as the student's date of birth, his/her course offerings, or names of teachers and classmates, all of which should be known by an authorized parent or guardian. In custody disputes, court orders are frequently presented as proof of guardianship. Be cautioned that the document presented may have been superseded by a more current court order or, as in the case of out of state documents, may not be valid within this jurisdiction. The Principal or his/her designee should be satisfied that the release of the student has the approval of at least one parent or guardian. If there is any doubt, do not release the student.

C. Staff Personal Security and Safety A staff member may use reasonable physical force to restrain or remove a person when it is essential for self-defense or for the protection of the individual, other persons or property, or if the person is unreasonably defiant or dangerous.

D. Workplace Violence / Sexual Harassment Issues: HAW affords employees a working environment free from intimidation, threats or violent acts of other employees. This includes, but is not limited to: intimidation, threatening or hostile behaviors, physical abuse, vandalism, criminal damage, use of weapons, carrying weapons on to HAW property, or any other action which puts an employee in fear of bodily harm or property damage. Employees who feel subjected to any of these behaviors should immediately contact their supervisor or the Principal.

E. Guidelines for Police Involvement 1. Conditions to Report to Local Police the Principal or his or her designee shall report the following conditions to the local police office: • Actual or suspected criminal activity, i.e. burglary, vandalism, assault, drugs, thefts, disorderly conduct, etc. • Actual or suspected employee criminal misconduct. • Threat of bodily harm to any student or employee of HAW. • Other campus disorders or outsiders creating problems. • Parent/teacher problems interfering with the normal operation of the school. • Use or distribution of suspected drugs, alcohol or weapons. • If appropriate, students who are reported missing during school hours. In an emergency, the Principal or other designated employee shall call 911. 2. Criminal Trespass Any student who has been suspended and told to stay off campus, but does not do so, may be in violation of City of Albuquerque ordinances and/or state statutes pertaining to criminal trespass. If a student persists, call the police and ask for assistance with this problem. The Principal or designee should also contact the local police in the event of problems with outsiders. 3. Reporting Lost, Stolen or Missing HAW Property Information on stolen property must be forwarded to law enforcement agencies immediately to enhance the possibility of recovering the stolen property.

C.31 OSHA INJURY REPORTS AND RECORD KEEPING

OSHA standard 29 CFR 1904 requires an employer to keep and maintain records of accidents. Record keeping may also assist in determining high-risk areas and the effectiveness of the accident prevention program. This duty must be assigned to a knowledgeable person before the start of operations.

ON-THE-JOB EMPLOYEE INJURIES

A. General Reporting Requirements The employee chosen to perform OSHA record keeping will complete the First Report of Accident form (NM WCA FORM E1.2) required by the Labor and Industrial Commission of New Mexico as soon as possible after the accident. By state law, an employee must declare the job-related injury within 15 calendar days of the injury, or knowledge of the injury, in order to receive compensation benefits. If these procedures are not followed, the claim for benefits may be denied. Employees are encouraged to use the Notice of Injury form to report the injury (or suspected injury) in order to protect their rights. An employee may use the form if he/she has a strain or non-traumatic injury that they feel may worsen. HAW will keep these forms in a centralized location.

B. Procedures for Handling Employee Injuries Requiring Emergency Medical Attention 1. Those not injured should: • render first aid • call 911 if necessary 2. If you are injured, and able to drive yourself, or be driven by another employee: • go to the nearest emergency room. • advise the caregiver that you are an employee with a work-related injury. 3. Under all circumstances, notify the HAW office as soon as possible after receiving care to get the Workers' Compensation paperwork started.

C. For Non-Emergency Injuries: 1. Report injury to Principal or designee and fill out Notice of Accident form. 2. Depending upon the nature of your injuries, you may be advised to seek medical treatment. HAW may direct that you use a particular doctor for non-emergency care for the first 60 days of care (following emergency care), so check with the Principal or designee before seeking non-emergency medical care. 3. At the clinic, advise the caregiver that you are an employee with a work-related injury. 4. Notify HAW staff as soon as possible after receiving care to get Workers' Compensation paperwork started.

D. Worker's Compensation for On the Job Injuries. 1. General Information: • HAW's worker's compensation insurance will pay authorized medical expenses that result from a work-related injury, provided that the employee obtains services from the doctor or other medical care provider(s) authorized by HAW and/or its workers' compensation insurer to provide medical care for job-related injuries or illnesses. • If an employee loses more than seven working days, the employee is entitled to receive up to two-thirds of his or her regular pay up to a maximum determined by the New Mexico Department of Labor. This is called indemnity pay. • The employee will start receiving indemnity pay within 14 days of the E1.2 form being filed (not necessarily the injury), which form is filled out by the HAW office. If hospitalized, the employee may make an appropriate report by telephone to the HAW office. • The first seven calendar days lost are not compensated (under New Mexico Workers Compensation laws), unless the employee is disabled for more than four weeks from the date of the injury. • The employee may use accrued sick leave (or Short-Term Disability, if applicable) to make up the difference between indemnity pay and regular pay.

2. Notification process: • The employee must notify HAW or his or her supervisor in writing within 15 days or the employee may lose Workers' Compensation benefits. • The employee must fill out a Notice of Accident form, have his or her supervisor sign it, turn the original in to the HAW office, and keep a copy. The Principal or designee has copies of the Notice of Accident form available for employees. • If the employee later needs medical attention for this accident, the employee will be covered under Workers' Compensation for up to 12 months as long as the employee notified his or her supervisor within 15 days of the accident.

3. Non-compensable Injuries: Injuries due to intoxication, willfulness or intention of the worker are non-compensable under worker's compensation laws.

4. False Claims: Any employee who knowingly files a false claim can be criminally prosecuted.