

**St. Mary's Charter School**

**Employee Handbook  
2022-2023**

St. Mary’s Charter School  
2022 - 2023  
Employee Handbook

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**Acknowledgment of Receipt of Employee Handbook**

Welcome to St. Mary's Charter School! This Employee Handbook contains important information about St. Mary's Charter School and I understand that I should consult with the Director of Human Resources regarding any questions not answered in the Handbook. I have entered into my employment relationship with St. Mary's Charter School voluntarily, and understand that there is no specified length of employment. Accordingly, either St. Mary's Charter School or I can terminate the employment relationship at will, at any time, with or without cause, and with or without advance notice.

I understand and agree that no person other than the Superintendent may enter into an employment agreement for any specified period of time, or make any agreement contrary to St. Mary's Charter School's stated employment-at-will policy.

Since the information, policies, and benefits described herein are subject to change at any time, I acknowledge that revisions to the handbook may occur, except to St. Mary's Charter School's policy of employment-at-will. **All such changes will be communicated through official notices**, and I understand that revised information may supersede, modify, or eliminate existing policies. **The official form of communication will be by email; therefore, it is the responsibility of each employee to check their email daily and recommended they check their email no less than once a week even when they are off.** Only the Board of Directors has the ability to adopt any revisions to the policies in this Handbook.

Furthermore, I understand that this Handbook is neither a contract of employment nor a legally binding agreement. I accept the terms of the Handbook, and understand that it is my responsibility to comply with the policies contained in this Handbook and any revisions made to it. I further agree that if I remain with St. Mary's Charter School following any modifications to the Handbook, I thereby accept and agree to such changes.

I have received notice of where to find a copy of the St. Mary's Charter School Employee Handbook and the HR Policy Index on the date listed below. By signing the Acknowledgment of Receipt below, I also acknowledge my understanding that I am responsible for reading the entire Handbook and becoming familiar with the HR Policies.

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

\_\_\_\_\_  
Date

**SECTION 1: INTRODUCTORY MATTERS**

**Official Name: St. Mary's Charter School**

Unofficial Name: St. Mary's Academy Charter School (SMACS)

**MISSION STATEMENT**

**The mission of St. Mary's Academy Charter School is to establish a challenging curriculum taught in a safe, nurturing, educational environment where children are free to reach their fullest potential.**

**ST. MARY'S ACADEMY CHARTER SCHOOL**

**VISION STATEMENT**

**Students at St. Mary's Academy Charter School will achieve academic excellence, act as responsible citizens and have a strong moral foundation. The long-range vision of St. Mary's Academy Charter School is to prepare students for the challenges they will meet living in the 21st century. In order to accomplish this the school will have rigorous academic standards, a code of student conduct, and parental support.**



## **SECTION 2: EQUAL OPPORTUNITY EMPLOYMENT PRACTICES**

### **Non-Discriminatory Statement/Equal Employment Opportunity**

It is the policy of St. Mary's Charter School not to discriminate on the basis of any legally protected classification, including race, color, national origin, sex, or disability, age, or genetic information in its employment practices as required by Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Title I and Title V of the Americans with Disabilities Act of 1990, as amended (ADA); the Age Discrimination in Education Act of 1975, as amended (ADEA); Section 504 of the Rehabilitation Act of 1973, as amended; the Genetic Information Nondiscrimination Act in Education of 2008 (GINA); and any other legally-protected classification or status protected by applicable law. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at St. Mary's Charter School will be based on merit, performance, qualifications, and/or abilities.

St. Mary's Charter School will make reasonable accommodations for qualified individuals in compliance with the ADA, as amended. This policy governs all aspects of employment at the School including without limitation recruitment, hiring, assignments, training, promotion, demotion, employee benefits, discipline, termination and other terms and conditions of employment.

Employees can raise concerns and make reports without fear of reprisal. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of Director of Human Resources or the Title IX, Section 504, or Title II Coordinator, as may be appropriate.

St. Mary's Charter School has designated the following persons as the Title IX, Section 504, and Title II Coordinators:

Jeanene Jones, Title IX  
507 N Filmore  
Beeville TX 78102  
361-358-5601 x1470  
[jjones@smacs.net](mailto:jjones@smacs.net)

Stan Simonson, Title II  
507 N Filmore  
Beeville, TX 78102  
361-358-5601 X 1270  
[ssimonson@smacs.net](mailto:ssimonson@smacs.net)

M. Esquivel, Section 504  
361-358-5601 X 1510  
[helizondo@smacs.net](mailto:helizondo@smacs.net)

### **Federal and State Worksite Postings**

Required state and federal postings are found in the 800 Building Business Office, 600 Building lounge, and the 300 Building lounge. Remote workers are delivered required state and federal postings by email. The following postings can be found in an area common to all employees at their facility: Equal Employment Opportunity is the Law, Americans with Disabilities Act of 1990, Workers' Compensation Insurance Notification, Workplace Safety Violation Reporting Information, Texas Unemployment Compensation Act, Texas Payday Law, Your Rights Under the Fair Labor Standards Act, Family Medical Leave Act of 1993, and the Texas Hazard Communication Act. Postings are in English unless required to also be posted in Spanish.

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**Immigration Law Compliance**

St. Mary's Charter School is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Director of Human Resources. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

**Nondiscrimination Based on Religion**

St. Mary's Charter School does not discriminate on the basis of any aspect of religious observance, practice, or belief unless the school demonstrates that it is unable to reasonably accommodate the religious observance or practice of an employee or applicant without undue hardship to the school's business.

**Nondiscrimination Based on Military Service**

St. Mary's Charter School will not deny initial employment, reemployment, retention in employment promotion, or any benefits of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service.

St. Mary's Charter School will not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA").

**Americans with Disabilities Act (ADA)**

St. Mary's Charter School is committed to complying fully with the ADA, as amended, and ensuring equal opportunity in employment for qualified persons with disabilities (which includes life-threatening illnesses and HIV and AIDS). All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to all qualifying disabled employees, where their disability affects the performance of job functions, in accordance with the ADA.

***Equal Employment Opportunity (EEO)***

**The formal EEO Policy is outlined in Policy Group 4 – EEO Policy PG-4.12. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### **SECTION 3: EMPLOYMENT PRACTICES**

#### **At-Will Employment**

Employment with St. Mary's Charter School shall be at-will unless a term of employment is expressly stated in a written contract. At-will employment means that an employee may be terminated with or without cause, with or without prior notice, at any time, for any reason or for no reason. Similarly, employment with St. Mary's Charter School is voluntarily entered into, and employees are free to resign at any time, with or without cause or notice.

Individuals who fail to report for the first day of employment will be considered as never employed at the discretion of the Superintendent or appropriate division head.

Status as an at-will employee may not be changed except in writing signed and approved by the Board of Directors. Employment at-will is the sole and entire agreement between St. Mary's Charter School and you concerning the duration of your employment, and the circumstances under which your employment may be terminated. Except for an employment contract approved by the Board of Directors as described above, this Handbook shall supersede any and all prior handbooks, written documents, or oral representations issued by St. Mary's Charter School, whether or not such documents or representations contradict the at-will nature of your employment.

#### **Verification of Employment Eligibility**

Within three business days of employment, St. Mary's Charter School shall confirm the employment eligibility of all new hires by examination of documents establishing identity and employment authorization and completion of the I-9 Form required by the Department of Homeland Security. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present appropriate documentation establishing identity and employment eligibility.

Former employees who are rehired must also complete the form if they have not completed an I-9 with St. Mary's Charter School within the past three years, or if their previous I-9 is no longer retained or valid.

#### **New Hire Reporting**

By the 20th day after hiring a new employee, a report containing the name, address, and employer identification number of the school shall be made to the Texas Employer New Hire Reporting Operations Center.

#### **New Hire Orientation**

**Mandatory** orientation of new employees and their work assignments is arranged by the Director of Human Resources and the Principal. The purpose of the orientation is to acquaint the employees with their jobs and to give a complete explanation of benefits, services, rules, safety training and other information that is helpful to the new employee.

### **In-Service Training**

There is an ongoing in-service education program for all employees. Attendance at in-service training meetings is mandatory.

### **Criminal History Records**

Criminal history records of prospective volunteers and applicants for employment shall be obtained from a law enforcement or criminal justice agency pursuant to Texas Education Code section 22.083 and reviewed prior to employment or the commencement of volunteer service. Pursuant to that same section, criminal history checks of employees (or volunteers whose duties are performed where students are regularly present) may be obtained at any time during employment or volunteer services.

#### ***Criminal History and Credit Reports (CHCR)***

**The formal CHCR Policy is outlined in Policy Group 4 – CHCR Policy PG-4.2. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### **Effective September 1, 2017 Pre-Employment Affidavit**

The Texas Education Agency (TEA) is responsible for promulgating this form.

SB 7 Enacted by the 85<sup>th</sup> Legislature (R) the following category of employees must complete a Pre-Employment Affidavit disclosing a charge, adjudication, or conviction based on an inappropriate relationship with a minor:

Teacher, Teacher Intern, or Teacher Trainee, librarian, Educational Aide, Administrator, Educational Diagnostician, School Counselor, Audiologist, Occupational Therapist, Physical Therapist, Physician, Nurse, School Psychologist, Licensed Professional Counselor, Marriage and Family Therapist, Social Worker, and Speech Language Pathologist. This section applies even if the employee does not hold a certificate, permit, license for the position he or she holds.

An applicant who discloses an inappropriate relationship through the affidavit must include the relevant facts pertaining to the charge, adjudication or conviction, and whether the charge was determined to be true or false. An applicant is not precluded from being employed based on a disclosed charge if the school district or charter school determines the charge to be false. **Failure to disclose information required on the affidavit is grounds for termination.**

### **Administrator Accountability**

Administrators will not knowingly hire an individual in a covered position who has been adjudicated for or convicted of having an inappropriate relationship with a minor.

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The State Board of Educator Certification (SBEC) may revoke the certificate of an administrator if SBEC determines it is reasonable to believe that the administrator employed an applicant in a covered position despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

**Assisting an Individual with Obtaining Employment**

Employees will not knowingly assist another person in obtaining employment when the employee knows that the applicant has violated the law by engaging in sexual misconduct with a student or minor.

SB 7 allows SBEC to suspend or revoke the certificate, impose other sanctions, or refuse to issue a certificate to a person who helps another person get a job in a school district or charter school and the person knew that the other person had violated the law by engaging in sexual misconduct with a student or minor.

Note: The routine transmission of administrative files will not lead to sanctions by the SBEC.

**Disqualification from Employment**

In accordance with Texas Education Code section 12.120 and 19 TAC section 100.1151, an individual may not be employed by [SCHOOL] ("School") if he or she:

- Has been convicted of any felony or a misdemeanor involving moral turpitude;
- Has been convicted of any offense listed in Education Code section 37.007(a); or
- Has been convicted of an offense listed in the Code of Criminal Procedure section 62.001(5).

Additionally, in accordance with Texas Education Code section 22.085, the School shall discharge or refuse to hire an employee or applicant if the individual's criminal history information shows that:

- (1) The employee or applicant has been convicted of:
  - (a) A felony offense under Title 5, Penal Code;
  - (b) An offense on conviction of which the employee or applicant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or
  - (c) An offense under the laws of another state that is equivalent to an offense under paragraphs (a) or (b) above; and
- (2) At the time the offense occurred, the victim of the offense was under 18 years of age or enrolled in any public or private school.

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The School may discharge an employee if it obtains information of the employee's conviction of any felony or a misdemeanor involving moral turpitude that the employee did not disclose to the School or the State Board of Educator Certification ("SBEC").

**Discrimination Based on Criminal History**

Except as required by state or federal law, the School does not prohibit employment or refuse to consider an application for employment solely on the grounds that an applicant/employee has a prior criminal record. The School does not prohibit employment or refuse to consider an application for employment based solely on the grounds that the applicant/employee has been arrested. In accordance with Title VII of the Civil Rights Act of 1964, it is the policy of the School, prior to any exclusion of an applicant for employment or continued employment of an employee that has a criminal record, to conduct an individualized assessment of the criminal conduct at issue. In conducting such an assessment, the School shall carefully consider the following in order to determine that any exclusion based on criminal conduct is job related to the position in question and consistent with the business necessity of the school:

- The nature and gravity of the offense or offenses;
- The time that has passed since the conviction and/or completion of the sentence;
- The nature of the job held or sought.

Upon consideration of the above factors, the Superintendent or designee shall inform the applicant/employee that he or she may be excluded because of prior criminal conduct and provide the individual an opportunity to demonstrate that the exclusion does not properly apply to him or her and the position in question. The School shall consider the additional information provided by the applicant/employee that demonstrates that the criminal conduct is not job related and is consistent with business necessity of the school prior to making any final determination. Such additional information may include:

- The facts or circumstances surrounding the offense or conduct;
- The number of offenses for which the individual was convicted;
- Age at the time of conviction, or release from prison;
- Evidence that the individual performed the same type of work, post-conviction, with the same or a different employer, with no known incidents of criminal conduct;
- The length and consistency of employment history before and after the offense;
- Rehabilitation efforts, e.g., education/training;
- Employment or character references regarding fitness for the particular position;
- Whether the individual is bonded under a federal, state or local bonding program.

**Fingerprinting**

In accordance with state law, St. Mary's Charter School requires all employees and substitutes to complete the fingerprinting process implemented by the SBEC/Texas DPS Clearinghouse prior to employment.

### **Pre- and Post-Offer Medical Testing**

Employees may be required to submit to certain medical tests (including drug testing) before beginning employment with St. Mary's Charter School.

### **Reporting an Educator's Misconduct**

The Superintendent of St. Mary's Charter School shall promptly notify the SBEC by filing a written report (within 7 days of first learning about an alleged incident of misconduct) with the Texas Education Agency upon obtaining knowledge or information indicating any of the following circumstances:

#### ***Reporting Educator Misconduct***

**The formal *Reporting Educator Misconduct* Policy is outlined in Policy Group 4 –Policy PG-4.2.2. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### **Fair Credit Reporting Act**

St. Mary's Charter School may utilize consumer reports – *e.g.*, credit, criminal, employment references and Department of Public Safety reports to assist us in making employment decisions. The Superintendent and CFO positions are designated as Security Sensitive and successful applicants for these positions will be subject to a credit report. In addition, we may conduct annual driving record checks to verify that the licenses and driving records of those employees required to drive St. Mary's Charter School-owned vehicles are valid and acceptable to our insurance carrier.

#### ***Criminal History and Credit Reports (CHCR)***

**The formal *CHCR* Policy is outlined in Policy Group 4 – *CHCR* Policy PG-4.2. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### **Assignment and Reassignment**

All personnel are subject to assignment and reassignment by the Superintendent. School personnel may be directed to perform additional or supplemental duties from time to time. Unless specifically approved by the Board of Directors and the Superintendent, no additional financial compensation is provided for such duties. The Superintendent's criteria for approval of campus appointments and reassignments will be consistent with school policy regarding equal opportunity employment.

Any employee may request reassignment to another position for which he or she is qualified. All interested employees who meet a position's minimum qualifications are encouraged to apply. Selection is based on the school's needs and a candidate's qualifications and performance. St. Mary's Charter School fills all job vacancies with the individual it deems most qualified for the position, and reserves the right to select candidates from outside St. Mary's Charter School.

### **Job Vacancy Announcements**

Announcements of job vacancies are distributed as needed and posted on the school website. All job announcements are posted on the St. Mary's Charter School's website ([www.smacs.net](http://www.smacs.net)). Job Announcements will be posted in the local newspaper unless a pool of qualified applicants is available.

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The Director of Human Resources may elect to solicit applications through other websites or additional publications.

**Employee Right to Access Personnel File**

St. Mary's Charter School maintains a personnel file on each employee. This file includes the employee's job application, resume, records of training, and other employment records.

All information in an employee's personnel file will be made available to the employee or his or her authorized representative in the same manner that public information is made available under the public information laws found in Texas Government Code Chapter 552.

An employee or his or her authorized representative has a special right of access, beyond the right of the general public, to information held by the school that relates to the employee, and that is protected from public disclosure by laws intended to protect the employee's privacy interests. The school may not deny to the employee or his or her representative access to information relating to the employee on the grounds that the information is considered confidential by privacy principles under the Public Information Law. However, the school may assert, as grounds for denial of access, other provisions of the Texas public information laws or other laws that are not intended to protect the employee's privacy interests.

If the school determines that information in an employee's records is exempt from disclosure under an exception of Texas Government Code chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the employee or his or her authorized representative, it will, when required, submit a written request for a decision to the Attorney General of Texas before disclosing the information. The school will release the information to the employee requesting the information in accordance with applicable law.

Employees who wish to review their own file should contact the Payroll Accountant.

**Personnel Data Changes**

Each employee is responsible for ensuring that his or her personal information is accurate and current at all times. Employees must notify the Payroll Accountant of any changes in personal data, including personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports.

**Outside Employment**

An employee's primary job responsibility shall be to St. Mary's Charter School. Employees may engage in work outside the school to the extent there is no conflict of interest or conflict with their responsibilities to St. Mary's Charter School, relating to work time, job responsibilities or otherwise.

**Employment Applications**

St. Mary's Charter School relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in this information or



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data may result in St. Mary's Charter School's exclusion of the individual from further consideration for employment or, if the person has been hired, termination from employment.

### **Employment Reference Checks**

To ensure that individuals who join St. Mary's Charter School are well-qualified and have a strong potential to be productive and successful, St. Mary's Charter School may check 2 employment references of applicants selected for interview.

### **Employee Referrals**

St. Mary's Charter School does not provide information on former or present employees without the written approval of that individual. Supervisors do not provide letters of recommendation for former or present employees. Requests for referrals or requests/inquiries about former or present employees should be referred directly to the Director of Human Resources.

### **Minimum Qualifications for Principals and Teachers and Notification to Parents Regarding Teacher Qualifications**

St. Mary's Charter School employs principals, teachers and instructional staff members who are properly credentialed and qualified as required by state and federal law. Employment is contingent upon and subject to the employee submitting all required documentation in a timely and accurate manner and meeting all other employment requirements of St. Mary's Charter School.

State law requires that the school shall provide to the parent or guardian of each enrolled student written notice of the professional qualifications of the student's classroom teachers. The school will also provide this information upon request from a parent.

### **Health Requirements**

St. Mary's Charter School may require that an employee undergo a physical examination if, at any time, his/her ability to perform assigned work is in question.

### **Conflicts of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This section establishes only the framework within which St. Mary's Charter School wishes to operate. St. Mary's Charter School's framework is also guided by applicable state and federal law governing conflicts of interest and nepotism applicable to Texas open-enrollment charter schools and nonprofit entities. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Director of Human Resources or the Business Manager for more information or questions about conflict of interest.

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An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of St. Mary's Charter School's business dealings and operations.

No "presumption of guilt" is created by the mere existence of a relationship with an employee, contractor or vendor that may be a potential conflict of interest. However, if employees have any influence on transactions involving purchases, contracts or leases, it is imperative that they disclose to their immediate supervisor or The Business Manager or the Director of Human Resources, or the Superintendent as soon as possible, the existence of any actual or potential conflict of interest, so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which St. Mary's Charter School does business, but also when an employee or relative receives any benefit, including but not limited to a kick-back, bribe, substantial gift, or special consideration, as a result of any transaction or business dealings involving St. Mary's Charter School.

An employee with reason to believe that an actual or potential conflict of interest exists must bring that concern to the attention of that employee's immediate supervisor or to the Business Manager or the Director of Human Resources or the Superintendent.

***Employment of Relatives and Fraternization***

St. Mary's Charter School is committed to providing equal employment opportunities to its employees. Intimate relationships have the potential to interfere with St. Mary's Charter School's ability to provide equal employment opportunities for its employees, and in some instances, may constitute sexual harassment or other unlawful discrimination. To minimize potential conflicts of interest, St. Mary's Charter School strongly discourages its employees from entering into intimate relationships with other employees for which they have professional supervisory responsibility.

While relatives of employees or the Board of Directors may be employed by St. Mary's Charter School in accordance with applicable law, a familial relationship among employees can also create an actual, or at least a potential conflict of interest in the employment setting, especially where one relative has professional supervisory responsibility over another relative. Additionally, St. Mary's Charter School may not employ relatives of the Superintendent if the Superintendent has final hiring authority over the position sought, unless the relative of the Superintendent was hired prior to September 1, 2013.

St. Mary's Charter School may refuse to hire or assign a relative in a position where the appearance of or potential for favoritism or conflict exists. Employees shall also refrain from making hiring, firing or other decisions impacting the terms or conditions of employment of relatives. Where hardship exists, employees may appeal to the Director of Human Resources in accordance with the School's formal complaint procedures set forth in this Handbook.

If two employees marry, become relatives of each other or enter into an intimate relationship, they should not remain in a professional supervisory relationship. St. Mary's Charter School will, at its discretion, attempt to identify other available positions, and allow one or both of such employees to apply for

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reassignment, or St. Mary’s Charter School may reassign the employees at its discretion. If no alternate position is available, St. Mary’s Charter School may terminate either of the employees at its discretion.

In other cases, where a conflict or the potential for conflict arises between an employee and another employee, even if there is no professional supervisory responsibility involved, the parties may be separated by reassignment to another position or terminated from employment, at the discretion of The Superintendent of St. Mary’s Charter School.

For the purposes of this section, a “relative” is any person who is related by blood or marriage within the third degree, as described below, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

First Degree	Parent	Child		
Second Degree	Grandparent	Grandchild	Sister/Brother	
Third Degree	Great-Grandparent	Great-Grandchild	Aunt/Uncle	Niece/Nephew

**Non-Disclosure**

The protection of confidential business information and trade secrets is vital to the interests and the success of St. Mary’s Charter School.

***Intellectual Property***

**The formal *Intellectual Property* Policy is outlined in Policy Group 4 –Policy PG-4.26. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

**Textbook and Materials Acquisition**

Any St. Mary’s Charter School director, administrator, or teacher who receives any commission or rebate on any textbooks, electronic textbooks, instructional materials, or technological equipment used by St. Mary’s Charter School may commit a Class B misdemeanor offense.

Any St. Mary’s Charter School officer, administrator, or teacher who accepts a gift, favor, or service given to the person, or to St. Mary’s Charter School, that could not be lawfully purchased with funds from the state textbook fund, and that might reasonably tend to influence the person in the selection of a textbook, electronic textbook, instructional material, or technological equipment may commit a Class B misdemeanor offense.

**Copyrighted Material**

All St. Mary’s Charter School employees are required to abide by and comply with all state and federal laws governing copyright, trademarks and other intellectual property. Federal copyright law protects “original works of authorship fixed in any tangible medium of expression.”

### ***Intellectual Property***

The formal *Intellectual Property* Policy is outlined in Policy Group 4 –Policy PG-4.26. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.

### **Performance Evaluations**

The job performance of all employees will be reviewed by the employee's supervisor on a regular basis. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor or coordinator at least annually according to a schedule developed by the Superintendent. These evaluations provide both the employee and his or her supervisor the opportunity to discuss job performance, identify and correct weaknesses, encourage and recognize strengths, and discuss purposeful approaches for meeting goals.

Written evaluations will be completed on forms approved by the Director at least annually. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, have a performance conference with their supervisor or coordinator, and be given an opportunity to respond to the evaluation. Evaluation documents are confidential.

Employees are strongly encouraged to discuss job performance with their supervisor or coordinator on an informal day-to-day basis. Additional formal performance evaluations are conducted to provide employees and their supervisor or coordinator the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

### **Teacher Appraisals**

Classroom teachers are subject to appraisals. The Superintendent or Principal may request additional appraisals as needed, and may require official appraisal instruments for personnel evaluation. Informal observations conducted by the teacher's supervisor are also considered valid information for the purpose of employment decisions. The policy 4.40 is attached.

### **Employee Complaints, Concerns, and Grievances**

St. Mary's Charter School is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from supervisors and management.

Except for sexual harassment complaints where the supervisor is the subject of the complaint, all employees shall first bring their work-related complaints or concerns to their immediate supervisor.

### ***Formal Complaint Process***

The formal *Complaint Process* Policy is outlined in Policy Group 4 –Policy PG-4.6. This can be found on the Z drive in the HR policy index file or obtained from SMACS website

### **Termination or Resignation or Non-renewal**

An employee may be separated from employment either voluntarily or involuntarily by retirement, voluntary resignation, non-renewal, and lack of work or termination. Usually, before an employee is

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terminated he or she may be told the reason(s) for termination where appropriate, and may be counseled by his or her supervisor. An employee who will not be renewed for the following school year will be notified in writing by their supervisor prior to the end of the Spring Semester. However, the Board of Directors and the Superintendent have the authority to discharge the employee immediately and without warning.

All school-owned property in the employee's possession must be returned to his or her supervisor upon separation from employment. Failure to return school-owned property constitutes theft of public property and will be reported to law enforcement.

In the event an employee has been terminated or resigns, it is the employee's responsibility to provide a forwarding address and telephone number. This information must be provided to the Director of Human Resources or the Payroll Accountant no later than December 31 of that year for W-2 purposes, and no later than the last day of work in the event of termination or resignation. In the event the W-2 or final paycheck is returned to the school, the school will hold the W-2 or the final check until claimed by the former employee or by an individual authorized in writing by the former employee to collect the check and/or the W-2.

#### **SECTION 4: COMPENSATION AND PAY SCHEDULES**

##### **Payroll**

St. Mary's Charter School follows all Texas Payday Laws. Employees are paid as follows:

Salaried are paid on the fifteenth of the month for the preceding month. Hourly employees are paid bi-weekly. The first pay date is Friday, **September 2, 2022**.

Retiree rehires are paid on the 15<sup>th</sup> with salaried employees. Retiree rehires are also responsible for reporting to the payroll accountant the hours worked in each calendar month not later than the 3<sup>rd</sup> of the next month. Retiree rehires are not authorized to work in excess of the hours allowed by TRS. Failure to comply with this policy may result in the employee forfeiting his/her retirement check for the month the excess hours were worked and the School paying a penalty. Any penalty paid by the School will be charged to the employee.

**2022-2023** Schedule of Allowable Hours for retiree rehires may be found on the TEA website or by contacting the Director of Human Resources. **TEA has changed the reporting requirements for retiree rehires effective September 1, 2017, requiring all retirees to report hours worked each month.**

The method of pay may be changed at any time, with or without advance notice. Paychecks will either be directly deposited into the employee's financial institution of choice, or deposited on a **pay card**. No advanced pay of any kind is authorized.

Each paycheck will include earning per time clock submissions for non-exempt employees for all work performed through the end of the previous payroll period and per exempt work agreement period for exempt employees.

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In the event that a regularly scheduled payday falls on a weekend or bank holiday, employees will be paid on the last day of work prior to the regularly scheduled payday.

St. Mary's Charter School pays all exempt employees an annualized salary over 12 months, regardless of the number of months worked during the school year. Exempt employees will be paid in equal monthly payments beginning with the first pay period of the school year. Employees whose employment ends after the last day of instruction (and who are not returning for the next school year) will be paid-out in accordance with the Texas Payday Act.

### **Salaries and Wages**

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. Salaries and wages are reviewed periodically and adjusted according to the budgeted amounts approved by the Board of Directors. Employees should contact Director of Human Resources for further information concerning their own salary.

The Board adopted Salary Scales for employees for 2019-2020 School Year. If fiscally prudent, the Board may choose to grant across the board raises. This is entirely at the Board's discretion and only if fiscally prudent.

### **Pay Deductions and Setoffs**

St. Mary's Charter School will deduct from an employee's paycheck only that which is allowable under state and federal law. Generally, optional deductions, if any, may only be made from pay as long as the resulting wage does not fall below the FLSA minimum wage.

All optional deductions from an employee's paycheck must be authorized by the employee in writing. See the Wage Deduction Authorization Agreement, attached.

### ***Deductions Required by Law***

The following deductions are required by law and are withheld from every paycheck; no written authorization is required:

- *Social Security/Medicare*: The amounts withheld are based upon a tax rate set by law and are applied up to a certain specified amount of annual earnings. The school is liable for an amount equal to the amount of tax paid by the employee at the time the wages are paid.
- *Federal Withholding Income Tax*: Federal income tax will be withheld from each employee's paycheck. The amount is shown on the paycheck stub under the heading "Federal withholding." The Internal Revenue Service ("IRS") requires that deductions be made based on an employee's gross earnings in accordance with established withholding tax tables in effect at the time of withholding. The classification used to determine the amount of tax withheld is taken from the Employee's Withholding Allowance Certificate (Form W-4). The withheld tax is forwarded to the IRS, and the employee is given credit toward payment of their individual income tax.
- *Involuntary Assignment of Wages*: An involuntary assignment of wages – also called a garnishment – requires that the school deduct certain amounts from an employee's wages in order to repay the employee's debts, such as child support and court or IRS ordered wage

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garnishments. The school will make such deduction from an employee's paycheck only upon receipt of official notice and/or paperwork from a court or governing body.

- Deductions for retirement as required under state law as administered by the Teacher Retirement System of Texas. Persons required by law to be members of the Teacher Retirement System of Texas have deductions made from their paychecks for teacher retirement.

If you have questions why deductions were made from your paycheck or how they were calculated, notify the Payroll Accountant or the Director of Human Resources.

### **SICK AND PERSONAL LEAVE DEDUCTIONS**

On Day one (1) of employment each employee is given access to the year's allowance for sick, personal, and vacation leave (year round employees). Employees who leave during the year and have used more than the amount earned will have the excess leave time deducted from their final pay check.

#### ***Leave Policy***

**The formal Leave Policy is outlined in Policy Group 4 – Leave Policy PG-4.21. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

#### ***Administrative Pay Corrections***

In the event of an error in payment, the employee should contact his/her supervisor as soon as possible. The supervisor will then contact the Payroll Accountant and send the necessary paperwork to correct the matter. Any questions concerning how or when corrections will be made should be directed to the appropriate supervisor and the Payroll Accountant.

#### ***Overpayments***

Employees must inform the St. Mary's Charter School Business Manager and Payroll Accountant of known overpayments on any paychecks or direct deposits received. St. Mary's Charter School will pursue all legal means necessary to recover overpayments.

#### **Direct Deposit**

All faculty and staff are strongly encouraged to take advantage of direct deposit because of the many advantages it offers. In addition to being efficient and convenient, direct deposit is the most reliable method of receiving pay. Every employee participating in the program must sign a Direct Deposit Authorization Agreement form. A notification period of one pay period is necessary to activate this service. Terminated employees with Direct Deposit will receive a paper check for their final paycheck within six calendar days of termination in accordance with the Texas Payday Act.

#### **Expense and Travel Expense Reimbursement**

The Director of Human Resources or other appropriate administrator shall designate allowable expenses for expense reimbursement when employees incur expenses that are pre-approved and related to their work assignments. Employees shall be required to submit accurate documentation of the expenses for which reimbursement is sought. For employees who have their pay direct deposited all travel money and

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expense reimbursements will be direct deposited into your main payroll bank account. If you wish to have it deposited to a different account, you must fill out a form and give it to accounts payable (Nancy).

Prior approval for travel, including prepaid expenses, shall be obtained before any such expenses are incurred. Before an employee incurs any travel expenses, the employee must receive approval from the employee's supervisor and have an approved PO.

A St. Mary's Charter School employee shall be reimbursed for authorized mileage incurred while performing job-related duties only if such travel is at the request of the employee's supervisor and is approved in advance in accordance with school policy and procedures.

***Travel Policy***

**The formal Travel Policy is outlined in Policy Group 4 –PG-4.22. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

**Wage and Tax Statements**

All employees will receive a Wage and Tax Statement (Form W-2) from St. Mary's Charter School showing their annual earnings and the amounts deducted for Social Security, Medicare, and federal income taxes. Additional earnings and deductions that may be included, if applicable, are social security tips, allocated tips, advance earned income credit, and dependent care benefits. W-2 forms will be prepared by the Payroll Accountant and distributed on or before January 31st of each year.

**Fair Labor Standards Act (FLSA)**

***Employment Categories***

It is the intent of St. Mary's Charter School to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at-will at any time is retained by both the employee and the school.

Each employee is designated as either EXEMPT or NON-EXEMPT under federal and state wage and hour laws in accordance with applicable federal law. NON-EXEMPT employees are entitled to overtime pay under the specific provisions of federal law. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification by the school, and in accordance with applicable federal law.

Exempt status applies to the position and not the employee. Exempt simply means the position the employee fills is exempt from the Fair Labor Standards Act ("FLSA"), and is not entitled to overtime compensation. Exempt employees are paid on a salaried basis, and their salary is not reduced for absences of less than one half day. However, any full days of absence taken in excess of the employee's sick or personal leave will result in an employee payroll deduction calculated on a pro-rated daily rate.

Non-exempt positions are those positions that are not exempt from the FLSA. Non-exempt positions require the school to pay the employee overtime (time and a half) for all hours worked in excess of 40 during a workweek. The key phrase here is "hours worked." An employee may work 32 hours in a



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week and have 16 hours of vacation time. This would reflect as 48 hours on a paycheck, but for overtime calculation, the employee actually worked 32 hours – so overtime would not be paid. All employees in positions that are classified as non-exempt will be required for overtime pay in accordance with the appropriate Wage and Hour laws.

The school's positions are reviewed and assigned an FLSA (exempt or non-exempt) status that is maintained on a master record by the Director of Human Resources. Employees may obtain this information from the Director of Human Resources upon request.

***Timekeeping***

Federal and state laws require St. Mary's Charter School to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Employees are not to estimate future hours and include them on their time sheet.

Non-exempt employees should accurately record their time. This work log should be recorded as it takes place – not several hours or days later. Overtime work must always be approved before it is performed.

Non-exempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without expressed, prior authorization from the Principal or Business Manager or the Director of Ancillary Services or the Director of Human Resources or the Superintendent.

Exempt employees should use a timesheet to document days worked. Sick or personal leave must be clearly marked, as should days off without pay. Teachers and interventionists will not be required to fill in a timesheet for their regular contracts; they will be required to fill in an absence from duty form documenting the time missed. Teachers and interventionists must fill in extra duty timesheets to document any work in addition to their regular contract. Following the FLSA guidelines for exempt employees; all exempt employees will report their absences as full day or half day.

Employees sign their timesheets or approve automatic submissions to certify the accuracy of all time recorded. The appropriate supervisor will review and then sign the timesheet or indicate approval in the automated payroll system before submitting it for payroll.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

***Grant Funded Employees***

Employees who are grant funded are subject to all personnel and payroll policies of SMACS. In addition, grant funded employees are required to complete one of the federal forms of time and effort documentation, if required by the grant:

1. Semiannual Certification
2. Substitute system of Time and Effort
3. PAR (Personnel Activity Report)

SMACS' CFO and Director of Human Resources will meet to determine for each grant funded employee the appropriate method of documentation based on their cost objective and their schedule. The Director

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of Human Resources will meet with each grant funded employee and explain their documentation method.

***Minimum Wage and Overtime***

Employees not exempt under the Fair Labor Standards Act shall be paid minimum wage and receive compensation for overtime under the conditions specified in the Act. Under no circumstances should an employee work "off the clock" or outside of the employee's approved work schedule. All overtime must be preapproved by the employee's supervisor. Employees working overtime without prior approval may be subject to disciplinary action up to and including termination.

**Travel Policy**

**No St. Mary's Charter School or grant funds shall be used for travel expenditures of non-Charter School staff such as spouses. St. Mary's Charter School shall not allow any "family-friendly" travel expenditures, such as dependent care travel costs, with School or grant funds.**

***Travel Policy***

**The formal Travel Policy is outlined in Policy Group 4 –PG-4.22. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

**Acceptance of Unsolicited Gifts by Employees**

All St. Mary's Charter School employees are prohibited from soliciting gifts or tokens from vendors or other parties who are affected by (or have an interest in) a federal grant award or any award of St. Mary's School funds.

In addition, all St. Mary's Charter School employees are prohibited from accepting unsolicited gifts or tokens from vendors or other parties who are affected by (or have an interest in) a federal grant award that exceed a nominal (individual) value of \$100 and an aggregate value of \$250 in a fiscal year. If the federal allowable amount for unsolicited gifts is lower, the lower amounts shall be used. The Federal Conflict of Interest Thresholds shall be reviewed annually and staff shall be notified of the allowable amounts. The unsolicited gifts or tokens shall not include the following:

- Items prohibited at a public elementary and secondary schools such as drugs, tobacco or alcohol products

St. Mary's Charter School employees who violate this policy shall be subject to disciplinary action, up to and including termination of employment with the St. Mary's Charter School. Violations that exceed the federal Conflict of Interest thresholds shall be reported to the federal granting agency and/or pass-through entity by the CFO.

## **SECTION 5: BENEFITS**

St. Mary's Charter School currently offers the following benefit programs to eligible employees in the manner prescribed by law:

- Teacher Retirement
- Health Coverage Benefit
- COBRA

Benefits eligibility is dependent upon a variety of factors, including employee classification. The Director of Human Resources or designee can identify the programs for which you are eligible. Some benefit programs require contributions from the employee; some are fully paid by St. Mary's Charter School.

### **Teacher Retirement System ("TRS")-Covered Employment**

Employment that makes one eligible for membership in TRS is:

- Regular employment in a public, state-supported educational institution in Texas that is expected to last for a period of four and one-half months or more;
- For one-half or more of the standard full-time workload; and
- With compensation paid at a rate comparable to the rate of compensation for other persons employed in similar positions.

An employee of a public, state-supported educational institution in Texas meets these requirements if the member's customary employment is for 20 hours or more each week and for four and one-half months or more in one school year.

Full-time service is employment that is usually 40 clock hours per week.

If the TRS-covered employer has established a lesser requirement for full-time employment for certain positions, full-time service includes employment in those positions. In no event may full-time employment require less than 30 hours per week.

All new TRS Eligible employees are eligible for benefits on the first day of the month following the first day worked, or the date they become eligible for benefits. At no time will employees be eligible for coverage before the first day worked by the employee. If an employee does not enroll within 31 days of eligibility, that employee will be eligible to enroll during the next open enrollment opportunity.

All regular employees of the public education system in Texas (employed for four and one-half months or more, for one-half time or more of the standard full-time workload, and paid at a rate comparable to other persons employed by that employer in similar positions) must participate in TRS, unless an exception to TRS membership applies.

The exceptions to TRS membership include but are not limited to:

- A substitute, as defined by TRS Rules (To be considered a substitute, the individual must be serving in a position currently held by another employee and paid at a rate of pay that does not exceed the rate for substitute work established by the employer.);

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- A person employed on a temporary (less than four and one-half months), part-time (less than one-half time), seasonal, or on an irregular basis.
- A retiree re-hire.

Substitutes not receiving TRS service retirement benefits that work at least 90 days a year may also be eligible for TRS membership and to purchase one year of creditable service. TRS provides members with an annual statement of their accounts showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

St. Mary's Charter School will make all required contributions for employees eligible for TRS benefits on a timely basis.

### **Health Coverage Benefits**

St. Mary's Charter School offers medical coverage through TRS-Active Care, the statewide public school health insurance program to all eligible employees. The school's annual contribution to the plan(s) is also approved on an annual basis by the Board of Directors. Details regarding the St. Mary's Charter School health coverage benefit may be obtained from the Director of Human Resources or designee.

### **Benefits Continuation – COBRA**

The insurance carrier will notify employees of their potential rights under COBRA upon separation from employment with the school.

### **Other Benefits**

From time to time, St. Mary's Charter School may offer its employees the option to additionally purchase and/or participate in various other benefits and insurance programs, subject to the terms and conditions of the various programs.

### **Unemployment Compensation Insurance**

Terminated employees may be eligible for unemployment compensation benefits under the Texas Unemployment Compensation Act. At-will employees and employees who have been provided with a notice of reasonable assurance of returning to service are not eligible for unemployment benefits during regularly scheduled breaks in the school year or summer months. Employees with questions about unemployment benefits should contact the Director of Human Resources.

### **Workers' Compensation Insurance Benefit**

St. Mary's Charter School may provide workers' compensation benefits to employees who suffer a work-related illness or personal injury due to accidents arising out of their employment with the school. Such benefits are paid for entirely by the school and help pay for medical treatment and make up for part of the income lost while recovering.

### ***Workers Compensation***

**The formal Workers Compensation Policy is outlined in Policy Group 4 –PG-4.25. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

## **SECTION 6: EMPLOYEE ATTENDANCE AND LEAVE**

### **Attendance and Punctuality**

To maintain a safe and productive work environment, St. Mary's Charter School expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on St. Mary's Charter School.

Work hours for most employees are 7:45 A.M. to 4:15 P.M., however there may be exceptions to this requirement based on the employee's role at St. Mary's Charter School. Your supervisor will provide you with your actual work schedule, if it varies from the above.

Teachers are expected to be in their classrooms 15 minutes prior to start of class. However, on many occasions, it will be necessary to meet with colleagues and administrators or parents before or after regular school hours and possibly during evenings and weekends.

### ***Employee Attendance***

**The formal Employee Attendance Policy is outlined in Policy Group 4 –PG-4.36. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### **Absence**

When the need for being absent from or late to work is known in advance, the employee must notify his/her supervisor as far in advance as possible.

### ***Excessive Absenteeism or Tardiness***

Excessive absenteeism, tardiness, and leaving work prior to the designated time constitute grounds for any of the following disciplinary actions:

- Disciplinary probation.
- Denial of pending or future promotion.
- Production of medical certification of reason or reasons for absences and/or tardiness.
- Any other appropriate disciplinary measure, including suspension or termination of employment.

### ***Notice of Unexpected Absence***

When employees who have not given advance notice find that they cannot report for work, they are required to notify their supervisor within the first working hour each day of the absence. Notification to an employee other than the appropriate supervisor is insufficient.

### ***Failure to Give Notice***

Failure of an employee to give notification of absence to his/her supervisor for three consecutive workdays, unless prevented by circumstances beyond the employee's control, may be considered to be a voluntary resignation on the last day worked in accordance with applicable federal and state laws.

### ***Voluntary Resignation and Job Abandonment***

An employee who voluntarily resigns his or her employment without notice, or who fails to report to work without notice to or without approval from his or her supervisor, may be considered to have voluntarily terminated employment with St. Mary's Charter School. Failure to give notice may be considered job

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abandonment. An employee who has not reported to work and not given notice of absence for 3 days will be considered to have resigned.

In the event of a voluntary resignation, all school-owned property (e.g., keys, uniforms, etc.) must be returned immediately upon termination of employment.

### ***Notice of Voluntary Resignation***

An employee who is voluntarily resigning his or her position is requested to provide notice of resignation in writing to his or her supervisor as follows:

- One (1) Month Advance Notice of Termination by Teachers and Other Exempt Employees
- Two (2) Weeks Advance Notice of Termination by Non-Exempt Employees.

An employee who provides the appropriate notice of resignation above shall be paid for any accrued but unused vacation leave up to the date of the last day of employment provided in such notice. No payment shall be made for sick leave or any other type of leave, regardless of whether or not the employee provided advance notice of resignation.

### ***Employee Attendance Policy***

**The formal Employee Attendance Policy is outlined in Policy Group 4 –PG-4.5. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### ***Exit Interview/Questionnaire***

An exit interview will be conducted with each employee that voluntarily resigns from employment with St. Mary's Charter School and the employee shall be asked to complete an Exit Questionnaire Form by the Payroll Accountant.

### **Family and Medical Leave Act (FMLA)**

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

**NOTE: The following FMLA provisions and all references to FMLA in this Handbook and in school policy are applicable only to employees eligible for FMLA.**

### ***Family and Medical Leave (FMLA)***

**The formal FMLA Policy is outlined in Policy Group 4 –PG-4.13. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### ***Use of Paid and Unpaid Leave***

FMLA provides eligible employees with up to 12 workweeks of unpaid leave. However, if an employee has accrued paid leave (vacation, sick, or personal leave), he or she must substitute any qualifying paid leave for unpaid FMLA leave first. Substituted paid leave will run concurrently with the unpaid FMLA leave.

### **Maternity Leave (Non-FMLA)**

St. Mary's Charter School allows an employee up to 12 weeks of maternity/paternity leave, which leave shall run concurrently with any FMLA leave.

If an employee is temporarily unable to perform her job due to pregnancy, St. Mary's Charter School will treat the pregnancy complications the same as any other temporary disability.

Pregnant employees will be permitted to work as long as they are able to perform their jobs. The employee is eligible to return to work as soon as she is released by her treating physician.

### **Jury Duty**

St. Mary's Charter School may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror.

### ***Leave Policy***

**The formal Leave Policy is outlined in Policy Group 4 –PG-4.21. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### **Voting Leave**

Any employee who does not have two consecutive non-work hours while the polls are open on election day will be given up to two hours off with pay in order to vote

### ***Leave Policy***

**The formal Leave Policy is outlined in Policy Group 4 –PG-4.21. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### **Bereavement Leave**

Bereavement leave provides paid leave for employees, on top of the sick and personal days they already receive, for the purpose of attending a funeral and taking care of the arrangements that need to be made when a family member dies.

### ***Leave Policy***

**The formal Leave Policy is outlined in Policy Group 4 –PG-4.21. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

## **SECTION 7: EMPLOYEE CONDUCT**

### **General**

The successful operation and reputation of St. Mary's Charter School is built upon the principles of ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of all applicable laws and regulations, as well as scrupulous regard for the highest standards of conduct and personal integrity.

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St. Mary's Charter School will comply with all applicable laws and regulations, including its charter agreement with the State of Texas, and expects all employees to conduct their work in accordance with relevant law and to refrain from any illegal, dishonest or unethical conduct. Neither the Board nor any St. Mary's Charter School employee shall retaliate against a person who in good faith reports perceived illegal, dishonest or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, discuss the matter with your immediate supervisor and, if necessary, the Director of Human Resources.

Every employee is responsible for complying with the school's policy of proper business ethics and personal conduct. Disregarding or failing to comply with these standards may lead to disciplinary action, up to and including termination of employment.

### **Code of Ethics**

All certified educators employed at the school shall comply with the following Code of Ethics:

#### **Texas Educator Preamble**

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community.

#### **Professional Ethical Conduct, Practices and Performance.**

- The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the charter school, the Texas Education Agency, or the State Board of Educator Certification (SBEC) and its certification process.
- The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.
- The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
- The educator shall not use institutional or professional privileges for personal or partisan advantage.
- The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.
- The educator shall not falsify records, or direct or coerce others to do so.
- The educator shall comply with state regulations, written local school board policies, and other state and federal laws.



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- The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.
- The educator shall not make threats of violence against school employees, members of the Board of Directors, students, or parents of students.
- The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.
- The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.
- The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.
- The educator shall not consume alcoholic beverages on school property or during school activities when students are present.

**Ethical Conduct Toward Professional Colleagues**

- The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
- The educator shall not harm others by knowingly making false statements about a colleague or the school system.
- The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
- The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.
- The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.
- The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
- The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation in accordance with applicable laws or regulations.

**Ethical Conduct toward Students**

- The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.
- The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.
- The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.
- The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

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- The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.
- The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.
- The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.
- The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:
  - The nature, purpose, timing, and amount of the communication;
  - The subject matter of the communication;
  - Whether the communication was made openly or the educator attempted to conceal the communication;
  - Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
  - Whether the communication was sexually explicit; and
  - Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

*Professional Code of Ethics and Standard Practices for Texas Educators,  
Amended to be effective December 26, 2010.*

***Financial Ethics***

St. Mary's Charter School prohibits fraud and financial impropriety in the actions of its directors, employees, vendors, contractors, consultants, volunteers, and others seeking or maintaining a business relationship with the school.

Fraud and financial impropriety shall include but not be limited to:

- Forgery or unauthorized alteration of any document or account belonging to the school;
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document;
- Misappropriation of funds, securities, supplies, or other school assets, including employee time;
- Impropriety in the handling of money or reporting of the school's financial transactions;
- Profiteering as a result of insider knowledge of school information or activities;
- Unauthorized disclosure of confidential or proprietary information to outside parties;
- Unauthorized disclosure of investment activities engaged in or contemplated by the school;
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the school, except as otherwise permitted by law or school policy;
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment;
- Failure to provide financial records required by state or local entities;
- Failure to disclose conflicts of interest as required by law or school policy; or

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- Any other dishonest act regarding the finances of the school.

Any person who suspects fraud or financial impropriety shall report the suspicions immediately to any supervisor, the Executive Director or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety will be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Neither the Board of Directors nor any school employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety.

If an employee is found to have committed fraud or financial impropriety, the Executive Director or designee shall take or recommend appropriate disciplinary action, which may include termination of employment and, when circumstances warrant, referral to appropriate law enforcement or regulatory authorities.

### **Employee Appearance**

Dress, grooming, and personal appearance standards contribute to the morale of all employees and affect the professional image presented to students, parents, and visitors. All staff will be neatly and professionally attired and groomed at all times in compliance with established safety policies for his or her positions. No visible tattoos or unusual piercings or excessive piercings or distracting piercings or gauges. Final judgment regarding any professional dress will rest with the appropriate supervisor.

### **Unacceptable Employee Conduct**

Employees are expected to follow all laws, policies, regulations, terms and conditions of employment and directives of the School. St. Mary's Charter School expects its employees to act in a mature, professional and responsible manner. The following is a non-exclusive list of prohibited employee conduct. Employees who engage in any conduct listed below are subject to disciplinary action up to and including termination. This is not intended to be a complete list, and it does not alter the at-will relationship between employees and the school.

- Violation of the rules affecting the health and safety of students and the efforts of St. Mary's Charter School to operate efficiently and effectively.
- Negligence or any careless action which endangers the life or safety of another person, or damages or destroys property of St. Mary's Charter School.
- Intoxication or under the influence of controlled substances while at work or representing St. Mary's Charter School. The use, possession or sale of a controlled substance.
- Possession of firearms, weapons or explosives on St. Mary's Charter School property, while on duty or while representing St. Mary's Charter School.
- Fighting or threatening violence toward anyone on School premises or when representing St. Mary's Charter School, including "horseplay" or provoking a fight between others.
- Insubordination or other disrespectful conduct (including refusal to follow the lawful directives of a supervisor or the Executive Director).

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- Threatening, intimidating or coercing fellow employees on or off St. Mary's Charter School premises, at any time, for any reason.
- Engaging in an act of sabotage; willful or with negligence causing the destruction or damage of St. Mary's Charter School property, or the property of fellow employees, volunteers, contractors, or visitors, in any manner.
- Theft of St. Mary's Charter School-owned property or the property of fellow employees, students, contractors or visitors.
- Unauthorized possession or removal of any school property, including documents, from the premises without prior permission from a supervisor;
- Unauthorized use of St. Mary's Charter School's equipment or property, including using St. Mary's Charter School's equipment for personal use or profit.
- Dishonesty, falsification or misrepresentation on an application for employment or other work records; falsifying reasons for leave of absence or other data requested by St. Mary's Charter School and/or alteration of St. Mary's Charter School's records or documents.
- Giving confidential or proprietary St. Mary's Charter School information to other schools, organizations or persons.
- Breach of confidentiality of personnel or student information.
- Malicious gossip, spreading rumors or otherwise engaging in behavior designed to create discord and lack of harmony.
- Interfering with another employee on the job; willfully.
- Unsatisfactory performance or conduct.
- Smoking on school property.

An employee who is arrested for any felony or any offense involving moral turpitude must report the arrest to the Executive Director or his or her immediate supervisor within three calendar days of the arrest. An employee who is convicted of or received deferred adjudication for such an offense must also report that event to the Executive Director or his or her immediate supervisor within three calendar days of the event. An employee shall notify the Executive Director or his or her immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty pleas, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

- Crimes involving school property or funds;
- Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
- Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
- Crimes involving moral turpitude, which include but are not limited to:
  - Dishonesty, fraud, deceit, theft, misrepresentation;
  - Deliberate violence;
  - Base, vile or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
  - Felony possession, transfer, sale, distribution or conspiracy to possess, transfer, sell or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;

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- Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct if two or more acts are committed within any 12-month period; or
- Acts constituting abuse under the Texas Family Code.

## **Employee Discrimination / Harassment**

St. Mary's Charter School prohibits discrimination, including harassment, based on a person's race, color, gender, national origin, military service, disability, religion, age, sexual orientation or any other basis prohibited by law. Discrimination against an employee is defined as conduct directed at an employee on the previous basis that adversely affects the employee's employment. Retaliation against anyone involved in the complaint process is a violation of St. Mary's Charter School policy and acts of retaliation may result in disciplinary action up to and including termination of employment.

### ***Freedom from Discrimination, Harassment, and Retaliation***

**The formal Freedom from Discrimination, Harassment, and Retaliation Policy is outlined in Policy Group 4 –PG-4.14. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

An employee who believes he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor. Alternatively, the employee may report the alleged acts to:

Stan Simonson  
*Superintendent*  
507 N Filmore Beeville TX 78102  
361-358-5601  
ssimonson@smacs.net

## **Student Discrimination / Harassment**

St. Mary's Charter School prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin, disability, age, sexual orientation, military service or any other basis prohibited by law. Discrimination against a student is defined as conduct directed at a student on the previous bases that adversely affects the student.

St. Mary's Charter School prohibits dating violence, as defined by law. Retaliation against anyone involved in the complaint process is a violation of St. Mary's Charter School policy and acts of retaliation may result in disciplinary action, up to and including, termination of employment. Employees shall not tolerate any form of discrimination of students and shall report any alleged acts in a timely manner. Failure to promptly report alleged discrimination may impair the School's ability to investigate and address the discrimination/harassment.

St. Mary's Charter School employees shall not engage in discrimination of students nor tolerate student-to-student discrimination or harassment.

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St. Mary's Charter School shall investigate all allegations of such discrimination and shall take appropriate disciplinary action against employees or students who have engaged in such acts. Sexual harassment includes dating violence as well as any unwelcome verbal or physical sexual advances, including but not limited to engaging in sexually oriented conversations, telephoning or texting students at home or elsewhere to solicit unwelcome social relationships, physical contact that would reasonably be construed as sexual in nature, threatening or enticing students to engage in sexual behavior in exchange for grades or other school-related benefit, request for sexual favors, sexually motivated physical, verbal, or nonverbal conduct when the conduct affects the student's ability to participate in or benefit from a program or activity, or creates an intimidating, threatening, hostile or offensive educational environment.

Sexual harassment of students by employees is always a violation of law and will result in appropriate disciplinary action up to and including termination from employment and referral to appropriate law enforcement authorities.

### **Sexual Harassment Complaint Procedures**

St. Mary's Charter School will take appropriate actions against all substantiated allegations of harassment.

#### ***Sexual Harassment***

**The formal Sexual Harassment Policy is outlined in Policy Group 4 –PG-4.14.1. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### **Reporting Unlawful Acts or Acts in Violation of School Policy**

All St. Mary's Charter School employees are encouraged to report an action or suspected action that is illegal or in violation of any adopted Board policy. Good faith reports may be made without fear of reprisal.

### **Fraud, Dishonesty and False Statements**

No employee or applicant may ever falsify any application, medical history record, student paperwork, employee paperwork, time sheet, time card, investigative questionnaires or any other document. Any employee found to have engaged in résumé fraud, or who made material misrepresentations or omissions on their employment application, will be subject to immediate termination of employment. Violations of this policy should be immediately reported to the appropriate supervisor.

### **Insubordination**

All employees have duties to perform. It is against school policy for an employee to refuse to follow the directions of a supervisor or other school official. Employees must cooperate fully with investigations into potential misconduct. Refusal to disclose information during the course of an investigation constitutes insubordination and is subject to possible disciplinary action, up to and including termination.

In the event a supervisor directs an employee to perform an illegal or immoral act/task, the employee should immediately notify the Executive Director or designee.

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#### Employee Discipline

Employment with St. Mary's Charter School is based on mutual consent and both the employee and St. Mary's Charter School have the right to terminate employment at-will, with or without cause or advance notice. St. Mary's Charter School may use progressive discipline at its discretion.

Disciplinary actions may include, but are not limited to any of the following:

1. Verbal warning.
2. Conference with a supervisor and/or the Superintendent.
3. Written warning.
4. Suspension with or without pay.
5. Termination of employment.

The progression of these steps depends upon the severity of the problem and the number of occurrences. There may also be circumstances when one or more steps are bypassed.

#### Participation in Social Networking Sites

Employees have a right to participate in social networking sites, blogs, forums, wikis, etc. as individuals in the community; however, employees should not post anything (through written messages, images, or videos) that would violate student confidentiality or the professionalism and ethical conduct expected of St. Mary's Charter School employees, or that would negatively impact the perception of the employee's ability to be effective in their employment capacity, or that uses images or intellectual property of St. Mary's Charter School inappropriately. Postings that are considered inappropriate may be addressed by St. Mary's Charter School and could have an impact on an individual's employment status.

#### *Social Media*

**The formal Social Media Policy is outlined in Policy Group 4 –PG-4.33. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

#### Sales and Solicitations

In the interest of maintaining an efficient, safe, orderly and productive work environment, St. Mary's Charter School's general policy is to prohibit solicitations of products or services by anyone on the premises. Under no circumstances may an employee disturb the work of others to solicit or distribute literature to other employees during working time. Non-employees are absolutely prohibited anywhere on the premises for the purpose of selling products or services, soliciting employees or distributing literature. No one may sell investment products under any voluntary retirement plan on St. Mary's Charter School property during hours of operation, including staff meetings. Commercial advertisements or sales for personal profit or non-school related activities are prohibited. Any attempts to conduct such selling or solicitation should be reported immediately to the employee's supervisor and/or the Director of Human Resources.

#### Public Relations/Media

The Board of Directors has designated the Superintendent as the official spokesperson for media questions and public relations. Any official statements from St. Mary's Charter School to the media are to be handled through the Executive Director or designee only.

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**Employee Involvement**

All staff members are encouraged to attend St. Mary's Charter School functions. Additionally, appropriate staff members must attend student related meetings and functions including, but not limited to: parent meetings and conferences, open houses, scheduled faculty/staff meetings, and Attendance, Review, and Dismissal (ARD) meetings. As part of the school's planning and decision-making process, employees may either be asked or elected to serve on advisory committees.

**Faculty/Staff Meetings**

Employees are expected to attend regularly scheduled meetings whenever deemed necessary. Any absence from a meeting must have prior approval. An absent employee is expected to contact their supervisor for meeting details.

**SECTION 8: EMPLOYEE HEALTH AND SAFETY**

***Employee Safety***

**The formal Employee Safety Policy is outlined in Policy Group 4 –PG-4.7. This can be found on the Z drive in the HR policy index file or obtained from SMACS website**

**Workplace Safety and OSHA Compliance**

To assist in providing a safe and healthy work environment for employees, students, parents, and visitors, the school has established a workplace safety program. This program is a top priority of the school, and its success depends on the alertness and personal commitment of all.

The school provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the Director of Ancillary Services. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their Supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

**Hazard Communication Act**

St. Mary's Charter School is concerned about the safety of all employees, and therefore will perform the following duties in compliance with the Texas Hazard Communication Act:

- Post and maintain the notice promulgated by the Texas Department of State Health Services (TDSHS) in the workplace.
- Provide an education and training program for employees using or handling hazardous chemicals under normal operating conditions or foreseeable emergencies.



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- Compile and maintain a workplace chemical list that includes required information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the TDSHS for certain highly toxic or dangerous hazardous chemicals. The list will be readily available to employees and their representatives.
- Update the list as necessary, but at least by December 31 each year, and maintain the list as required by law. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information.
- As required by law, label new or existing stocks of hazardous chemicals with the identity of the chemical and appropriate hazard warnings, if such stocks are not already appropriately labeled.
- Maintain a legible copy of the most current manufacturer's material safety data sheets ("MSDS") for each hazardous chemical; request such sheets from the manufacturer if not already provided or otherwise obtain a current MSDS; make such sheets readily available to employees or their representatives on request.
- Provide employees with appropriate personal protective equipment.

The Director of Ancillary Activities shall notify employees of any planned pest control treatment by both of the following methods:

- Posting the sign provided by the certified applicator or technician in an area of common access the employees are likely to check on a regular basis at least 48 hours before each planned treatment.
- Providing the official Structural Pest Control Service Consumer Information Sheet to any individual working in the building, on request.

### **Occupational Safety and Health Administration ("OSHA") Statement**

St. Mary's Charter School wants to reduce dangers to health and safety by creating and maintaining improved working conditions, free from recognized hazards that might cause serious physical injury.

In accordance with the Occupational Safety and Health Act ("OSHA"), the school maintains a log of all occupational injuries and illnesses, and asks that employees report such injuries and illnesses within 48 hours so that the school may report these occurrences within a lawful period of time to the nearest OSHA office.

As Employees of St. Mary's Charter School:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints, or for exercising your rights under the OSHA Act.
- You have a right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.

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- Your employer must correct workplace hazards by the date indicated on the citation, and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the OSHA Act that apply to your own actions and conduct on the job.

As Your Employer:

- The school must furnish all employees a place of employment free from recognized hazards.
- The school must comply with the occupational safety and health standards issued under OSHA.

If you would like more information regarding your OSHA rights or additional information, visit [www.osha.gov](http://www.osha.gov) or call 1-800-321-OSHA.

### **Asbestos Management Plan**

The Asbestos Hazardous Emergency Response Act created by the Environmental Protection Agency requires St. Mary's Charter School to develop and maintain an Asbestos Management Plan. A copy of the complete management plan is located in the Office of the Director of Ancillary Services and the Office of the School Secretary. If you have any questions regarding the School's Asbestos Management Plan, please contact the Director of Ancillary Services.

### **Communicable Diseases**

The following information will provide simple and effective precautions against the transmission of a communicable disease for all students and school personnel who are potentially exposed to the body fluids of any person. No distinction is made between body fluids from persons with a known disease or those from persons without symptoms or with an undiagnosed disease.

The term "body fluids" includes: blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions and saliva. Contact with body fluids presents a risk of infection with a variety of germs. In general, however, the risk is very low and dependent on a variety of factors including the type of fluid with which contact is made and the type of contact made with it.

Transmission of communicable disease is more likely to occur from contact with infected body fluids of unrecognized carriers than from contact with fluids from diagnosed individuals, because simple precautions are not always carried out.

To avoid contact with body fluids, the following precautions should be observed:

- Avoid direct skin contact with body fluids. This also includes the mucous membranes (e.g. eyes, nose, and mouth);
- Wear disposable gloves when contact with body fluids is anticipated (e.g. when treating bloody noses; open cuts, abrasions and other lesions; handling contaminated clothing; and cleaning up body fluid spills) (see below);
- Always practice good personal hygiene through proper hand washing techniques (see below);

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- Request assistance from a custodian for proper cleaning of all body fluid spills.

### **Accident Reporting**

Employees shall report any on-the-job injury or accident immediately to their supervisor. Supervisors must notify the Payroll Accountant within 24 hours of notification of an occurrence. If an employee fails to report the accident within 30 days of the incident, the claim may be denied by the Texas Department of Insurance – Division of Workers' Compensation. The employee's supervisor and/or the appropriate management personnel shall conduct a thorough investigation, involving the employee and any witnesses that observed the injury or accident. The employee's supervisor and/or appropriate management personnel will ensure corrective action is taken to avoid a recurrence of the accident.

### ***Reporting Serious Injuries***

Within eight hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related accident, the school will orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of the Occupational Safety and Health Administration ("OSHA"), Department of Labor, that is nearest to the site of the incident. If the Area Office is not reachable, the school may use the OSHA toll-free central telephone number, 1-800-321-6742. The Superintendent or the Director of Ancillary Services will be responsible for this notification.

### ***Reporting Procedures***

The school will utilize the required OSHA forms to document and log each recordable injury or illness. This information will be kept current, maintained accurately, and retained for a period of five years.

### **Safety Committees**

St. Mary's Charter School has a School Safety & Security Committee which is a committee of the Board with meetings held three times a year. The chairperson is the Board Chair who will oversee and work with the committee to help improve safety awareness. Information regarding the committee can be obtained at the School Office or the Business Office.

### **Searches**

St. Mary's Charter School reserves the right to conduct searches to monitor compliance with rules concerning safety of employees, security of company and individual property, drugs and alcohol, and possession of other prohibited items. "Prohibited items" include illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, any items of an obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property.

### ***Employee Searches***

**The formal Employee Searches Policy is outlined in Policy Group 4 –PG-4.8. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

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### **Workplace Violence Prevention**

St. Mary's Charter School is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the school has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on school property.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are at all times prohibited without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, student, or member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, students, vendors, solicitors, or other members of the public. When reporting a threat of violence, please be specific and as detailed as possible.

All suspicious individuals or activities should be reported as soon as possible to a supervisor. Do not attempt to interfere in a disturbance unless it is reasonably safe to do so.

St. Mary's Charter School will promptly and thoroughly investigate all reports or threats of violence and suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety, and the integrity of its investigation, St. Mary's Charter School may suspend employees, either with or without pay, pending investigation. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

### **Drug-Free Workplace Requirements**

St. Mary's Charter School intends to provide a safe and drug-free work environment for our students and our employees. With this goal in mind, and because of the serious drug abuse problem in today's workplace, we have established the following policy for existing and future employees of St. Mary's Charter School.

#### ***Drug-Free Workplace***

**The formal Drug-Free Workplace Policy is outlined in Policy Group 4 –PG-4.3. This can be found on the Z drive in the HR policy index file or obtained from SMACS website**

**For-Cause Testing:** The school may ask an employee to submit to a drug and/or alcohol test at any time it feels that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity; unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol; negative performance patterns; or excessive and unexplained absenteeism or tardiness.

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**Post-Accident Testing:** Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. This includes not only the employee who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way.

**Pre-Employment Testing:** St. Mary's Charter School may require a pre-employment drug or alcohol testing after an offer of employment is made and accepted.

**Testing at Random:** Employees may also be selected for drug and alcohol testing at random.

All reports by the school regarding drug or alcohol testing results shall be kept strictly confidential but may be used as the basis for disciplinary action or other action regarding employment status.

If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, or if an employee refuses a request to submit to testing under this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including termination. In such a case, the employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.

Employees who, *prior* to any consideration of testing, voluntarily seek help in dealing with the problems related to alcohol dependency will be assisted in obtaining counseling and rehabilitation. St. Mary's Charter School will attempt to make reasonable accommodation for those seeking such assistance.

### **Alcohol and Tobacco Use and Possession**

St. Mary's Charter School maintains a smoke-and tobacco-free and alcohol-free school environment. It is a violation of state law to ingest or possess alcohol or smoke or use tobacco products (including, but not limited to, cigarettes, E-cigarettes, pipes, cigars, snuff, or chewing tobacco) on school property, in school vehicles, or during school-sponsored or school-related activities. Any violation of this policy may result in immediate termination. Violations or suspected violations of this policy should be reported to the Director of Human Resources as soon as possible.

### **Video Surveillance**

St. Mary's Charter School is charged with the responsibility of caring for students. Maintaining safe and efficient schools is critical to fulfilling this responsibility. St. Mary's Charter School reserves the right to conduct surveillance in its facilities and offices when such surveillance is in the best interest of the school, its students, or its employees, such as for possible problems with student abuse, theft, drugs, alcohol or other serious misconduct. Therefore, employees are on notice that they should have no expectation of personal privacy while at work and all schools and school facilities are subject to surveillance, including parking lots. Surveillance may be by electronic means or direct human involvement. Surveillance methods may be visible or may be concealed. Periods of surveillance may or may not be announced at the option of St. Mary's Charter School. No employee shall initiate surveillance of any kind without express approval of the Superintendent. Technical assistance with surveillance may be sought from local law enforcement agencies in conducting surveillance and surveillance results may be shared with local law enforcement agencies when possible criminal action is indicated.

### **Prohibition of Weapons (including handguns)**

Texas Penal Code section 46.03, prohibits firearms, illegal knives, clubs or any prohibited weapon on the physical premises of a school, any grounds or building on which an activity sponsored by a school is being conducted, or school transportation vehicle. Any violation of this policy by a St. Mary's Charter School employee may result in immediate termination.

## **SECTION 9: MISCELLANEOUS PROVISIONS**

### **Emergencies**

All employees should be familiar with the evacuation diagrams posted throughout the school. Fire, tornado, and other emergency drills will be conducted to familiarize employees and students with evacuation procedures. Fire extinguishers are located throughout all school buildings. Employees should know the location of these devices and how to use them.

### **FERPA**

Student records are confidential and protected from unauthorized inspection or use. Employees with access to student information and/or performance data will consistently and uniformly maintain the privacy and confidentiality of this information in accordance with the Federal Educational Rights and Privacy Act ("FERPA").

### **HIPAA**

The Health Insurance Portability and Accountability Act of 1996 ("HIPAA") established rules for protecting individual Personal Health Information ("PHI"). HIPAA provides individuals certain rights regarding their PHI, and requires employers and other individuals to adhere to restrictions on how PHI is disclosed. Every employee should respect the rights of others and only disclose PHI about themselves and others to those with a need to know. Disclosure of PHI without the written approval of the individual is a violation of federal law.

### **HIV-AIDS and Other Life-Threatening Illnesses**

Individuals infected with HIV and individuals with life-threatening illnesses have the same rights and opportunities as other individuals.

Employees are not required to reveal their HIV status to employers. All medical information that an HIV-infected employee provides to medical or management personnel is confidential and private. Employers may not reveal this information without the employee's knowledge and written consent, except as provided by law. Those with access to confidential information must maintain strict confidentiality and privacy, separating this information from employee's personnel records. Individuals who fail to protect these rights commit a serious offense, which may be cause for litigation resulting in both civil and criminal penalties and may result in disciplinary action, up to and including termination.

Employees who have concerns of a co-worker or student infected with HIV or a life-threatening illness should contact Director of Human Resources for appropriate information and reference materials.

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Employees do not have the right to refuse to work with someone who has HIV or AIDS or any disability. An employee who refuses to work with co-workers or students who have a disability shall be subject to disciplinary or corrective action, up to and including termination.

Employees who desire assistance concerning a disability or a life-threatening illness should contact Director of Human Resources.

**Key/Access Device Security**

Key/Access Device security is important because of the nature and value of property on campus. Each employee is responsible for keys issued and losses must be reported immediately. Keys or Access Devices may not be loaned or duplicated without written approval from the Director of Ancillary Services. Employees are required to take all reasonable precautions with the keys issued, and all keys must be accounted for at all times.

**Personal Property**

The school recognizes that employees may desire to display mementos pertaining to their families or bring other personal items to work. The school takes no responsibility for the safekeeping of these items. However, should any such personal property be stolen, employees should report the incident to the appropriate supervisor or to the Principal. The following guidelines should be observed:

- Safety comes first. No object can interfere with job safety as determined by the Superintendent or the Director of Ancillary Services in the absence of the Superintendent.
- Nothing can be displayed that is derogatory (in the opinion of the Director of Human Resources to any person or system of beliefs, or that is considered sexually offensive under the reasonable person standard.
- Objects that are inappropriate (in the opinion of the Director of Human Resources) or that hinder work efforts will not be allowed and must be removed upon request.

**Statement of Confidentiality**

According to the Texas Public Information Act, the home addresses, home telephone numbers (including former home addresses and telephone numbers), and any information that reveals whether the person has family members are confidential if the individual has, in writing, opted to keep this information closed from the public. As an employee of St. Mary's Charter School, you may indicate whether you wish this information to be released by completing the Statement of Confidentiality Form (See Form in the Handbook Appendix). Failure to complete the form indicates that you have no objection to having this information released. Any requests for information received, prior to the form being completed and turned in, must be honored in accordance with the Act's requirements. You can file a new form at any time to reflect a change in your choice concerning confidentiality.

**School Property**

All employees are responsible for taking proper care of school-owned property, including vehicles, buildings, furnishings, equipment, tools and supplies. School property must remain on the premises at all times unless approved in advance by the Executive Director. Proper care and maintenance of school-owned vehicles is also required.

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The following applies to the usage of any school-owned vehicle: (1) all doors must be locked when the vehicle is unattended, (2) no unauthorized passengers or merchandise are allowed to be transported/stored, and (3) no unauthorized stops may be made.

Employees must return all school-owned property that is in their possession or control in the event of termination of employment, resignation or layoff immediately upon request.

School employees shall not use school public property for any purpose not described in the open-enrollment charter, except that employees may use local telephone service, school-issued cellular phones, electronic mail, Internet connections, and similar property for incidental personal use, if, as determined by school administration, such does not:

- Result in any direct cost paid with state funds, or the charter holder is reimbursed by the employee within five business days for any direct cost incurred;
- Impede charter school functions as determined by the school administration.

Only incidental amounts of employee time, comparable to a five to seven-minute coffee break during each day, may be used for personal matters. This does not authorize incidental personal use of public property for private commercial purposes. Any such incidental use of public property is a privilege not a right, and the school's administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees.

## **Student Issues**

### **Administration of Medication**

Unless otherwise authorized or described below, school employees and volunteers are prohibited from administering medications to students, including vitamins and food supplements. Medication should be administered outside of school hours, if possible. If necessary, medication can be administered at school under the following circumstances:

- Nonprescription medication brought to school must be submitted to the school by a parent along with a written request. The medication must also be in the original and properly labeled container.
- Prescription medications administered during school hours must be prescribed by a physician or advanced nurse practitioner ("ANP") and filled by a pharmacist licensed in the State of Texas.
- Prescription medications must be submitted in a labeled container showing the student's name, name of the medication, reason the medication is being given, proper dosage amounts, the time the medication must be taken, and the method used to administer the medication. Medications sent in plastic bags or unlabeled containers will NOT be administered.
- If the substance is herbal or a dietary supplement, it must be provided by the parent and will be administered only if required by the student's Individualized Education Program ("IEP") or Section 504 plan for a student with disabilities.
- Only the amount of medication needed should be delivered to the school, i.e., enough medication to last one day, one week, etc. In cases of prolonged need, send in the amount for a clearly specified period. Extra medication will not be sent home with the student.



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- In certain emergency situations, the school may administer a nonprescription medication to a student, but only in accordance with the guidelines developed by the school's medical advisor and when the parent has previously provided written consent for emergency treatment.

***Psychotropic Drugs and Medical Evaluation***

**The formal Psychotropic Drugs and Medical Evaluation Policy is outlined in Policy Group 4 –PG-4.17. This can be found on the Z drive in the HR policy index file or obtained from SMACS website “.**

**Parent and Student Complaints**

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the Board has adopted orderly processes for handling parent and student complaints. Parents or students may obtain information on this process from the main office or the Principal.

**Student Conduct and Discipline**

Students are expected to follow all classroom and campus rules, and the rules listed in the Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by St. Mary's Charter School. Non-instructional employees with concerns about a particular student's conduct should contact the student's classroom teacher or the Principal.

**Student Attendance**

Teachers and staff should be familiar with the school's policies and procedures for attendance accounting. Contact the Principal for additional information.

**Student Transportation**

Except in limited emergency situations, St. Mary's Charter School employees are not authorized to transport students in the employee's personal automobile.

**Use of Personal Vehicles**

Employees conducting St. Mary's Charter School-related business in their personal vehicles are expected to be in compliance with all state laws related to vehicle insurance coverage requirements. If involved in an accident while on St. Mary's Charter School-related business, personal vehicle insurance takes precedence.

**Visitors in the Workplace**

St. Mary's Charter School requires all persons who enter upon its premises to display his or her driver's license or another form of identification containing a photograph of the person issued by a governmental entity. This applies to family members of employees, friends, parents, social service workers, volunteers, Board members, guest speakers and other guests, maintenance and repair persons not employed by St. Mary's Charter School, vendors, representatives of news media, former students, and any other visitors.

### *School Visitors*

**The formal School Visitors Policy is outlined in Policy Group 4 –PG-4.20. This can be found on the Z drive in the HR policy index file or obtained from SMACS website “.**

### **Dependent Children in the Workplace**

Extended visits in the workplace by dependent children of employees are prohibited. Short visits are acceptable such as when a spouse picks up an employee at the end of the day and the child accompanies the spouse. Exceptions may be made by the Supervisor to meet the needs of the School.

### **External Inquiries**

Employees should contact the Superintendent regarding all employee related legal matters and external inquiries. This includes all inquiries, notices or other communication from attorneys, prospective employers or others regarding employees or former employees, whether verbal or written. It also includes, but is not limited to:

- Any Charges of Discrimination that may come from the Equal Employment Opportunity Commission, Texas Human Rights Commission, the Austin Human Rights Commission or other agencies;
- Any notice or indication of an audit by the U.S. Department of Labor or notification from the Texas Workforce Commission;
- Any OSHA complaints or site visits by OSHA staff members;

No response should be given to external inquiries or notifications except how to contact the Superintendent and the Superintendent shall be notified as soon as possible. No employee other than the Superintendent may be served with legal papers. Employees who become aware of the attempt to serve legal papers should advise the server of the appropriate agent of record for service of process and notify his or her supervisor and/or the Superintendent as soon as possible.

### **Student Welfare: Child Abuse and Neglect Reporting**

Any St. Mary's Charter School officer, employee, agent or volunteer who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law.

### ***Reporting Child Abuse or Neglect***

**The formal Reporting Child Abuse or Neglect Policy is outlined in Policy Group 4 –PG-4.18. This can be found on the Z drive in the HR policy index file or obtained from SMACS website.**

### **Employee Training**

St. Mary's Charter School shall provide training for all new and existing employees on awareness of issues regarding sexual abuse and other maltreatment of children, including prevention techniques for and recognition of sexual abuse and all other maltreatment of children.

### **Student Welfare: Computer Technician Reports of Child Pornography**

Any computer technician employed by St. Mary's Charter School who, in the course and scope of employment or business with St. Mary's Charter School, views an image on a computer that is or appears to be child pornography must immediately report the discovery to a local or state law enforcement agency or the Cyber Tip line at the National Center for Missing and Exploited Children. The report must include the name and address of the owner or person claiming a right to possession of the computer, if known, and as permitted by federal law.

Except in a case of willful or wanton misconduct, a computer technician may not be civilly liable for reporting or failing to report the discovery of an image. A computer technician who intentionally fails to report an image may be subject to criminal prosecution.

## **SECTION 10: EMPLOYEE ACCEPTABLE USE POLICY**

### **Technology Mission Statement**

St. Mary's Charter School is committed to utilizing the maximum potential of technology to enhance student learning and increase teacher effectiveness by providing students with technology-related experiences. Recognizing the ever-changing influences of technology on all aspects of our lives, the school is dedicated to providing an integrated technological curriculum for all students and staff members. Students will have access to the technology necessary to produce, manage, communicate and retrieve information in an efficient manner for educational use. In the attainment of both present and future goals, the school will provide a continually evolving staff development program oriented toward the integration of technology in areas of curriculum.

### ***Employee Acceptable Use***

**The formal Employee Acceptable Use Policy is outlined in Policy Group 4 -PG-4.36. This can be found on the Z drive in the HR policy index file or obtained from SMACS website “.**

### ***Internet Safety***

**The formal Internet Safety Policy is outlined in Policy Group 4 -PG-4.35. This can be found on the Z drive in the HR policy index file or obtained from SMACS website “.**

### ***Use of Electronic Media and Electronic Communications with Students***

A certified or licensed educator or any other employee designated in writing by the Executive Director may communicate through digital electronic media with students who are currently enrolled in St. Mary's Charter School for academic purposes only. All other employees are prohibited from communicating with students who are enrolled in St. Mary's Charter School through electronic media unless express

authorization is provided by the Superintendent. An employee is not subject to these provisions to the extent the employee has a social or family relationship with a student.

### ***Electronic and Social Media***

**The formal Electronic and Social Media Policy is outlined in Policy Group 4 -PG-4.33. This can be found on the Z drive in the HR policy index file or obtained from SMACS website “.**

### **Media Usage of CELLULAR PHONE**

This policy outlines the use of personal cell phones at work, the personal use of business cell phones and the safe use of cell phones by employees. Failure to follow the guidance provided may result in disciplinary action.

### ***Cellular and Wireless Telephone Acceptable Use***

**The formal Cellular and Wireless Telephone Acceptable Use Policy is outlined in Policy Group 4 -PG-4.37. This can be found on the Z drive in the HR policy index file or obtained from SMACS website “.**

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

**APPENDIX - FORMS**

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**Disclosure and Authorization for Consumer Reporting Agency Reports**

St. Mary's Charter School may request background information about an employee from a consumer reporting agency in connection with his/her employment application and for employment purposes. This information may be obtained in the form of consumer reports and/or investigative consumer reports. These reports may be obtained at any time after receipt of your authorization.

The reports may contain information bearing on an employee's character, general reputation, personal characteristics, mode of living, and credit standing. The types of information that may be obtained include, but are not limited to the following:

- Social Security Number
- Criminal Records Checks
- Public Court Records Checks
- Driving Records Checks
- Licensing and Certification Records Checks
- Sex Offender Registration

A summary of an employee's rights under the Fair Credit Reporting Act has been provided to all employees. Employees may request more information about the nature and scope of any investigative consumer reports by contacting: Business Manager or Director of Human Resources.

*I have carefully read and understand this Disclosure and Authorization form and the attached summary of rights under the Fair Credit Reporting Act. By my signature below, I consent to the release of consumer reports and investigative consumer reports. I understand this information will be used to determine my eligibility for employment with St. Mary's Charter School.*

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name – Printed

*Summary of Your Rights under the Fair Credit Reporting Act on Next Page*

## A Summary of Your Rights under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Below is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to [www.ftc.gov/credit](http://www.ftc.gov/credit) or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.ftc.gov/credit](http://www.ftc.gov/credit) for additional information.
- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.ftc.gov/credit](http://www.ftc.gov/credit) for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.

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- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.ftc.gov/credit](http://www.ftc.gov/credit).
- **You may limit "prescreened" offers of credit and insurance you get based on information in your credit report.** Unsolicited "prescreened" offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.ftc.gov/credit](http://www.ftc.gov/credit).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:**

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors and others not listed below	Federal Trade Commission: Consumer Response Center – FCRA, Washington, DC 20580 Tel: 1-877-382-4357
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 Tel: 1-800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Consumer Help (FRCH) P. O. Box 1200 Minneapolis, MN 55480 Tel: 1-888-851-1920 Website Address: <a href="http://www.federalreserveconsumerhelp.gov">www.federalreserveconsumerhelp.gov</a> E-mail Address: <a href="mailto:ConsumerHelp@FederalReserve.gov">ConsumerHelp@FederalReserve.gov</a>
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	Office of Thrift Supervision Consumer Complaints Washington, DC 20552 Tel: 1-800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314



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	Tel: 1-703-519-4600
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Consumer Response Center, 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 Tel: 1-877-275-3342
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation, Office of Financial Management Washington, DC 20590 Tel: 1-202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator - GIPSA Washington, DC 20250 Tel: 1-202-720-7051

**Authorization for Prior Employer to Release Information**

(Please read the following statements, sign below and return to Human Resource Department.)

I, \_\_\_\_\_, hereby authorize my prior employer, \_\_\_\_\_, to release any and all information relating to my employment with them to St. Mary's Charter School. I further release and hold harmless both St. Mary's Charter School and \_\_\_\_\_ from any and all liability that may potentially result from the release and/or use of such information. I understand that any information released by my prior employer will be held in strictest confidence, that it will be viewed only by those involved in the hiring decision, and that neither I nor anyone else not so involved will have the right to see the information.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name - Printed

### Drug and/or Alcohol Testing Consent Form and Policy Acknowledgment Form

I hereby agree, upon a request made under the drug/alcohol testing policy of St. Mary's Charter School, to submit to a drug or alcohol test and to furnish a sample of my urine, breath, and/or blood for analysis. I understand and agree that if I at any time refuse to submit to a drug or alcohol test under any St. Mary's Charter School policy, or if I otherwise fail to cooperate with the testing procedures, I will be subject to immediate termination. I further authorize and give full permission to have St. Mary's Charter School and/or its physician send the specimen or specimens so collected to a laboratory for a screening test for the presence of any prohibited substances under the policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to St. Mary's Charter School and/or to any governmental entity involved in a legal proceeding or investigation connected with the test. Finally, I authorize St. Mary's Charter School to disclose any documentation relating to such test to any governmental entity involved in a legal proceeding or investigation connected with the test.

I understand that only duly-authorized St. Mary's Charter School officers, employees, and agents will have access to information furnished or obtained in connection with the test; that they will maintain and protect the confidentiality of such information to the greatest extent possible; and that they will share such information only to the extent necessary to make employment decisions and to respond to inquiries or notices from government entities.

I will hold harmless St. Mary's Charter School, meaning that I will not sue or hold responsible such parties for any alleged harm to me that might result from such testing, including loss of employment or any other kind of adverse job action that might arise as a result of the drug or alcohol test, even if a St. Mary's Charter School makes an error. I will further hold harmless St. Mary's Charter School, that it might use for any alleged harm to me that might result from the release or use of information or documentation relating to the drug or alcohol test, as long as the release or use of the information is within the scope of this policy and the procedures as explained in the paragraph above.

I have had an opportunity to read the Drug-Free Workplace Policy included in the St. Mary's Charter School Employee Handbook, and I understand that I may ask my supervisor or Human Resource Department any questions I might have concerning the policy. I accept the terms of the Drug-Free Workplace Policy. I also understand that it is my responsibility to comply with the Drug-Free Workplace Policy, and any revisions made to it.

This policy and authorization have been explained to me in a language I understand, and I have been told that if I have any questions about the test or the policy, they will be answered.

I UNDERSTAND THAT St. Mary's Charter School WILL REQUIRE A DRUG SCREEN TEST UNDER THIS POLICY WHENEVER I AM INVOLVED IN AN ON-THE-JOB ACCIDENT OR INJURY UNDER CIRCUMSTANCES THAT SUGGEST POSSIBLE INVOLVEMENT OR INFLUENCE OF DRUGS OR ALCOHOL.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name - Printed

## Searches

St. Mary's Charter School reserves the right to conduct searches to monitor compliance with rules concerning safety of employees, security of company and individual property, drugs and alcohol, and possession of other prohibited items. "Prohibited items" include illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, any items of an obscene, harassing, demeaning, or violent nature, and any property in the possession or control of an employee who does not have authorization from the owner of such property to possess or control the property. "

### *Employee Searches*

**The formal Employee Searches Policy is outlined in Policy Group 4 -PG-4.8. This can be found on the Z drive in the HR policy index file or obtained from SMACS website ".**

\_\_\_\_\_  
(Employee)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name - Printed

\_\_\_\_\_  
(Employer)

\_\_\_\_\_  
Date

### **Wage Deduction Authorization Agreement**

I understand and agree that my employer, St. Mary's Charter School, may deduct money from my pay from time to time for reasons that fall into the following categories:

1. My share of the premiums for St. Mary's Charter School's group medical/dental plan;
2. Any contributions I may make into a retirement or pension plan sponsored, controlled, or managed by St. Mary's Charter School;
3. Installment payments on loans based upon store credit that I use for my own personal purchases, including the value of merchandise or services that I purchase or have purchased for personal, non-business reasons using my employee charge account or credit card, an account or credit card assigned to another employee, or a general company account or credit card, regardless of whether such purchase was authorized, and if there is a balance remaining when I leave St. Mary's Charter School, the balance of such store credit or charges;
4. If I receive an overpayment of wages for any reason, repayment to St. Mary's Charter School of such overpayments (the deduction for such a repayment will equal the entire amount of the overpayment, unless St. Mary's Charter School and I agree in writing to a series of smaller deductions in specified amounts);
5. The cost of personal long-distance calls I may make on St. Mary's Charter School-owned phones or on its accounts, of personal faxes sent by me using St. Mary's Charter School-owned equipment or its accounts, or of non-work related access to the Internet or other computer networks by me using St. Mary's Charter School-owned equipment or its accounts;
6. The cost of repairing or replacing any of St. Mary's Charter School's supplies, materials, equipment, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from St. Mary's Charter School during my employment (except in the case of misappropriation of money by me, I understand that no such deduction will take my pay below minimum wage, or if I am a salaried exempt employee, reduce my salary below the federal FLSA minimum salary-basis amount);
7. The cost of any uniforms required in my employment with St. Mary's Charter School, and of cleaning such uniforms;
8. The reasonable cost or fair value, whichever is less, of meals, lodging, and other facilities furnished to me by St. Mary's Charter School in connection with my employment;
9. Administrative fees in connection with court-ordered garnishments or legally-required wage attachments of my pay, limited in extent to the amount or amounts allowed under applicable laws;
10. If I take paid vacation or sick leave in advance of the date I would normally be entitled to it and I separate from St. Mary's Charter School before accruing time to cover such advance leave, the value of such leave taken in advance that is not so covered;
11. The value of any time off for absences to which paid leave is not applied (non-exempt salaried employees will have all such unpaid leave deducted from their salary, while exempt salaried employees will experience salary reductions only in units of a full day or week at a time, depending upon the exact nature of the absence, unless partial-day deductions are specifically allowed under federal law); and
12. If St. Mary's Charter School pays any insurance premiums or retirement system contributions ("payments") on my behalf that I would normally make under any applicable benefit plan offered

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by St. Mary's Charter School during my employment, the amount of such payments made by St. Mary's Charter School, such payments being an advance of future wages payable to me.

13. Cafeteria Charges.

I agree that St. Mary's Charter School may deduct money from my pay under the above circumstances, or if any of the above situations occur. I further understand that St. Mary's Charter School has stated its intention to abide by all applicable federal and Texas wage and hour laws, and that if I believe that any such law has not been followed, I have the right to file a wage claim with appropriate Texas and federal agencies.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name - Printed

\_\_\_\_\_  
Employer's Representative

\_\_\_\_\_  
Date

### Wage Overpayment/Underpayment Policy

St. Mary's Charter School takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck, and that employees are paid promptly on the scheduled paydays.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Supervisor or Finance Department so that corrections can be made as quickly as possible. If the employee has been underpaid, St. Mary's Charter School will pay the employee the difference as soon as possible. If the employee has been paid in excess of what he/she has earned, the employee will need to return the overpayment to St. Mary's Charter School as soon as possible. No employee is entitled to retain any pay in excess of the amount he/she has earned according to the agreed-upon rate of pay. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid. Each employee will be expected to sign a wage deduction authorization agreement authorizing such a deduction.

I understand this policy and agree to its terms.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name – Printed

## Public Access to Employee Information

### Employee Opt-Out

In accordance with the provisions of the Texas Public Information Act (Section 552.024 of the Texas Government Code) employees of St. Mary's Charter School have the option of withholding the following information from public disclosure:

1. The employee's address
2. The employee's home telephone number
3. Information relating to whether the employee has family members

Other information maintained by St. Mary's Charter School regarding employees (including but not limited to employee names and work locations) is subject to public disclosure regardless of the election made below.

\_\_\_\_\_ PUBLIC ACCESS PERMITTED: I hereby elect to permit public access to my home address, telephone number, and information relating to whether I have family members in my home.

\_\_\_\_\_ PUBLIC ACCESS DENIED: I hereby elect to deny public access to my home address, telephone number, and information relating to whether I have family members in my home.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name- Printed



### **PAY DURING EMERGENCY CLOSURES**

During an emergency closing resulting from a state or federally declared emergency or disaster declaration, for which the workdays are not scheduled to be made up at a later date, all employees shall continue to be paid for their regular duty schedule regardless of whether the employees are required to report to work.

The Board shall, by resolution or other Board action, set the parameters for payment during closings and reflect the purpose served by the expenditure.

### **PAY DURING FEDERALLY DECLARED DISASTERS**

Any non-exempt employee who is required to work on campus during an emergency closing for a state or federally declared emergency or disaster declaration shall be paid time and one-half for all hours actually worked in place of their regular hourly rate, ***not in addition to their regular rate***. The Superintendent or designee shall approve payments and shall ensure that accurate time records are kept of actual hours worked during an emergency closing.

## Purpose

### SMACS Performance Appraisal Evaluation of Teachers

#### And

### Administrative Procedures for T-TESS Waivers

The District shall appraise teachers annually using the Texas Teacher Evaluation and Support System

(T-TESS) in accordance with law and administrative regulations.

As per SMACS Board Policy, teachers who have been rated at least **PROFICIENT** on their latest appraisal, with **NO** areas rated as less than PROFICIENT in any domain or individual criteria on their last appraisal, may be appraised less frequently than annually---but **at least once every 3 years**. This waiver must be agreed upon in writing by both the teacher and the appraiser, and each waiver is valid for only one year. If an appraiser becomes aware of a teacher who is performing below expectations (whether through direct observation or notification from a third party), the appraiser may revoke the T-TESS Waiver. The teacher would then be placed back on the traditional annual T-TESS appraisal cycle even if he or she had agreed to less frequent appraisals. This also does not preclude an appraiser, or other administrator, from conducting informal observations at any time even for those teachers who have qualified for less frequent appraisals.

Classroom teachers in the following situations **shall not** receive a waiver and will be subject to a full

T-TESS appraisal:

1. The teacher's most recent was rated less than proficient on any domain and/or individual criteria.
2. The teacher is not SBEC certified.
3. The teacher is in the first year of a new assignment and/or requires a different certification than the previous assignment.

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If the waiver is annually agreed upon by the teacher and the appraiser, the **Waiver Form** must be signed by both parties and submitted to the principal or other appraiser **within the first 3 weeks of school.**

If the waiver is mutually agreed upon, the teacher has waived the requirements to a 45-minute observation, a written Observation Report, pre/post Observation Conferences, a written Summative Report, and a Summative Conference. **Instead, the teacher will complete the GSPD (Goal - Setting and Professional Development Plan) and shall participate in a modified End-of-Year Conference.**

**The Modified End-of-Year Conference will address:**

1. Progress on the GSPD (Goal- Setting and Professional Development Plan).
2. Academic performance of teacher's students.
3. The following year's Goal – Setting and Professional Development Plan.

**\*At the request of the appraiser, the waiver may be revoked and the teacher shall return to the full appraisal process at any point in the year.**

**\*\*The appraiser will conduct walk-through observations during the school year for ALL teachers.**

**SMACS**

**Formal Appraisal Waiver Form**

\_\_\_ I agree to waive my formal T-TESS appraisal for this school year \_\_\_\_\_.

\_\_\_ I understand that I will receive a full appraisal once every three years.

\_\_\_ I understand that I will participate in the Goal-Setting and Professional Development Plan.

**Please sign and submit to your appraiser within 3 weeks of the school year, starting with the 2022 – 2023. For 2021 – 2022 Please sign and submit to your appraiser by November 12, 2021.**

\_\_\_\_\_  
Teacher Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Date