

TCSA Model Board Policy Series

Module 600: Human Resources Charter Board Policy for
Tejano Center for Community Concerns, Inc.

600.020 EQUAL OPPORTUNITY

The governing body (“Board”) of TCCC adopts the following policy which be shall effective on the date that the policy is adopted by the Board.

SECTION 1. Anti-Discrimination Policy

TCCC employees shall not engage in discrimination or harassment motivated by race, color, national or ethnic origin, religion, sex, marital status, disability, military service, or age, as required by law, directed toward other TCCC employees or students. A substantiated charge of discrimination and/or harassment shall result in disciplinary action. Retaliation against employees or students who report discrimination and/or harassment is strictly prohibited. Acts of retaliation may result in disciplinary action up to and including termination.

SECTION 2. Investigation

Any allegations of discrimination or harassment of students or employees shall be investigated and addressed.

SECTION 3. Coordinator

TCCC designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Age Discrimination Act of 1975, and this anti-discrimination policy:

Position: Director of Human Resources

Address: 2950 Broadway, Houston, Texas 77017

Telephone: (713) 640-3703

SECTION 4. Complaints

The Coordinator shall be responsible for the investigation of discrimination complaints filed by employees and citizens. Complaints regarding any type of alleged discrimination shall be made in accordance with TCCC’s complaint policy in Section 300.120.

600.40 DRUG-FREE WORKPLACE

The governing body (“Board”) of TCCC adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Drug-Free Policy

TCCC is committed to maintaining a drug-free workplace and shall make a good faith efforts to maintain such an environment. The unlawful manufacture, distribution, possession, or use of a controlled substance in the workplace is strictly prohibited. In addition to any consequences established by law, violation of this policy may lead to disciplinary consequences up to and including termination.

SECTION 2. Drug-Free Awareness Program

The President & CEO, or designee, shall established a drug-free awareness program in accordance with federal law.

SECTION 3. Notification.

Employees shall notify the President & CEO or designee of any conviction based on a drug statute violation that occurred in the workplace within five days of such a conviction. Within 10 days of such notification, or otherwise being notified, the President & CEO, or designee, shall notify applicable relevant federal granting agencies of the conviction. Within 30 days of such notification the President & CEO, or designee, shall take personnel action or require the employee participate in a drug abuse assistance or rehabilitation program.

SECTION 4. Alcohol & Drug Testing

Section 4.1. Establishment of Testing Program & Procedures. In an effort to promote safety and help prevent accidents resulting from alcohol and/or drug misuse, the President & CEO, or President & CEO’s designee, shall establish an alcohol and drug and controlled substance testing program and procedures for the following:

1. Employees who are drivers of charter school-owned or rented vehicles;
2. Employees who perform safety-sensitive functions;
3. Applications for positions in the above-referenced categories; and
4. Any employee when there is reasonable suspicion of use of alcohol or controlled substances in the workplace.

THE President & CEO shall designate a charter school official who shall be responsible for ensuring that information is provided to all employees regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

Section 4.2. Reasonable Suspicion Testing. Only supervisors trained in accordance with federal regulations may, based upon reasonable suspicion, remove an employee and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity appears impaired. Such observations must take place just preceding, during, or just after the period of the workday that the employee is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

Section 4.3. Required Procedures. The procedures established under Section 4.1 shall require the termination of an employee's employment for refusal to submit to a required test for alcohol or controlled substances.

Section 4.4. Supervisor Training. The President & CEO, or President & CEO's designee, shall ensure that supervisors are properly trained in accordance with the terms of the applicable law and this policy.

600.060. HIRING PRACTICES & CRIMINAL BACKGROUND CHECKS

The governing body (“Board”) of TCCC adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. New Hires

Section 1.1. Compliance.

The President & CEO, or designee, shall ensure compliance with applicable laws and regulations regarding hiring practices of new employees.

Section 1.2. Posting Job Vacancies.

The President & CEO, or designee, shall ensure that job vacancies are posted with ample time and in various venues so that a broad pool of potentially strong applicants may apply for available positions.

SECTION 2. Criminal Background Checks

The President & CEO, or designee, shall ensure compliance with applicable laws and regulations regarding criminal background checks. Upon notification that an employee or prospective employee has engaged in an offense which legally prohibits that individual from employment at an open-enrollment charter school, the President & CEO, or designee, shall terminate, or not hire as applicable, that individual.

600.080. COMPENSATION

The governing body (“Board”) of TCCC adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Fair Labor Standards Act (FLSA) Compliance

Section 1.1. Designation of Work Week. The Board authorizes the President & CEO or designee to designate separate work weeks for employees.

Section 1.2. Classification of Employees. The President & CEO shall determine the classification of employees as “exempt” or “nonexempt” for purposes of FLSA compliance.

Section 1.3. Permission Required to Work Overtime. Nonexempt employees may only work over 40 hours per week if they have received prior approval from their supervisor.

SECTION 2. COMPENSATION PLANS FOR SCHOOL EMPLOYEES

The President & CEO shall recommend for Board approval compensation plans for all categories of charter school employees including salary schedules, stipends, benefits, incentives or other components determined appropriate by the President & CEO. The President & CEO shall administer the compensation plan in a manner consistent with the annual budget adopted by the Board.

SECTION 3. Wage Overpayment / Underpayment

TCCC strives to take all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled paydays. In the unlikely event that there is an error in the amount of pay, the employee shall promptly bring the discrepancy to the attention of his or her supervisor so that corrections can be made as quickly as possible. If the employee has been paid in excess of what he or she has earned, the employee shall return the overpayment to TCCC as soon as possible. No employee is entitled to retain any pay in excess of the amount he or she has earned according to the agree-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 either soon after employed with TCCC or as soon as practicable. Such authorization agreement is valid for the duration of the employment relationship.

(TCSA Note: TWC’s sample wage deduction authorization agreement)

SECTION 4. Expense Reimbursement

The President & CEO 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.

SECTION 5. Bonus Payments

TCSA Note: Optional Policy

TCCC provides every employee with base compensation. However, there are circumstances when additional payment, bonus pay, may be appropriate to provide a reward for exceptional performance. An employee may earn a bonus only if he or she is employed on the bonus payment day and has not indicated his or her intent to resign.

A bonus is defined as an after-the-fact discretionary, lump sum, non-cumulative cash award that may be granted to an employee in recognition of an extraordinary contribution which substantially benefits the students at TCCC and/or TCCC. Because bonuses are for extraordinary contributions, it is not expected that bonuses will be awarded annually or on any other regular basis. No property interest exists in the possibility of an award of a bonus.

TCCC may award a bonus to an employee in its sole discretion according to a bonus plan which identifies criteria for an award.

600.100. TRAINING: CAMPUS ADMINISTRATIVE OFFICERS & BUSINESS MANAGERS

The governing body (“Board”) of TCCC adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Each administrator shall comply with and keep accurate records concerning his or her compliance record keeping requirements with the commissioner of education rules governing training.

600.120 IMMUNITIES

The governing body (“Board”) of TCCC adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Exhaustion of Administrative Claims

Prior to filing a lawsuit against a professional employee hired by TCCC, potential claimants shall exhaust administrative remedies in accordance with state law. Administrative remedies must be pursued through the Board’s grievance process set forth in Board Policy 300.120.

SECTION 2. Written Notice of Legal Claims

Written notice of a potential legal claim against a professional employee of the TCCC shall be provided in accordance with state law and shall be mailed or hand delivered to the employee’s attention at the charter school’s administrative office at the following address: 2950 Broadway, Houston Texas 77019, with a copy to the Director of Human Resources.

600.140. RETIREMENT AND HEALTH BENEFITS

The governing body (“Board”) of TCCC adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Compliance

The President & CEO shall administer this policy in compliance with all applicable laws and shall ensure that school records pertaining to each employee’s retirement and health benefits are current and accurate.

SECTION 2. Health Benefits

TCCC elects to provide health benefits through private carriers and TRS Active Care. All health claims and coverage decisions are final as determined by the school’s selected carrier.

SECTION 3. COBRA Notification

The President & CEO, or designee, shall notify employees of their potential rights under COBRA upon separation from employment with the school, whether for voluntary or involuntary reasons.

SECTION 4. Local Benefits

Local Benefits – TCCC may offer the following additional employment benefits for its employees: life insurance and accidental death and dismemberment, supplemental life insurance, disability insurance. **[Note: here the Board should define and state any specific conditions for participating in additional employment benefits such as vision programs, dental programs, parking privileges, membership dues in professional associations, cell phone allowances, professional development opportunities, etc.]**

SECTION 5. Workers Compensation Benefits

It is the policy of TCCC to provide workers' compensation insurance. The President & CEO shall notify employees of its coverage decisions in accordance with state law.

600.160. TEACHER CREDENTIALS & QUALIFICATIONS

The governing body ("Board") of TCCC adopts the following policy which shall be effective on the date that policy is adopted by the Board.

SECTION 1. Compliance.

The President & CEO or designee shall ensure that each teacher employed by the TCCC is properly credentialed and qualified as required by state and federal law or as may be required by TCCC. Further, the President & CEO shall ensure that the appropriate notices are sent to parents concerning the credentials and qualifications of the student's teachers.

---Section 2 is Optional ---

600.170 ADMINISTRATOR WORK SCHEDULES AND CALENDAR

The President & CEO or designee shall determine the work schedule and calendar for each administrator.

600.180 EMPLOYEE LEAVES AND ABSENCES

The governing body (“Board”) of TCCC adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Definition

For purposes of this policy, “instructional staff” includes full time employees who work as campus principals, classroom teachers, teacher aides, counselors, and providers of special education services and positions designated by the President & CEO or designee of employees who provide ancillary student services. **Note: The board at its discretion may modify this listing of employees as appropriate for the staffing plan and position titles.**

SECTION 2. Administration and Compliance

The President & CEO shall administer this policy in compliance with all applicable laws and shall ensure that school records pertaining to each employee’s leaves and absences are current and accurate.

SECTION 3. Family Medical Leave

Section 3.1. 12-Month Period. For purposes of FMLA leave, the 12-month period for leave is determined as the the 12-month period following the employees’ employment anniversary date.

Section 3.2. Concurrent Use of Leave. It is the policy of TCCC for an employee's paid leave, and/or workers' compensation leave to run concurrently with FMLA leave.

SECTION 4. Local Leaves and Absences

Section 4.1. Local Vacation Leave. Ten (10) paid vacation leave shall accrue annually but leave unused at the end of the employment year does not carry over to subsequent years absent written approval by the President & CEO or designee. The ten days accrue during the year on a pro rata basis in the ratio of days that have occurred in the employment year to the total number of days in the employment year.

Section 4.1.1. Limit on Vacation Leave Accrual and Use. All vacation days earned in one employment year must be used by the end of the employment year. Vacation leave does not accumulate beyond these limits, unless previously approved by the President & CEO or designee.

Section 4.1.2. Pre-Approval Required. Use of earned vacation leave must be pre-approved by the employee's supervisor.

Section 4.1.3. Vacation Leave for Instructional Staff. For instructional staff, vacation leave ordinarily may not be taken on the first day of school, on the last of school, during the administration of state assessments, during the administration of local benchmarking assessments, on days immediately before or after Spring Break, or on days immediately before or after Winter Break, but each employee's supervisor is authorized to make exception to this policy as he or she determines appropriate to accommodate the employee without compromising the interests of the students.

Section 4.2. Local Personal Leave. Each employee is entitled to ten (10) days of paid personal leave per year. Personal leave may be used for illness, illness of an employee's family member, personal and family medical appointments, and other personal reasons as determined by the employee. Personal leave does not accumulate.

Section 4.3. Other Leave. The charter school offers the following additional types of leave for its employees: military leave, civic duty leave, religious observance leave,

bereavement leave, short term disability leave, and any other type of leave identified in the Employee Handbook. **[Note: Here the Board should define and state specific conditions for earning and taking any other types of leave offered by the charter school such as bereavement leave, short-term disability leave, or paternity leave, professional leave, sick leave banks, or other types of leave from duty.]**

SECTION 5. Extended Absences from Duty

Section 5.1. Abandoning Work. An employee who misses three days of work without directly notifying the employee's supervisor is considered to have abandoned the employee's position and will be terminated from employment unless extenuating circumstances exist as determined by the President & CEO or designee.

Section 5.2. Returning to Work from Extended Leave.

Section 5.2.1. Reinstatement. The reinstatement of an employee returning from extended leave such as family medical leave, military leave, or workers' compensation leave is a high priority for TCCC. Reinstatement to an equivalent position will be determined on a case-by-case basis by the President & CEO, or designee, based on the following factors relating to the best interests of the school and its students:

- a. the applicable laws, policies, and practices governing the employee's absence from duty;
- b. for instructional positions, the time of year, the students' academic and behavior progress, the proximity of school and/or student holidays, the proximity of student testing, and additional similar factors relating to the academic and behavioral success of the students;
- c. whether the employee is a key employee;
- d. the school's legal obligations to other employees;
- e. the employee's ability to perform the essential functions of the job with or without reasonable accommodation;
- f. the impact of reinstatement on the academic, fiscal, or other operations of the school.

Section 5.3. Pay Increases. Employees returning to their prior employment positions from extended leave such as family medical leave or workers' compensation leave are entitled to any cost of living increases that were awarded during the employee's absence from duty. Unless legally required otherwise, returning employees will be entitled to any pay increases that were awarded based on seniority or length of service.

600.200. COMPLAINTS BY SCHOOL EMPLOYEES

The governing body (“Board”) of TCCC adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Process for Employee Complaints

Employees of TCCC who have a complaint about their terms or conditions of work are encouraged to resolve their concerns informally with their co-workers and/or supervisors at the lowest level possible. If the employee is not satisfied with the outcome of the informal resolution, then the employee may file a formal complaint in accordance with the grievance process set forth in Board Policy Section 300.120.

SECTION 2. Exception for Sexual Harassment Complaints

All formal complaints by employees must be pursued in accordance with the process set forth in Board Policy 300.120 unless the complaint is a sexual harassment complaint filed by an employee against the employee’s supervisor. Under these circumstances, the employee shall present his or her Level 1 complaint to the school’s President & CEO who will designate another supervisory level employee to hear and respond to the Level 1 grievance. If the President & CEO’s designee does not reach a decision that is satisfactory to the employee, then the employee may appeal the decision to Levels 2 and 3 as delineated in Board Policy Section 300.120.