

Carlsbad Municipal Schools

EMPLOYEE HANDBOOK

2025-2026

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Section 1 – General Information

Welcome to Caveman Country and the Carlsbad Municipal Schools! Whether you are new to CMS or a long-time employee, the School Board extends its appreciation for your commitment to public education and furthering the growth of our students.

The ***purpose*** of this *Handbook* is to provide information and guidance that will help employees in understanding what can be expected from the District and what the District expects from employees. The employee handbook describes the professional expectations and necessary conditions for our work together.

The ***goal*** for the *Handbook* is to be a valuable tool in understanding how the District works, as well as to serve as a reference guide for answering questions about employment in the District. However, the *Handbook* is not a detailed description of all employment policies. Please be sure to take the time to review the policies on the Board of Education section of the District's webpage at http://www.carlsbadschools.net.

This Employee Handbook is a reference document and provides a summary of employee benefits and guidelines with respect to your employment. It does not cover all aspects of your employment with the Carlsbad Municipal School District. You are responsible for reading and understanding this Employee Handbook. If you have any questions, please discuss them with your supervisor. If you need interpretation of this information contained in this Handbook, please contact the Human Resources Department.

Schools or departments may establish additional guidelines and procedures appropriate to their school or department. Please learn those guidelines and observe them at all times. They are established for your benefit and that of the school or department and our students.

This Employee Handbook replaces any earlier CMSD Employee Handbook. In addition, this Handbook may be revised from time to time, as needed, without prior notice as business, employment, legislative and/or economic conditions dictate. Any such revisions apply to existing as well as future employees. Revisions will be made as they are approved.

Only the Superintendent of the Carlsbad Municipal School District or his/her designee may alter or modify any of the provisions of this Employee Handbook. Statements or promises by an administrator, principal, supervisor, manager or department head may not be interpreted as a change in policy and do not constitute an agreement with an employee.

In the event of a conflict between school or department policies and this Employee Handbook, this Handbook and the Carlsbad Municipal School District's Board of Education Policies and Administrative Regulations will govern. When the Carlsbad Municipal School District's Board Policies and Administrative Regulations are changed, they supersede the information in the Employee Handbook. In addition, the complete Board of Education Policy Book, which you are asked to review, can be found on-line at http://www.carlsbadschools.net.

This Handbook is not a contract or any part of a contract of employment, express or implied.

This is a general publication prepared for all CMSD employees, many of whom are represented by various unions. If a conflict arises between an item in this Employee Handbook and an item in a collective bargaining agreement, the terms in the collective bargaining agreement will govern without nullifying any other items in this Handbook. If a conflict arises between an item in this Employee Handbook and an item in CMSD Board of Education Policies and Administrative Regulations, the terms in the CMSD Board of Education Policies and Administrative Regulations will govern without nullifying any other items in this Handbook. Nothing in the District's policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment; employees have the right to engage in or refrain from such activities.

Any employee who fails to follow the guidelines outlined in this Employee Handbook or other policies of the district may be subject to appropriate disciplinary action – up to and including termination or discharge. Each employee is to sign an acknowledgement statement indicating receipt of this Handbook, and is responsible for the review and awareness of this Handbook's contents.

Each employee is responsible for reviewing the *Handbook* and completing the employee acknowledgement page. Please be sure to review the specific School Board policies that are referenced throughout the *Handbook*, including all employment policies. It is each employee's responsibility to read and become familiar with this information and to follow the District's policies and procedures.

For specific procedural information at the building or assignment level, consult your immediate supervisor and/or the building or program staff handbook.

BOARD OF EDUCATION
2023-2024

PRESIDENT

Clancey McMillan
District I
clancey.mcmillan@carlsbadschools.net

VICE-PRESIDENT

Trent Cornum
District V
Trent.cornum@carlsbadschools.net

SECRETARY

Emily Wirth
District II
emily.wirth@carlsbadschools.net

MEMBER

Tiffany Shirley
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MEMBER

Kevin Miller
District IV
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BOARD ATTORNEY

Ortiz & Zamora
Attorneys at Law LLC
2011 Botulph Rd., Suite 200
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(505) 986-2900 / Business

ADMINISTRATION OFFICE
408 North Canyon Street
Carlsbad, NM 88220
(575) 234-3300
(575) 234-3367 / Fax

DISTRICT LEADERSHIP
2025-2026

Superintendent of Schools……..…….Dr. Gerry Washburn
Deputy Superintendent of Schools……. ….LaVern Shan
Assistant Superintendent for School Leadership and Student Services…...…..Steven Speyrer
Assistant Superintendent for Curriculum and Instruction ……..……...Allison Hervol
Assistant Superintendent for Talent Acquisition and Development……...Heather Garner
Assistant Superintendent for Special Education ……...……Carrie Boatright
Chief Financial Officer……..……..Laura Garcia
Director of Operations…….Jeff O'Brain
Director of Technology……...Justin Peterson
Director of Student Data Services…….……..Steven Morgan
Director of Principal Leadership and Development……Vicki Beeman
Director of Talent Acquisition and Development……Chaundra Jarrett
Director of Curriculum and Instruction……...Jennifer Timme

Carlsbad Municipal Schools
BUILDING DIRECTORY

Administration Office	408 N. Canyon Street	575-234-3300
Carlsbad High School ● Jason Hightower, Principal ● Joslyn Rodriguez, Assistant Principal ● Kelli Smith, Assistant Principal ● Kathleen Arias, Assistant Principal ● Brenda Wilson, Assistant Principal ● Greg Haston, Director of Athletics	3000 W. Church Street	575-234-3319
Carlsbad Early College High School ● Stacy Verdin, Principal	1500 University Drive	575-234-3300
Carlsbad Enrichment Center/*Eddy Campus* ● Yolanda Pirtle, Principal	700 W. Stevens Street	575-234-3305
Carlsbad Intermediate School/*P.R. Leyva Campus* ● Lyndee Longbine, Principal ● Derek Clark, Assistant Principal ● Bobbie Smith, Assistant Principal	800 W. Church Street	575-234-3318
Carlsbad Intermediate School/*Alta Vista Campus* ● Joleen Lopez, Principal ● Danielle Mathis, Assistant Principal ● Joseph Olan, Assistant Principal	301 Alta Vista Street	575-234-3316
Cottonwood Elementary School ● Donna Johns, Principal ● Meahan Shott, Assistant Principal ● Nancy Johnson, Assistant Principal	1609 W Lea Street	575-234-3304
Desert Willow Elementary School ● Lisa Nesbit, Principal ● Yvonne Branch, Assistant Principal ● Rhonda Vaughan, Assistant Principal	2100 Primrose Street	575-234-3310
Monterrey Elementary School ● Jessica Arenivas, Principal	1001 North Ninth Street	575-234-3309
Ocotillo Elementary School ● Amy Coll, Principal ● Nora Villarreal, Assistant Principal	2106 Captain Williams Lane	575-234-3312
Sunset Elementary School ● Summer Daugherty, Principal	923 Walter Street	575-234-3315
Early Childhood Education Center ● Maren Folsom, Principal ● Heather Counts, Assistant Principal	1801 W. Lea Street	575-234-3303

Section 2 – District Commitments

Carlsbad Municipal Schools' Non-Discrimination Statement
NON-DISCRIMINATION: IT'S THE LAW

The Carlsbad Municipal School District does not discriminate in its hiring or employment practices on the basis of race, color, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, veteran status, political affiliation, or any other factor protected by law. The Assistant Superintendent of Human Resources and the following Compliance Coordinators have been designated to handle inquiries regarding the nondiscrimination policies:

ADA/Section 504
Jeff O'Brain
Director of Operations
Carlsbad Municipal Schools
408 North Canyon Street
Carlsbad, NM 88220
(575) 234-3300

Title IX
Allison Hervol
Assistant Superintendent
Carlsbad Municipal Schools
408 North Canyon Street
Carlsbad, NM 88220
(575) 234-3300

Equal Opportunity

The Carlsbad Municipal School District is an equal opportunity employer. Employment decisions are based on merit and business needs, and not on race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, veteran status, political affiliation, or any other factor protected by law.

It is the policy of the Carlsbad Municipal School District to comply with all the relevant and applicable provisions of the Americans with Disabilities Act (ADA). The Carlsbad Municipal School District will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The Carlsbad Municipal School District will also make reasonable accommodation wherever necessary for all qualified employees or applicants with disabilities, provided that the individual can safely perform the essential duties of their position with or without reasonable accommodation, and provided that any accommodations made do not impose an undue hardship on the Carlsbad Municipal School District.

Equal Opportunity Complaints

The District encourages informal resolutions of complaints under this policy. A formal complaint resolution procedure is available, however, to address allegations of violations of the policy in the District
Board Policy: G-0200 GBA EQUAL EMPLOYMENT OPPORTUNITY
DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES Regulation: G-0211 GBA-R
DISCRIMINATION AND HARASSMENT COMPLAINT FORM G-0231 GBA-E

(For more information on this topic, refer to Board Policy G-0200©GBA: Equal Employment Opportunity.

Reasonable Accommodation of Individuals with Disabilities: Americans with Disabilities Act and Section 504

The District makes reasonable accommodations to qualified employees with disabilities for the performance of essential job functions without undue hardship to the district. A reasonable accommodation is a change or adjustment to job duties or work environment that permits a qualified applicant or employee with a disability to perform the essential functions of a position or enjoy the benefits and privileges of employment compared to those enjoyed by employees without disabilities, or without the same sincerely held religious belief. Accommodations are reviewed case by case in accordance with the Americans with Disabilities Act (ADA) and any state or local laws that prohibit disability discrimination. Contact the Human Resources Department for questions or assistance.

Family and Medical Leave Act (FMLA)

Employee Eligibility
To be eligible for FMLA benefits, an employee must:
● work for a covered employer;
● have worked for the employer for a total of twelve (12) months;
● have worked at least one thousand two hundred fifty (1,250) hours over the previous twelve (12) months; and
● work at a location in the United States or in any territory or possession of the United States where at least fifty (50) employees are employed by the employer within seventy-five (75) miles.

Under some circumstances, employees may take FMLA leave intermittently - taking leave in separate blocks of time for a single qualifying reason - or on a reduced leave schedule - reducing the employee's usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the employer's approval.

This act requires the district to offer up to 12-weeks of unpaid leave during any 12-month period to eligible employees (must work at least 1,250 hours during the previous year) for one or more of the following reasons…

- for the birth and care of the newborn child of the employee
- for placement with the employee of a child for adoption or foster care
- to care for an immediate family member (spouse, child, or parent) with a serious health condition
- to take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the same employer are jointly entitled to a combined total of 12 work weeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

The district may choose to use accrued paid leave (such as sick leave or personal leave days) to

cover some or all of the FMLA leave.

The district is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken, and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. The employer may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave. Upon return from FMLA leave, an employee must be restored to the original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

Employees seeking to use FMLA leave are required to provide a 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practical. The District may deny FMLA leave to any eligible employee until such time as the employee has provided the required notice. The district may also require the employee to provide medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member and periodic reports during FMLA leave regarding the employee's status and intent to return to work. The District may deny FMLA leave to any eligible employee until such time as the employee has provided the required notice.

If you need to be absent from work for your serious health condition, the serious health condition of an eligible family member, birth or adoption of a child, or any other condition that you believe may be eligible for this leave, please contact the Human Resources Office as soon as possible.

Harassment and Discrimination

The Carlsbad Municipal School District intends to provide a work environment that is pleasant, professional, and free from intimidation, hostility or inappropriate behavior which might interfere with work performance. Harassment or discrimination of any sort will not be tolerated.

Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, e-mail jokes or statements, pranks, intimidation, physical assaults, physical contact, or violence or social media. Harassment may or may not be sexual in nature and may not be directed to the individual but take place within their range of hearing. Other prohibited conduct includes retaliatory action against an employee for discussing or making a harassment complaint.

Sexual harassment may include unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature when such conduct creates an offensive, hostile or intimidating working environment and/or it prevents employees from effectively performing the duties of their position. It also encompasses such conduct when it is made a term or condition of employment or compensation, either implicitly or explicitly and when an employment decision is based on an individual's acceptance or rejection of such conduct.

Responsibility: The Carlsbad Municipal School District employees, particularly supervisors, have a responsibility for keeping our work environment free of harassment and discrimination. Any employee, who becomes aware of an incident of harassment or discrimination, whether by witnessing the incident or being told of it, must report it to their immediate supervisor or to the Human Resources Department at the Carlsbad Municipal School District.

When the District becomes aware of the existence of harassment or discrimination, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the district to do so.

Reporting Harassment or Discrimination

If there is no threat of violence, CMSD encourages you to communicate directly with the alleged harasser and make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, although you are not required to do so. In addition, if you believe you have been subject to harassment or discrimination, you are required to immediately notify your supervisor and/or the Human Resources Department.

All complaints will be investigated promptly and as discreetly and confidentially as is reasonably possible. If harassment or discrimination by an employee is established, CMSD will take appropriate disciplinary action against the offender. Disciplinary action can range from verbal warnings to termination/discharge, depending on the circumstances. Retaliation of any sort will not be permitted. No adverse employment action will be taken for any employee making a good faith report of alleged harassment. The Carlsbad Municipal School District accepts no liability for harassment or discrimination of one employee by another employee.

The individual who makes unwelcome advances, threatens or in any way harasses or discriminates against another employee is personally liable for their actions and the consequences. The Carlsbad Municipal School District may or may not provide legal, financial or any other assistance to an individual accused of harassment or discrimination if a legal complaint is filed.

The Carlsbad Municipal School District prohibits any employee from retaliating in any way against anyone who has raised any concern about harassment or discrimination against another individual.

Violence in the Workplace

The Carlsbad Municipal School District prohibits violence in the workplace. Threatening, intimidating or coercing fellow employees on or off district property at any time, for any purpose will not be tolerated. This applies to all persons involved in the Carlsbad Municipal School District's operations, including personnel, vendors, contractors, temporary employees and anyone else on CMSD property. Any act or threat of violence will result in disciplinary action, up to and including termination/discharge, and/or referral to law enforcement.

All 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. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor. This includes threats by employees, as well as threats by customers, vendors, solicitors, former employees, family members, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

Any employee who has been threatened with serious bodily injury or property harm in any

context (including a personal relationship) must notify the district of the threat. The District will not take any adverse employment actions against an employee who notifies the district of a threat of violence because of the notification. Further, in any circumstance in which the threat relates to a personal relationship the district will not mandate that the employee pursue criminal charges. The District will review each situation as confidentially as possible with the employee and determine whether additional precautions for the workplace are necessary on a short- or long-term basis.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself or coworkers in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening.

The District will promptly and thoroughly investigate all reports of threats of (or actual) violence and of 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, the district may suspend employees, either with or without pay, pending investigation. Failure to cooperate in an investigation may result in disciplinary action up to and including discharge or termination. In order to ensure a safe work environment a fitness for duty evaluation may be required before an employee may return to work.

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 discharge or termination.

Examples of workplace violence include, but are not limited to:

a. All threats or acts of violence occurring on CMSD property, regardless of the relationship between CMSD and the parties involved.
b. All threats or acts of violence occurring off CMSD property involving someone who is acting as a representative of CMSD.
c. Grabbing, hitting or shoving an individual.
d. Threatening an individual or his/her family, friends, associates or property with harm.
e. Intentional destruction of or threats to destroy CMSD property.
f. Making harassing or threatening phone calls.
g. Harassing surveillance or stalking.
h. Unauthorized possession or inappropriate use of firearms or weapons.
i. Intimidating or harassing students, staff or parents.

Family Violence and Your Workplace

Family (Domestic) violence falls into the categories of child abuse, partner/spousal abuse, sibling abuse, elder abuse and dating violence. It is a pattern of assault and coercive behaviors -- including physical, sexual, psychological attacks and economic coercion -- which results in hurt, fear, injury, suffering or death. Currently, most instances of family violence in the workplace are in the form of partner abuse. Cases of domestic violence often spill into the work setting. If you find yourself or know of a coworker experiencing family violence, it is imperative that you seek assistance. Following are contacts for assistance and information:

- National Domestic Violence Hotline 800-799-7233
- Carlsbad Police Department 575-885-2111
- Eddy County Sheriff 575-887-7551
- Carlsbad Battered Families Shelter 575-885-4615

Section 3 – Employee Expectations – All Employees

Overview
The District expects its employees to commit to produce quality work, maintain confidentiality, work efficiently, and exhibit a professional and courteous attitude toward other employees, parents, and students. The District expects employees to comply with all applicable Board policies, work rules, job descriptions, terms of this Handbook and legal obligations. The District expects employees to comply with the standards of conduct set out in Board policies, this Handbook, administrative regulations, and with any other policies, regulations and guidelines that impose duties, requirements or standards attendant to their status as District employees. Violation of any policies, regulations and guidelines may result in disciplinary action, including termination of employment.

The following delineation of employment practices is for informational purposes and is not intended to be an exhaustive list of all employment expectations that may be found in other applicable Board policies, work rules, job descriptions, terms of this Handbook and legal obligations.

Open Communication

The Carlsbad Municipal School District encourages you to discuss any issue you may have with a co-worker directly with that person. If a resolution is not reached, please arrange a meeting with your supervisor to discuss any concern, problem or issue that arises during the course of your employment. Retaliation against any employee for the appropriate use of communication channels is unacceptable. Please remember that it is counterproductive for employees to create or repeat rumors or gossip.

Customer and Community Relations

The success of the Carlsbad Municipal School District depends upon the quality of the relationships between Carlsbad Municipal School District, our employees, customers and community. Our customers' impressions of Carlsbad Municipal School District and their interest and willingness to send their children to our schools are greatly influenced by the people who serve them. You are an ambassador of Carlsbad Municipal School District. The more goodwill you promote, the more our customers will respect and appreciate you, the Carlsbad Municipal School District, and the programs we offer to students.

Accident/Incident Reports
All accidents, no matter how minor, are to be reported by completing an accident report, on the day of the accident. All program directors and school secretaries have blank accident forms in their

offices. Turn completed accident reports into your program director or school secretary for processing. Failure to report accidents in a timely manner (15 days from time of accident) may result in Workman's Compensation denying employee's request to pay expenses that were incurred due to the accident.

If an accident should occur, the employee must contact the HR at (575) 234-3300. If it is an emergency, the employee should go directly to the Emergency Room.

Appropriate Use of District Funds

The employee shall adhere to all internal controls that deter and monitor all fraud or financial impropriety in the District. Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to any supervisor, the Superintendent or designee, the Board President, or local law enforcement. Reports of suspected fraud or financial impropriety shall be processed in a manner that gives appropriate consideration to the confidentiality of these matters. Limited disclosure may be necessary to complete a full investigation or to comply with law. Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety. Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety.

Attendance (Daily, Meetings, School Events)

The District expects employees to make every effort to be present for work. Employees are expected to follow their assigned schedule. In order for the schools to operate effectively, employees are expected to perform all assigned duties and work all scheduled hours during each designated workday, unless the employee has received approved leave. Breaks and meal periods may only be taken during times designated by the employee's supervisor/building administrator and as further specified in other parts of this Handbook. Any deviation from assigned hours must have prior approval from the employee's supervisor/building administrator.

Employees who are unable to report to work shall follow the applicable procedures for reporting his/her absence. Any time spent not working during an employee's scheduled day must be accounted for using the appropriate procedure. The District will monitor attendance and absence patterns. Theft of time and/or improper modification of time-worked documentation will be investigated and will result in disciplinary action up to and including termination. Failure to notify the District of an absence and failure to report to work on such day could result in disciplinary action up to and including termination. Failure to return to work the day following the expiration of an authorized leave of absence may result in termination of employment.

Staff members are required to attend all mandatory administratively called meetings. Administratively called meetings will generally occur within the workday but there may be limited occasions where it is necessary to begin a meeting before the time at which the normal workday begins or later than the end of the normal workday. These meetings will be conducted within a reasonable length of time. Staff members also are required to attend all meetings related to the professional responsibility of the position held.

Staff members are encouraged to attend school events. Limited school events may be mandatory for staff attendance (example: Title I Parent Nights). Every effort will be made to inform staff members of these events well in advance of the date.

FRONTLINE (AESOP)
When it is necessary to be absent, it is the employee's responsibility to notify the immediate supervisor and the Absence Management System at the earliest opportunity to indicate the probable duration of the absence. All employees will either call in and their leave days through the AESOP automated caller system or go to Frontline (AESOP) online and enter them on a computer.

Use of District E-mail
All distributed and posted materials shall always be professional in approach, shall not contain any derogatory comments about staff, parents, students, or School Board members and shall not be in contravention of any District policy or law. District e-mail also may be used as a limited forum for employees to share professional development information and other apolitical literature that is directly connected to employment at the District and is consistent with District policy and applicable law.

E-mail is considered property of the District and is a public document that may be subject to disclosure under Open Records Act. Please review the technology policy for acceptable use of District e-mail.

Child Abuse Reporting
Any school employee who has seen a child in the course of professional responsibilities and has reasonable cause to suspect that the child has been abused or neglected or who has reason to believe that the child has been threatened with abuse or neglect, and that abuse or neglect of the child will occur, shall report the suspected abuse or neglect to the appropriate agency authorities: school authorities or public authorities, such as Social Services or the Police Department. And in accordance with district procedures, all employees are required to attend training as directed by the District.

Confidentiality
Pupil information that employees obtain as the result of their employment with the District is confidential and protected by law unless such information has been designated as pupil directory data as set forth in Board Policy J-7050. The law and respect for our students require that student issues are only discussed with employees and parents/guardians who need to know the information. In addition to student information, confidentiality is expected in other areas, including employee or District business information. Any requests for District records shall be referred to the appropriate administrator.

Conflict of Interest
Each employee of the Carlsbad Municipal Schools is in fact an employee of the State of New Mexico. As such, each employee will refrain from activities, employment and business transactions, which would constitute a conflict of interest. A conflict of interest is defined as any judgment, action or relationship that may benefit an employee or another party the employee is affiliated with because of the employee's position with the District.

Employees are asked to avoid outside activity that may compete or be in conflict with the best interests of the District. Employees must disclose to his/her immediate supervisor information of any transaction that may be considered a conflict of interest as soon as they know the facts. No employee may use his/her position to obtain financial gain or anything of substantial value for the private benefit of himself/herself or his/her immediate family, or for an organization with which he/she is associated.

Nepotism: It shall not be lawful for the Board to employ any teacher or other employee from public funds (federal, state or local), if such teacher or other employee is the spouse, father, mother, son, daughter, son-in-law, daughter-in-law of any member of the Board.
This provision shall not apply to any person within such relationship or relationships who has been regularly employed by the District prior to the taking of office of any member of the Board, or who has been regularly employed by the District prior to the inception of such relationship or relationships.

No school employee may be directly responsible for the supervision of any member of their "immediate family".

Criminal Record Reporting
All District employees shall notify his/her immediate supervisor or administrator as soon as possible, but no more than three calendar days after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, or any of the other offenses as indicated below:

A. Crimes involving school property or funds;

B. 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 in a school district or as an educator;

C. Crimes that occur wholly or in part on school property or at a school-sponsored activity;

D. A misdemeanor or other crime which involves moral turpitude [e.g. an act or behavior that gravely violates moral sentiments or accepted moral standards of the community]; or

E. A misdemeanor or other crime which violates the public trust.

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. An offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension must be reported immediately if the employee regularly or occasionally drives or operates a District vehicle or piece of mobile equipment or transports students or staff in any vehicle.

Failure to report under this section may result in disciplinary action, up to and including termination. Such report shall be made as soon as possible, but in no circumstance more than three calendar days after the event giving rise to the duty to report.

The District may conduct criminal history and background checks on its employees. An arrest, indictment or conviction of a non-felonious crime shall not be an automatic basis for an adverse employment action. The District shall consider the following factors in determining what action, if any, should be taken against an employee who is convicted of a non-felonious crime during employment with the District:

A. The nature of the offense;
B. The date of the offense;
C. The nature of the position to which the employee is assigned; and,
D. The relationship between the offense and the position to which the employee is assigned.

For any employee who is convicted of a felony and has not been pardoned, the District shall have the discretion to terminate that individual's employment or to non-renew his/her contract. Nothing herein shall prohibit the District from placing an employee on administrative leave or suspending an employee based upon an arrest, indictment, or conviction.

District and Personal Property
The school district reserves the right to search an employee's person, personal effects, and vehicle, when there is reasonable suspicion that such employee has violated this policy. An employee's refusal to cooperate in any such enforcement procedures may be grounds for discipline, including discharge.

The District may supply an employee with equipment or supplies to assist the employee in performing his/her job duties. All employees are expected to show reasonable care for any equipment issued and to take precautions against theft. Employees cannot take District property for personal use or gain. Any equipment, unused supplies, or keys issued must be returned prior to the employee's last day of employment, including, but not limited to: employee identification badges and the key/key fob for building entry. District equipment that is approved to be borrowed for short-term use should be returned the first work day after the project completion in the same condition.

Employees shall have no expectation of privacy with respect to any item or document stored in or on District-owned property, which includes, but is not limited to, desks, filing cabinets, mailboxes, lockers, tables, shelves, and other storage spaces in or out of the classroom. Accordingly, the District may at any time and in its sole discretion conduct a search of such property, regardless of whether the searched areas or items of furniture are locked or unlocked.

Employees should have no expectation of privacy to items contained in plain view, for example, but not limited by enumeration to automobiles parked on the District's property, items left on top of or within desks and cabinets, lockers, etc. Personal items not in plain view (ex: items within a purse, wallet, coat, backpack) may not be searched except in limited situations as provided for within state or federal law.

The District does not assume any responsibility for loss, theft, or damages to personal property. Employees are encouraged to exercise reasonable care of personal items. The District is not liable for vandalism, theft, or any damage to cars parked on school property.

Dress Code
Uniformed Employees
Some employee groups may be required to wear uniforms (i.e., custodial staff). Uniforms provide a professional appearance within the District and save the employee's wardrobe. Employees will be monitored by their supervisor to ensure that the uniform meets District requirements, is clean and in good repair. Appropriate safety gear shall also be worn at all times as deemed necessary.

Non-Uniformed Employees

All District employees work for the public, and the public often judges individuals and the District by appearance. It is important that all staff attire be appropriate for the job and that it conveys a neat, professional, and clean image. Appropriate business casual attire should be consistent with professional responsibilities and activities. The mode of dress or grooming should not be disruptive to the educational environment. Any employee appearing for work whose dress is identified by administration as inappropriate, for any reason, will be asked to leave and return to work in acceptable attire.

It is the intent of the Carlsbad Municipal School District that District employees groom and dress themselves in an appropriate manner that will not interfere with or detract from the school environment, nor disrupt the educational process, and will set positive examples for our students. Students, parents, and other community members who interact with staff members are more likely to respond favorably to a staff member who dresses professionally. Students are more likely to show respect and follow directions from a staff member who dresses professionally.

In order to facilitate these goals, all employees of the Carlsbad Municipal School District must comply with the following guidelines. In general, employees are expected to dress in a professional style. This includes avoiding extremes in dress and maintaining a clean and groomed appearance. Should any employee question whether a certain article of clothing is permissible under this code, the District recommends that the article of clothing not be worn until approval is requested and granted by the principal/District administrators.

Appropriate Clothing and Grooming

- District employees must wear clean, neat, and un-torn attire.
- Dresses, skirts, pants, pantsuits, split skirts, shirts, and blouses are suitable. All clothing should be modest and are not to be excessively short, tight or revealing. Any shirt, blouse, or dress that covers the back and midriff and does not have a plunging neckline is acceptable.
- Footwear (shoes, boots, and sandals) should complement professional attire.
- All clothing should be modest and not be excessively tight or revealing. Leggings are permitted if appropriately fitted and a top garment covers the upper thigh area. Workout attire is not considered professional dress.
- Suitable attire is expected to be worn for the performance of the job description, i.e., physical education, shop, maintenance and cafeteria employees.
- Personal hygiene is very important when working closely with students and with other employees. Strong or excessive odors or fragrances should be avoided.
- Hair should be clean and neat and facial hair must be trimmed and groomed.
- Clothing, jewelry, or hairstyle that disrupts the educational process or endangers students, including, but not limited to those items which include messages, language, or logos that advocate sex, drugs, violence, bigotry, hate, profanity, alcohol, tobacco, or gang activity are not permissible.
- Any excessively tight or form-fitting article of clothing is not considered professional dress.
- Tank tops, shorts, cut-offs, fatigues, spandex, spaghetti straps, haltertops, low-cut garment, and garments shorter than four (4) inches above the knee or fingertip length, whichever is longer are considered inappropriate dress.

- Tattered, frayed, ripped or excessively worn and faded clothing are not considered professional dress.
- Transparent, translucent, mesh or sheer clothing may not be worn.
- Clothing associated with gang activities including athletic jerseys and headgear that may be associated with gang affiliation are not permissible.
- Clothing that bares any part of the mid-section, even if the mid-section is bared unintentionally is not acceptable.
- Portion of the employee's underwear or under-garments shall not be visible at any time.
- No visible offensive tattoos.

Enforcement

Administrators are responsible for ensuring that their employees are in compliance with the dress code. Employees should direct questions concerning this dress code and what is appropriate to their Administrator. Any employee dressed inappropriately will be sent home to change and may be charged for leave time in addition to being subject to disciplinary action for non-compliance with Board Policy.

Exceptions to the Code

The District, exercising its discretion, may create exceptions to the dress code for certain designated days, such as Spirit Day, and holidays. However, dress must still be appropriate under guidelines established for each exception and should an employee violate those guidelines, then the enforcement provisions herein may be exercised. Unless otherwise specified, this code shall remain in effect during exceptions.

Drug, Alcohol, And Tobacco Free

The District is committed to maintaining a drug-, alcohol- and tobacco-free working and learning environment for all employees and students. Therefore, the manufacture, distribution, dispensation, possession, use of or presence under the influence of alcohol, inhalants, controlled substances, or substances represented to be such, or unauthorized prescription medication, is prohibited on school premises or at school activities. In addition, the District will not condone the involvement of any employee with illicit drugs, even where the employee is not on District premises. Employees of the school system shall not possess, use, or distribute any illicit drug, drug paraphernalia, or alcoholic beverage as defined in New Mexico Statutes while on school premises or while on school-sponsored trips including in school vehicles or contracted buses. Employees shall not provide alcohol, drugs of any sort, or tobacco to any student regardless of student age. Employees shall not promote or advertise the use of alcohol, drugs, or tobacco to students. Employees shall be required to undergo alcohol and/or drug testing at any time the District has reasonable suspicion to believe that the employee has violated the District's policy concerning alcohol and/or drugs.

Employees shall not use tobacco products on District premises, in District vehicles, nor in the presence of students at school or school-related activities. This prohibition includes look-a-like products including e-cigarettes and/or vape pens.

Reporting Use of Prescription Drugs

A. If an employee is properly using drugs pursuant to an authorized prescription or properly using an over-the-counter drug, and such use may affect or impair such employee's performance of his/her job duties, such employee shall report such use to his/her supervisor.

B. In appropriate cases, the supervisor may limit, modify, or suspend the employee's duties during the time he/she is using the drug, but such use shall not be considered a violation of this policy.

Definitions

The terms used in this policy are defined as follows:

1. **Alcohol**: Any liquor, wine, beer or other beverage containing alcohol;
2. **Drugs**: Any drug, including illegal drugs, marijuana, inhalants, legal prescription and over-the-counter drugs used or possessed or distributed for unauthorized purposes and counterfeit (look-a-like) substances;
3. **Drug Paraphernalia**: Equipment or apparatus designed for or used for the purpose of measuring, packaging, distributing or facilitating the use of drugs.
4. **Substance Abuse**: The use of drugs or alcohol in violation of state or federal law or in violation of school district policy.

The school district reserves the right to search an employee's person, personal effects, and vehicle, when there is reasonable suspicion that such employee has violated this policy. An employee's refusal to cooperate in any such enforcement procedures may be grounds for discipline, including discharge.

Duty Free Lunch

In order to ensure the safety of students and the security of school campuses, teachers may be assigned supervisory duty during the teaching day. These duty assignments shall be considered a regular part of a teacher's duties and shall be fulfilled accordingly. Teachers are guaranteed a thirty (30)-minute duty free lunch. Staff members may voluntarily agree to provide a paid duty during the duty free lunch period.

Ethics Code

The board of Education recognizes that the New Mexico Public Education Department (NMPED) has set standards of acceptable ethical behavior and professional conduct in education that are applicable to all licensed school personnel, instructional personnel under contract, including any other person who provides instructional services in a school but who does not hold a standard license and whose presence is authorized by the SBE through a waiver, substandard license, substitute license, or an educational plan approved by the SBE. See Code of Ethical Responsibility of the Education Profession, NMAC 6.60.9.1 to 6.60.9.12.

The Board of Education further recognizes the need to adopt local standards of ethical behavior and conduct which, if violated may constitute just cause for termination or discharge of licensed and non-certified personnel.

As a result, the Board of Education hereby adopts the NMPED's Code of Ethical Responsibility cited above and, by such adoption, makes the code of ethics therein applicable to all licensed personnel of the School District and compliance with those ethical standards a contractual duty of all licensed personnel of the District.

Staff Certification And Credentialing Requirements (Fingerprinting Requirements)
An applicant offered employment and a contractor or contractor's employee, or a volunteer who will have unsupervised access to students on school premises shall be required to provide fingerprint cards or electronic fingerprints to obtain a federal bureau of investigation criminal history record. The public school shall pay the cost of one of the applicants fingerprints. A school volunteer, contractor or contractor's employee may be required to pay the cost of obtaining criminal history records.

The candidate's fingerprints shall be submitted, along with the form required immediately upon being selected as a finalist for possible employment. The form shall be considered a part of the application for employment. Convictions of felonies or misdemeanor involving moral turpitude if directly related to employment which are contained in the criminal history investigation record shall be used to deny, suspend or revoke employment in accordance with the Criminal Offender Employment Act. A candidate's conviction of trafficking in controlled substances, criminal sexual penetration or related sexual offenses or child abuse regardless of rehabilitation shall warrant denial, suspension or revocation of employment.

A person who makes a false statement, representation, or certification in any application for employment with the School District may be denied employment or terminated.

The administration may also conduct a background investigation of current employees if it becomes aware of facts, circumstances, or conduct that indicate(s) an individualized reasonable suspicion that undisclosed aspects of the employee's background might disqualify him/her to continue in employment with the District.

Investigations and Reporting of Alleged Ethical Misconduct

The Superintendent shall investigate all allegations of ethical misconduct about any school employee who resigns, is being discharged or terminated or otherwise leaves employment after an allegation has been made. If the investigation results in a finding of ethical misconduct by a licensed school employee, the Superintendent shall report the identity of the licensed school employee and attendant circumstances of the ethical misconduct on a standardized form to the Public Education Department and the licensed school employee within thirty days following the separation from employment or immediately if knowledge of the ethical misconduct is sexual harassment or sexual abuse of an adult or child. Copies of that form shall not be maintained in the school employee's personnel file.

The Superintendent shall also report allegations of sexual assault or sexual abuse involving any school employee, volunteer, contractor or a contractor's employee to the appropriate law enforcement agency.

No agreement between a departing school employee and the governing authority or Superintendent shall diminish or eliminate the responsibility of investigating and reporting the alleged ethical

misconduct to the department or, if legally mandated, to law enforcement, and any such agreement to the contrary is void.

A person's good faith reporting of conduct indicated above will not result in liability for civil damages. The person accused shall have the right to sue for any damages as a result of negligent or intentional reporting of inaccurate information or the disclosure of any information to unauthorized persons.

Expectation of Cooperation: In the event of a District investigation or inquiry, every District employee has an affirmative duty to provide to his/her supervisor(s) or any other District official assigned to investigate all relevant and factual information about matters inquired except as provided for below. Employees failing to volunteer such information shall receive a directive from an administrator to provide a statement. The employee's failure to comply with the directive may constitute "insubordination," a violation that will be grounds for disciplinary action up to and including termination.

Investigation interplay with potential criminal conduct: If the alleged misconduct may constitute criminal conduct by the employee, the employee may be provided a Garrity warning (the employee may be required to answer questions for the District investigation but the information could not be used in the criminal investigation). Garrity v. New Jersey, 385 U.S. 493 (1967).

Administrative Leave: The District may place an employee on administrative leave, paid or unpaid, during an investigation into alleged misconduct by the employee.

Licensure/Certification

Each employee who is required to be licensed or certified by law must provide the District with a copy of the current license or certificate to be maintained in his/her personnel file. Personnel files can be found in the District office. Employees are expected to know the expiration date of their license/certification and meet the requirements for re-licensure or certification in a timely manner. Failure to have a valid teaching license on the first day of school may result in a reduction in salary until the license is obtained. If a valid license is still not obtained by the Public Education Department's statute timeline, the individual may be subject to further discipline up to and including immediate termination. The District will work with teachers who have exceptional circumstances, such as meeting requirements of an emergency license, new certification areas or other unique situations.

Personnel Records And Files

Professional employees are required to supply the District office with current and complete official transcripts of all college credits.

The District will maintain a complete and current official personnel file for each District employee. Employees will be advised of, and will be permitted to review and comment on, all information of a derogatory nature to be placed in their respective personnel files. At the time of notification, the employee may prepare a written reply to such information, and such reply, if any, will be appended to the information in the file.

All documents within a personnel file are confidential, and the District may create such subfiles within a personnel file as are appropriate to ensure confidentiality and efficient use of the file.

Access to personnel files will be limited to authorized District officials and employees. Individual Board members shall have access only when specifically authorized by the Board, as evidenced by action of a quorum of the Board in a legal meeting properly noticed. Employees may make an appointment to review their own personnel file if they wish and may request copies of all documents they have signed for an additional fee. Original job applications are kept in your personnel file for informational purposes. Confidential information obtained prior to an employee's employment, such as recommendations, will not be available for review by the employee.

Specific information contained in the record, may be considered public information under the law and will be released in accordance with the Inspection of Public Records Act, Confidential Materials Act and Board policy and procedure relative to the disclosure of the District's public records.

Personal Information

Keeping your personal information up-to-date is important to you with regard to pay, deductions, benefits and other matters. If you have a change in any of the items listed below, notify the Human Resources Department as soon as possible.

a. Legal name
b. Home address; home telephone number
c. Marital status
d. Driving record or status of driver's license, if you operate an AP vehicle
e. Military or draft status
f. Exemptions on your W-4 tax form
g. Required training certificates
h. Required professional license(s)

Non-School "Outside" Employment

Outside employment is regarded as employment for compensation that is not within the duties and responsibilities of the employee's regular position with the school system. Personnel shall not be prohibited from holding employment outside the District as long as such employment does not interfere with assigned school duties as determined by the District. The Board expects employees to devote maximum effort to the position in which employed. An employee will not perform any duties related to an outside job during regular working hours or for professional employees during the additional time that the responsibilities of the District's position require; nor will an employee use any District facilities, equipment or materials in performing outside work. When the periods of work are such that certain evenings, days, or vacation periods are duty free, the employee may use such off-duty time for the purposes of non-school employment.

A teacher contracting for or performing any other employment which will result in absence from duty required under the school contract may have his/her contract terminated after a hearing as provided by law and a written complaint filed with the State Board of Education.

This shall not prevent a teacher from holding an office not incompatible to the teaching profession or performing any activity allowed a qualified elector as provided by the New Mexico Constitution.

CONSULTING

The employee will not accept a position as a consultant which presents a conflict of interest or which affects their job performance.

TUTORING FOR PAY

There will be no tutoring of students for pay during the school day. Tutoring one's own students for pay will not occur at any time during the regular school year. Such tutoring will be considered as both violation of Board policy and professional ethics and may lead to termination of contract after a hearing as provided by law.

Teamwork And Service to The Students

Providing a quality education for students and a quality work experience for employees involves teamwork among all employees in the District. Some important actions are:

- Working collaboratively with co-workers to serve the best interests of students.
- Helping to create a positive, respectful, and enjoyable work atmosphere.
- Making use of District technology to effectively communicate with all employees in the District.
- Making use of District technology to perform all job functions well.

Teamwork is expected and is demonstrated by showing respect, cooperation and leadership at all times. Serving as an effective team member is a key component in accomplishing the District's mission. All staff members should proactively demonstrate the character traits of respect, responsibility, perseverance, honesty and kindness.

Telephone/Cellular Phone Use

Employees will not be called from their duty station to answer telephone calls except in cases of emergency. No long distance calls are to be made from a school phone unless approved by the principal or supervisor. Cell phone usage during class time is not allowed.

Section 4 - Staff Conduct /Interaction with Students

General Provisions

Carlsbad Municipal School District expects each employee to maintain the highest standards of conduct and act in a mature and responsible manner at all times. Employees shall not engage in activities which violate federal, state or local laws or which, in any way, diminish the integrity, efficiency or discipline of the district.

Behavior in a Digital, Cyber or Non-Face-to-Face Environment

The Carlsbad Municipal District shall consider behavior in violation of the standards of conduct which occurs in a digital, cyber or non-face-to-face environment the same as behavior in violation

of the standards of conduct in a traditional or physical environment. Unacceptable behavior includes, but is not limited to, that which is outlined in this regulation.

The Carlsbad Municipal School District has the right to sanction or discipline employees who violate the standards of conduct in a digital, cyber or non-face-to-face environment.

Employees shall be provided with annual training on acceptable behavior in a digital/cyber environment. All employees shall be required to complete the training as part of their annual Carlsbad Municipal School District employee training.

Unacceptable Activities

The Carlsbad Municipal School District expects each employee to act in a professional and responsible way at all times. Supervisors shall answer any questions concerning any work or safety rule, or any of the unacceptable activities listed below.

**Note: The following list of unacceptable activities does not include all types of conduct that can result in disciplinary action, up to and including discharge or termination. Nothing in this list alters the at-will nature of employment for some employees of the district.

Unacceptable activities include, but are not limited to:

- Violation of any federal, state and local law or regulation.
- Violation of any Board of Education policy or administrative regulation.
- Violation of security or safety rules or failure to observe safety rules or district safety practices; failure to wear required safety equipment; tampering with district equipment or safety equipment.
- Negligence or any careless action which may endanger the health, safety or wellbeing of another person.
- Being intoxicated or under the influence of a controlled substance, including alcohol, while at work; use, possession or sale of a controlled substance in any quantity while on district property, except medications prescribed by a physician which do not impair work performance.
- Possession of dangerous or illegal firearms, weapons or explosives on district property or while on duty.
- Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on district property, at a district-sponsored activity or when representing the Carlsbad Municipal School District; fighting, or provoking a fight on district property, or negligent damage to property.
- Insubordination or refusing to obey instructions properly issued by a supervisor pertaining to the employee's work.
- Threatening, intimidating or coercing fellow employees on or off district property at any time, for any purpose.
- Engaging in an act of sabotage; negligently causing the destruction or damage of district property, or the property of fellow employees, customers, suppliers, or visitors in any manner.

- Theft or unauthorized possession of district property or the property of fellow employees; unauthorized possession or removal of any district property, including documents, from the premises without prior permission from administration; unauthorized use of district equipment or property for personal reasons; using district equipment for profit.
- Dishonesty; falsification or misrepresentation on your application for employment or other work records; falsifying reason for a leave of absence or other data requested by Carlsbad Municipal School District; unauthorized alteration of district records or other documents.
- Spreading malicious gossip and/or rumors; engaging in behavior which creates discord and lack of harmony; interfering with another employee on the job; restricting work output or encouraging others to do the same.
- Inappropriate conduct or indecency on district property.
- Conducting a lottery or gambling on district property.
- Any act of discrimination or harassment including but not limited to sexual, racial, religious, telling sexist or racist jokes, making racial or ethnic slurs.
- All staff members shall report to their duty stations on time each workday and shall, as scheduled, be available there until the designated time(s) they are scheduled to leave.
- Sleeping or loitering during working hours.
- Excessive use of telephones for personal calls, text messaging, and cell phone plan features. Personal cell phone use by employees should be limited to off duty and emergency purposes.
- The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs is prohibited in the following locations: school grounds, school buildings, school parking lots, school playing fields, school buses and other District vehicles, off-campus school sponsored events.
- Creating or contributing to unsanitary conditions.
- Failure to report an absence or late arrival; unauthorized or excessive absences or lateness.
- Obscene or abusive language toward any supervisor, employee, parent, family or student; indifference or rudeness; any disorderly/antagonistic conduct on district premises.
- Speeding or careless driving of district-owned vehicles.
- Failure to report promptly to the principal of the school or immediate supervisor any defects in buildings, grounds, or equipment that might prove injurious to the safety, health, or comfort of students, employees, or other persons.
- Unauthorized egregious soliciting of fellow employees, students, families or other members of the community during working hours and/or in working areas. Soliciting may include selling merchandise or collecting funds of any kind for charities, businesses or others without authorization from their supervisor during business hours, or at a time or place that may make others feel uncomfortable or interfere with the work of another employee.
- Failure to use required timesheets, alteration of the employee's own timesheet or records or attendance documents, punching or altering another employee's timesheet or records, or causing someone to alter the employee's own timesheet or records.
- Any other act or omission which impairs or restricts the ability of the district to provide a safe and healthy environment for employees, families and students.

- Sharing or disseminating personal or confidential information about students or employees.
- Negligence or any careless action which allows others access to personal or confidential information about employees or students. Willfully providing someone access to personal or confidential information about employees or students, including account passwords.
- All employees are expected to treat each other with respect, consideration and civility. Intimidating, demeaning, threatening, vulgar, or violent behaviors depart from the standard of civility and respect.

Staff Conduct with Students

Staff members shall maintain professional relationships with students at all times. The district shall reserve the right to investigate concerns of employee or volunteer misconduct involving students even if no written complaint has been filed. Employees shall be required to report known misconduct and questionable behavior on the part of fellow employees and volunteers involving students.

Employees are expected to exercise general supervision over the conduct of students, not only while in the schoolroom, but also before and after school and during recess.

All personnel employed by the District are expected to relate to students of the District in a manner that maintains social and moral patterns of behavior consistent with community standards and acceptable professional conduct.

Staff/student relationships shall reflect mutual respect between staff members and students and shall support the dignity of the entire profession and educational process. Staff members shall establish and maintain appropriate personal boundaries with students and their families and not engage in any behavior that is prohibited by law, regulation, policy, or that creates the appearance of prohibited behavior.

Violations of this policy shall be considered serious and may result in severe disciplinary action in accordance with policies on discipline of professional and support staff. Retaliatory or intimidating acts against any person who has made a complaint under this policy and its corresponding regulations, or against a person who has testified, assisted, or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for discipline. Knowingly submitting a false report or making false accusations under this policy shall subject that individual to disciplinary action.

Sexual Contact with Students

Relationships between staff members and students that include "dating," "courtship," "sexual relationships" or "romantic involvement" are prohibited. These behaviors deviate from ethical or professional standards and shall be deemed unacceptable and contrary to the expectations of District governance.

Sexual relationships including inappropriate contact with any student, whether or not on school property, which includes but not limited to all forms of sexual touching, sexual relations or romantic relations; between any employee or volunteer and students, including students who have reached the age of consent, shall be prohibited. In addition, staff will adhere to Policy GBEB: Staff

Conduct.

Romantic or Sexual Relationship examples, include, but are not limited to the following:

Staff members shall be prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the school or any other public or private school, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with staff members.

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

- Sexual physical contact.
- Romantic flirtation, propositions, or sexual remarks.
- Sexual slurs, leering, epithets, sexual or derogatory comments.
- Personal comments about a student's body, appearance, attractiveness or physical attributes.
- Sexual jokes, notes, stories, drawings, gestures or pictures.
- Spreading sexual or romantic rumors.
- Touching a student's body or clothes in a sexual or intimate way.
- Accepting massages or offering or giving massages other than in the course of injury care administered by an athletic trainer, coach, or health care provider.
- Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
- Displaying or transmitting sexual objects, pictures, or depictions.

In the event that a student initiates inappropriate behavior toward a staff member, the staff member must immediately document the incident and report it to the appropriate administrator. If applicable, the appropriate administrator will intervene and speak with the student and the student's parent/guardian about the alleged inappropriate behavior and implement necessary follow-up discipline or guidance.

Boundary Invasions with Students

Examples of Boundary Invasions by staff members, include, but are not limited to the following:

- Making any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under the law or policies addressing the prohibition against Harassment and Retaliation.
- Condoning hazing, initiations or other rituals that causes embarrassment, harassment or ridicule and risks emotional and/or physical harm to students, regardless of the student's willingness to participate.
- Showing inappropriate images to a student, including, but not limited to violent, disturbing or sexually explicit or pornographic subject matter.
- Dating a student or discussing or planning a future romantic or sexual relationship with a student.
- Making sexual advances toward a student, including but not limited to personalized comments about a student's body, appearance, physical features, attributes or attractiveness, off color jokes, or sexual innuendoes.
- Telling off color jokes or making comments with sexual innuendo.

- Encouraging a flirtatious, romantic, or sexual relationship with a student.
- Unnecessarily invading a student's personal space or privacy.
- Singling out a particular student or students for personal attention and friendship beyond the professional staff/student relationship.
- Socializing where students are consuming alcohol, drugs, or tobacco.
- Providing or offering to provide alcohol, drugs, or tobacco to students.
- For non-guidance/non-counseling staff, excessively encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to immediately use professional judgment as contained in this training and refer the student to appropriate guidance/counseling staff.
- Sending students on personal errands unrelated to any educational, athletic, non-curricular or extracurricular purpose.
- Bantering, joking or making comments of a sexual nature with students.
- Asking a student to keep a secret.
- Disclosing inappropriate personal, sexual, family, employment concerns, or other inappropriate private matters to one (1) or more students.
- Addressing students with personalized terms of endearment or pet names that would suggest the staff member feels love or affection for the student. As a staff member, permitting students to address you by your first name, nickname, personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
- Maintaining personal contact with a student outside of school by telephone, text message, e-mail, Instant Messenger, Internet chat rooms, social networking websites or letters beyond homework or other legitimate school business.
- Exchanging gifts cards or letters that are personal or extravagant in nature with a student beyond customary student-staff gifts.
- Socializing or spending time with students outside of school-related or school-sponsored curricular or extracurricular activities or organized community activities, including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities.
- Giving a student a ride alone in a vehicle in a non-emergency situation or in a situation that can be avoided. If a staff member is approved to give a student a ride, the student shall ride in the back seat of the vehicle when possible, and staff member must attempt to gain prior permission from the parent for the transportation arrangement.

Appearances of Impropriety

The following activities are boundary invasions and can create an actual impropriety or the appearance of impropriety. Whenever possible, staff should avoid these situations. If unavoidable, these activities must be pre-approved by the appropriate administrator. If not pre-approved, the staff member must immediately report the occurrence to the principal or other appropriate administrator.

- Conducting ongoing, private conversations with individual students that do not have an educational purpose, are unrelated to school activities or the well-being of the student, and that take place in locations inaccessible to or not observable by others.
- Being alone with an individual student out of the view of others or in an inaccessible location, except in the context of school counselors providing professional

counseling support services, teachers working with students in an after-school setting or during testing, or a school nurse providing medical services to a student.
- Inviting students for social contact off school grounds without the prior knowledge and express permission of the parent/guardian and an appropriate administrator.
- Social networking with students for non-educational purposes.

Staff members are expected to be aware of the appearance of impropriety in their conduct with students. Staff members are encouraged to discuss issues with the appropriate administrator whenever they are unsure whether particular conduct may constitute a violation of Policy GBEBB and this regulation.

Corporal Punishment

Corporal punishment, which is defined as any disciplinary action taken by school personnel with the intention of producing physical pain, shall not be used in the Carlsbad Municipal School District.

Reasonable Restraint

There are times when it becomes necessary for staff to use reasonable restraint to protect a student from harming himself/herself or to protect others from harm.

Persons employed by the district may, within the scope of their employment, including involvement in extracurricular and co-curricular activities, use and apply such amount of force for such period of time as is reasonable and necessary to accomplish the following purposes:

- To quell a disturbance threatening serious, probable, and imminent bodily harm to self or others.
- To obtain possession of weapons or other dangerous objects which are within the control of a student who poses a serious, probable, and imminent threat of bodily harm to self or others.
- For protection against serious, probable, and imminent threat of harm to self and others, or destruction of property which could lead to harm to the student or others.
- Incident to a lawful arrest by the Carlsbad Police Department.

In the case of students receiving special education services, any restraint used beyond the four specific situations listed above shall be identified on the student's Individual Education Program (IEP) as part of the student's behavior plan.

Restraint devices, such as handcuffs and flex cuffs, may only be used by police officers and security staff trained and authorized by the Carlsbad Police Department or Eddy County Sheriff's Department.

An act of physical force or restraint by a teacher or other employee against a student shall not be considered child abuse if the act was performed in good faith and in compliance with this procedure. Such acts shall not be construed to constitute corporal punishment.

Within a reasonable time after a teacher or other employee uses reasonable restraint with a student, the teacher or other employee shall report the incident to the principal or designee. (Reference

J-4680 - JKAA: Use of Physical Restraint)

Technology - Acceptable Use

Employees are encouraged to use District technology to enhance professional responsibilities. All employees are required to adhere to District policies related to technology.

The use of district technology resources is a privilege granted to employees for the enhancement of job-related functions. All employees shall use their CMSD assigned email accounts to conduct all school/district business. Violations of this policy may result in the revocation of this privilege. Employees may also face disciplinary action up to and including termination/discharge, civil litigation, and/or criminal prosecution for misuse of these resources.

CMSD does not attempt to articulate all possible violations of this policy. In general, users are expected to use District computers and computer networks in a responsible, polite, and professional manner. (Reference *I-6400©IJNDB: Use of Technology Resources in Instruction* and *I-6411© IJNDB-R: Acceptable Use of Technology.)*

Social Media and Electronic Communication

The District supports the use of technology to communicate for educational purposes and recognizes that social media technology can serve as a powerful tool to enhance education, communication, and learning. This technology can provide both educational and professional benefits, including preparing Carlsbad Municipal School District students to succeed in their educational and career endeavors. However, employees acting in their District capacity are prohibited from inappropriate online socializing, phone calls, texting, skyping, instant messaging, or use of any other telecommunication device, or from engaging in any conduct that violates the law, District policies or other generally recognized professional standards. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. Nothing in Policy GBEBB and this regulation prohibits employees, faculty, staff or students from the use of approved educational websites if such sites are used solely for educational purposes.

Electronic and online communication between staff members and students must be transparent, contemporaneously accessible to administrators and parents/guardians, and must be professional in content and tone. Such communication must be professional, non-sexual, appropriate to the circumstances, and unambiguous in meaning. Staff members must restrict one-on-one electronic communications with individual students to accounts, systems, and platforms that are provided by and accessible to the District schools or with the prior express permission of the appropriate administrator and the parent/guardian.

As with in-person communications, staff members shall avoid appearances of impropriety and refrain from inappropriate electronic communications with students. Factors that may be considered in determining whether an electronic communication is inappropriate include, but are not limited to:

- The subject, content, purpose, authorization, timing, and frequency of the communication.

- Whether there was an attempt to conceal, shield, or misrepresent the nature of the communication from administrators and/or parents/guardians.
- Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship; and/or
- Whether the communication contained sexual innuendo, such as for purposes of grooming the student for victimization.

The District is committed to ensuring that all CMSD stakeholders who utilize electronic communication/social media technology for professional purposes, including staff and students, do so in a safe and responsible manner. The Carlsbad Municipal School District strives to create professional social media environments that mirror the academically supportive environments of our schools.

Social Media training will be provided to give guidance regarding recommended practices for professional social media communication between CMSD employees, as well as social media communication between CMSD employees and CMSD students. Please refer to Board Policy *G0-0881 GBEBB-EA*.

Drug-Free Workplace - NOTICE TO EMPLOYEES

YOU ARE HEREBY NOTIFIED that it is a violation of Policy G-0950 @ GBEC for any employee to violate the law or District policy in the manufacture, distribution, dispensing, possession, or use, on or in the workplace, of alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15.

Workplace includes any place where work is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; and off school property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the District. In addition, the workplace shall include all property owned, leased, or used by the District for any educational purpose.

YOU ARE FURTHER NOTIFIED that it is a condition of your employment that you will comply with Policy G-0950 @ GBEC and will notify your supervisor of your conviction under any criminal drug statute for a violation occurring in the workplace, not later than five (5) days after such conviction.

Any employee who violates the terms of the District's drug-free workplace policy in any manner is subject to discipline, which may include, but is not limited to, dismissal and/or referral for prosecution.

Solicitations and Distributions

Solicitation for any cause during working time and in working areas is not permitted. You are

not permitted to distribute Non-District literature in work areas at any time during working time. Working time is defined as the time assigned for the performance of your job and does not apply to break periods and meal times. Employees are not permitted to sell raffle chances, merchandise, or otherwise solicit or distribute literature without management approval.

Persons not employed by the Carlsbad Municipal School District are prohibited from soliciting or distributing literature on District property.

Section 5 - Employment Matters

Employee Background Check

The Carlsbad Municipal School District will conduct background checks of all prospective employees (i.e. applicants offered employment) with the district, district contractors and the contractor's employees and volunteers.

Additionally, all prospective employees pursuant to NM State Statue HB128, must identify all previous employers or volunteer experiences so that the District can verify whether or not the applicant was ever under investigation for, or found to have violated, any state or federal statute relating to child abuse or neglect, sexual misconduct or any sexual offense, including those prohibited by NM Statutes and laws.

Employment Eligibility Verification (I-9), Immigration Law Compliance

The Carlsbad Municipal School District is required, under the Immigration and Reform and Control Act of 1986, to verify that all persons hired are eligible to work in the United States. Therefore, you must complete and sign an Employment Eligibility Verification Form I-9. In addition, a document establishing employment eligibility (original social security card or birth certificate) and a document that establishes identity (a state-issued driver's license or other I.D. card with photograph) must be presented. If you cannot verify your right to work in the United States at any time, Carlsbad Municipal School District may terminate your employment.

Wage and Salary

Each job classification has a salary schedule approved by the Board of Education annually. Labor Unions recognized by CMSD have negotiated these schedules with the District.

The Carlsbad Municipal School District applies the same principles of equity to all employees regardless of organizational level, race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, veteran status, political affiliation, or any other factor protected by law.

W-4 Form

An Employee's Withholding Allowance Certificate, W-4, must be filed with the Human Resources Department before your first paycheck can be prepared.

Social Security Card

All employees are required to provide a copy of their government issued Social Security Card to the Human Resources Department. Paychecks will be processed using the name exactly as it appears on the Social Security card.

If you cannot find your original card or if you need to change the name on your card, the Social Security Office Administration Office/2303 W. Pierce Street, Suite D-1/Carlsbad, New Mexico/575-234-2248 can issue you a receipt when you apply for a duplicate card. This receipt can be presented as verification until your duplicate card is received.

Professional Educator License(s) and Training Certificates

All employees who teach, supervise an instructional program, counsel, provide special instructional services, coach, or administer in the district are required to hold a valid certificate for the appropriate
service function. New Mexico Statutes and New Mexico Public Education Department Rules require that all applicants for initial educator licensure be fingerprinted as part of the license application process, in order to establish positive identification for a state and federal criminal background check.

If you do not already have a license, you should apply through the Professional Licensure Unit, State Department of Education, Education Building, Santa Fe, NM 87501-2786, (505) 827-1436. Applications are available on-line at https://webnew.ped.state.nm.us/bureaus/licensure/. A complete, official transcript of your college work, including degree designation, must be sent with the license form and fingerprint cards. All applicants for initial license and all applicants whose prior license has expired or been suspended/revoked, are required to pass the New Mexico Teacher Assessment/National Evaluation Series. Information about the NMTA/NES is available in the Human Resources Department.

Please be aware that it is the employee's responsibility to secure the license necessary for their position and for renewing expiring licenses. There is a fee for licensure and associated fingerprint background check.

Verification of Experience

Employees are responsible for ensuring that verification of their prior related experience is on file in the Human Resources Department in order to receive full credit on the salary schedule. Changes to an employee's experience level can only be made each school year before October, 1 to receive credit on the salary schedule during that school year.

Official Transcripts

Employees are required to have official transcripts on file with the Human Resources Department. Transcripts for additional semester hours earned must be on file by October 1 of each year in order to receive credit on the salary schedule during that school year. New professional employees without official transcripts on file by the October 1 deadline will become unemployable by the district.

Contracts

Upon receipt of your contract, please read it carefully and if its contents correspond to the agreements which were made with you, please sign and submit to the Human Resources Department within 15 calendar days of receipt. If there are any questions, please contact the Human Resources Department. Failure to return a signed contract to the District in a timely manner (15 calendar days) may result in disciplinary action.

District and/or PED required trainings

All employees of the Carlsbad Municipal School District are required to successfully complete assigned yearly training through SafeSchools (Vector) and/or other training required by the District. Successful completion of the assigned training must be on file no later than 30 days from the date of employment or the first day of school. Failure to meet this requirement may result in disciplinary action. Trainings can be found at https://carlsbad-nm.safeschools.com/login .

Job Description

Each newly hired employee will be asked to sign their job description. A signed copy will be filed in your personnel file and a copy will be available to you for your records.

Employee Assistance Program

The Carlsbad Municipal School District encourages all employees with personal problems affecting their abilities to function effectively to contact the Director of Human Resources. (Reference Policy *G-1350 GBGC: Employee Assistance)*

Physical Exam and Fitness For Duty

Pre-Employment Testing and Medical Examinations: During the application process or upon acceptance of a conditional offer of employment, employment testing and/or physical or medical examinations may be required of School District applicants in accordance with Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act.

Evidence that employees are physically and mentally able to perform the essential functions of their jobs and assignments may be necessary for continued employment with the School District. All employees may be subject to medical and/or psychological examinations to determine if the employee is capable of performing the essential functions of his or her job and assignment with or without a reasonable accommodation in accordance with the law." Physical examinations are required of custodial, maintenance and security applicants being considered for hire. This examination is provided by the District at no cost to the applicant. Additionally, any employee involved in a serious workplace accident or exhibiting unusual behavior will be taken to the emergency room or approved physician's office for evaluation of the employee's health condition.

Medical Records & Information

Medical records, if any, will be kept in a separate confidential file. This information is maintained in the strictest confidence in accordance with HIPAA.

The Carlsbad Municipal School District reserves the right to require an employee's participation

in a health or mental examination to determine the employee's ability to perform the essential functions of his or her position with or without accommodations.

The Carlsbad Municipal School District requests that you complete an Employee Contact Form, which is kept separate from your personnel file.

The Carlsbad Municipal School District abides by the federal requirement of the Bloodborne Pathogen Act.

Custodial/Maintenance and security employees must submit to a physical examination, at the district's expense, once they have been notified of the district's intent to employ them. Formal employment is conditional upon the findings of this physical, which includes drug screening and back x-rays.

Any employee who has a pre-existing medical condition at the time of employment and or subsequent to employment, must present a medical release from their physician.

The Carlsbad Municipal School District reserves the right to require an employee's participation in an examination to determine the employee's ability for performing his/her essential job functions with or without reasonable accommodations.

Retirement

Employees are automatically members of the Educational Retirement Program. State statutes regulate both program and benefits. (For further information on retirement, contact the Educational Retirement Board in Santa Fe, NM at 1-505-827-8030.)

The New Mexico Educational Retirement Board (NMERB) manages the Defined Benefit retirement plan for all public New Mexico educational employees. You are an active NMERB member when you work more than 25 percent of a Full Time Equivalent (.25 FTE) for any New Mexico public school (including charters), universities, junior, colleges, technical vocational schools, and some State Agencies that provide an educational program.

Members who earn less than $24,000 per year pay 7.9 percent. Members who earn more than $24,000 per year pay 10.7 percent. Employers pay 17.15 percent per year for every employee. Retirement paperwork must be submitted 90 days from last day of employment.

Section 6 – Insurance and Benefits

Insurance

The Board shall provide health insurance to eligible employees. The insurance carrier(s), program(s), premium contributions and coverages will be selected and determined by the Board. The Carlsbad Municipal School Board of Education contracts, as a service to employees, for group major medical, dental, and life insurance, with the New Mexico Public School Insurance Authority (NMPSIA). The District carries a master policy for group health and accident insurance, to which employees may subscribe if they so desire. Provided also are loss of time (disability) and life

insurance protection. Copies of individual plan details may be obtained from the Business Office.

Employees become eligible for coverage on the first day of the month following their date of hire, provided they have completed and submitted the necessary paperwork.

The District will pay premium costs at state minimums based on the following schedule for health and disability insurances. Refer to the Bargaining Unit contracts for any changes to the minimums.

Salary up to $15,000	75% of premium
$15,000-$20,000	70% of premium
$20,000-$25,000	65% of premium
$25,000 -	60% of premium

The District pays 100% of the premium cost for a basic life insurance policy for employees. Additional voluntary life insurance is available, with premiums paid 100% by the employee.

New employees have 31 days from the date of employment in which to enroll for insurance under an open enrollment plan. Thereafter, the insurance carrier has the option of denying enrollment until the next open enrollment period. The 31 day limit applies to any changes in status such as marriage, divorce, death, birth of a child, or change of spouse's job status when insurance was provided through a spouse's former employer.

An employee must work at least 20 hours a week to be eligible for health, life, and long-term disability insurances. Basic life insurance coverage is available for any employee who works fifteen (15) hours per week. Coverage ends on the last day of the month in which an enrolled employee and/or dependent ceases to work or ceases payment of insurance premiums.

Health Plans

Types of Coverage Available

A. Employee Only
B. Employee & One Dependent (Spouse or Child)
C. Employee and Two or More Dependents (Spouse & Children)

Contact Information

Presbyterian:

A. Member Services / Questions: 1-888-275-7737
B. Traveling Out-of-State: 1-887-275-7737
C. CVS Caremark: 1-800-552-8159

Blue Cross Blue Shield:

A. Member Services / Questions: 1-888-966-7722
B. CVS Caremark: 1-800-552-8159

Cigna :

A. Member Services / Questions: 1-800-244-6224
B. CVS Caremark: 1-800-552-8159

NMPSIA Employee Benefits Plan Telephone Numbers:

A.	Davis Vision	1-800-999-5431
B.	United Concordia	1-888-898-0370
C.	Delta Dental	1-877-395-9420
D.	BCBS	1-888-966-7742 or 1-505-837-8889
E.	Presbyterian	1-877-275-7737
F.	CVS Caremark	1-800-552-8159
G.	Basic Life Claims & Voluntary Life Claims	1-888-609-9763

Cafeteria Plan and Tax Sheltered Annuities

The District offers participation in a self-administered Cafeteria Plan. Several companies are also approved for the sale of tax-sheltered annuities. Please visit with the Payroll Manager or Human Resources Department staff for further information.

Basic Life Plan

The basic life insurance plan is offered under the NMPSIA by The Standard.
Carlsbad Municipal Schools provides to all contract employees a $50,000 life insurance policy. (The total premium cost for the Basic Life insurance is paid by the Carlsbad Municipal Schools).

Voluntary Term Life Plan (Optional)

A voluntary employee group term life insurance is provided under a Group Policy issued by The Standard Insurance. The employee must complete an application during their initial employment. Otherwise, the employee will be required to furnish evidence of satisfactory good health to The Standard for the employee and each of their eligible dependents.

Cost: The employee shall pay the total cost of the premium, which is based upon "age table" rates.

Options: An employee may select additional life insurance coverage of one, two, or three times his/her annual base contract. The employee may also select additional life insurance coverage for his/her legal spouse and/or children.

Conditions

New Employees: New employees have thirty (30) days to avail themselves of the Board-Employee sponsored group insurance plan without evidence of insurability as well as providing a copy of publicly state filed Certificate of Marriage license, Social Security Card, and/or publicly state-filed birth certificates for all dependents.

Current Employees: Current employees who are carrying the insurance and do not desire to continue must make a request in writing to discontinue as well as complete all necessary paperwork regarding this change.

Dependent Coverage: Dependent coverage is available under all programs.

Employees On Leave of Absence: An employee on a Board approved leave of absence may continue to participate in all phases of the group insurance program under the COBRA Plan. The Board does not participate in the premiums while the employee is on leave of absence.
Retired Employees: Employees retiring shall have the option of keeping their insurance program

in force for themselves and their dependents provided the retirement is in accordance with the Educational Retirement Act. The Board will not participate in premium payments.

Federal Family & Medical Leave Act: An employee on approved Federal Family and Medical Leave may continue to participate in all phases of the group insurance as long as the employee continues to pay his/her share of the premium. The Board will continue to pay their portion of the premium if the employee's portion is continued.

Unemployment Insurance

All employees are covered by unemployment insurance, which provides benefits in the event the employee's job is terminated through no fault of the employee. The District pays the full cost of the program. Eligibility is determined by the State Department of Labor.

Errors and Omissions Insurance

The District provides this coverage for employees for defense, should an employee be sued for liability arising from improper performance of their employment responsibilities.

Please contact the Business Office for more information about these plans.

Workers Compensation

All employees are covered by Workers' Compensation against injury at work. The District pays the full cost of the program. Employees must report job related injuries immediately in order to qualify for prompt benefits. Payments are not made for the first seven (7) days of lost time due to an on-the-job accident or illness. Workers reporting to work after being absent due to a work related injury must report to their supervisor with a doctor's release before beginning work.

The Carlsbad Municipal School District does not designate a health care provider in the event of a work related injury. If medical attention is necessary, please seek the attention of a medical provider. If it is an emergency go directly to the Emergency Room.

All Worker's Compensation claims, physician visits, prescriptions, procedures, treatments and tests must have prior approval from the HR Employee Benefits Specialist unless it is an emergency situation. If you are off work due to a work-related injury, you must communicate with the HR Employee Benefits Specialist following all physician visits and provide copies of all patient status reports, work restrictions, and/or work releases to your supervisor and the HR Employee Benefits Specialist.

Employees absent due to on-the-job injuries may choose to receive their full monthly school salary and will have accumulated sick leave days charged against them (one day for each workday absence). Employees may choose to receive only the monthly remuneration paid by the workers' compensation insurance equal to 66 2/3% of salary or a maximum of $733.16 per week without reduction of accumulated sick leave days.

Premiums due to the District for health or dental insurance are required to be paid by the employee to the District throughout the duration of the workers' compensation leave.

Some types of injuries suffered while at work may not be covered by worker's compensation insurance. Examples of non-covered injuries suffered at work include, but are not limited to the following:
A. Injuries because of a self-inflicted wound.
B. Injuries sustained because of an employee's horseplay or fighting initiated by the injured worker.
C. Injuries sustained while an employee was participating in an off-duty activity.

Section 7 – Business Office

Paydays

All employees scheduled to work the calendar year will be placed on the 24 payroll cycle. Salaried school year employees will be placed on the 24 payroll cycle. Paydays fall on the 15th and 30th of each month. If a payday falls on Saturday, Sunday or holiday, payday will be the last work day before the 15th or 30th. Paychecks will be distributed through direct deposit, the automatic deposit of your pay directly into a financial institution account.

As required by law, the district must withhold Federal and State taxes, FICA, Medicare, Educational Retirement, Retiree Health Insurance, and Worker's Compensation employee fees from all pay checks.

Wage and Salary

Each job classification has a salary schedule approved by the District annually. Labor Unions recognized by the Carlsbad Municipal School District have negotiated these schedules with the District.

The Carlsbad Municipal School District applies the same principles of equity to all employees regardless of organizational level, race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, veteran status, political affiliation, or any other factor protected by law.

Direct Payroll Deposit

Direct payroll deposit is the automatic deposit of your paycheck directly into a financial institution account. Contact the Payroll Department for details and the necessary authorization forms. The Carlsbad Municipal School District requires the use of direct deposit for payroll.

Mandatory Deductions from Paycheck

The Carlsbad Municipal School District is required by law to make certain deductions from your paycheck. Among these are your federal, state and local income taxes, your contribution to

Social Security and Medicare, and New Mexico Retirement and Retiree Healthcare. These deductions are itemized on your check stub. The amount of the deduction depends upon your earnings and the information you furnished on your W-4 form. Other mandatory deductions that may be made from your paycheck, such as court ordered garnishments, will be explained whenever CMSD is ordered to make such deductions.

Overpayment of Earnings

If you have been overpaid in your paycheck, you must contact the CMSD Payroll Department immediately. Any overpayment must be returned to CMSD in full upon request by the Payroll Department.

Records of Time Worked

Non-exempt employees who record time worked via time cards or time sheets are responsible for recording their own time. No one may record hours worked on another's timecard or timesheet. Tampering with another's time record is cause for disciplinary action, up to and including discharge/termination, of both employees. In the event of an error in recording your time, report the matter to your supervisor immediately.

Payment of Overtime

The Carlsbad Municipal School District complies with the Fair Labor Standards Act. Overtime worked in relation to the employee's specific job, if required, in excess of 40 hours per week, shall be paid at one and one-half (1-1/2) times the hourly rate for qualifying employees. No employee is allowed to work overtime without the approval of their supervisor and the Director of Human Resources, prior to working.

Travel Requests and Reimbursement

A Travel Request Form must be initiated for any out-of-town trip, whether or not reimbursement is made from District funds. The travel request is completed and submitted for approval at least ten working days before the planned departure date.

Employees must have the signature(s) of their immediate supervisor, the budget control agent; for instructional staff, the Director of Curriculum (Elementary or Secondary), and the Director of Human Resources for prior approval of a trip and must complete the bottom portion of the travel request upon return from the trip. They then return the form to the Business Office or appropriate department before payment can be made.

Proper signatures must be on gasoline tickets and all other required forms. When school vehicles are used, all gasoline ticket purchases must be signed and have the vehicle's license number on the ticket. Check with the Business Office, when in doubt, about the proper procedure. Any in-district travel allowed by the district must be turned in to the appropriate department for approval and should be filled out with all request information.

Employee use of District vehicles is only allowed if the employee has a valid driver's license and a driving record acceptable to our insurer. Employees whose work requires operation of a motor vehicle must present and maintain a valid license and will be asked to submit a copy of his or her

driving record to the school district from time to time.

Employees who may be required to transport students in District vehicles are required to complete 12 hours of specialized training. Please contact the Director of Operations for more information regarding the process. (*Policy E-2690©EEAFB: Extracurricular Activity Event Driver Requirements)*

Employee Classification

At the time you are hired or transferred to a new position, you are classified as a regular full-time, regular part-time, short-term, or temporary employee. In addition, you are classified as non-exempt or exempt in accordance with the Fair Labor Standards Act (FLSA) and applicable state law. If you are unsure into which classification your position fits, please ask your supervisor.

Non-Exempt and Exempt Employees

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and receive overtime pay at time and one-half the regular rate of pay for all hours worked over forty (40) hours in a workweek. Employees in certain types of jobs are entitled to overtime pay for hours worked in excess of forty (40) hours per work week. These employees are referred to as "non-exempt". This means that they are not exempt from (and therefore should receive) overtime pay. Exempt employees are those whose duties and responsibilities exempt them from statutory overtime pay provisions. This includes Teachers and Administrators as well as other employees who meet the job duties tests.

Non-exempt employees, those non-certificated employees subject to the minimum wages and overtime provisions of the Fair Labor and Standard Acts, are required to complete an individual timecard showing the actual daily hours worked on their timecard or electronic system as applicable. Timecards/electronic systems (reports) shall cover one (1) workweek and shall be completed at the close of each workday.

Employees shall record their starting time, time out for lunch, time in from lunch, quitting time, and total hours worked for each workday.

Employees are not permitted to sign in or commence work more than fifteen (15) minutes before their normal starting or to sign out or stop work later than fifteen (15) minutes after their normal quitting time without the prior approval of the school administrator/supervisor.

All employees are required to take a lunch or meal break. Exceptions may be made for lunch periods per a voluntarily signed and written agreement between the employee and administrator and the Human Resources Department.

All employee time records shall be verified and signed by the school administrator/supervisor. Reporting another employee's time or falsifying one's own time is prohibited and may be grounds for disciplinary action including termination.
For the purpose of calculating regular and overtime hours in accordance with wage and hour requirements, the District's designated workweek shall begin at 12:01 a.m. on Saturday and conclude at

12:00 midnight the following Friday.

Handling and Receipting of Money

If a school employee participates in a booster club, PTA, or school sponsored activity and handles money for one of them, the funds must be handled through the school's activity fund. It is recommended that a school employee not hold office in a booster club or PTA.

All activity fund receipting and depositing to the bank must be done within twenty-four (24) hours as per Section 22-8-6, NMSA 1978 Compilation.

Purchasing Procedure

All purchases, including review of materials, must be done by purchase order. The purchase order must be obtained before the purchase is made. A purchase order may be obtained by working with your school principal or immediate supervisor. Under no circumstances will the district pay for an order if a purchase order has not been obtained prior to the order of items.

Garnishments

You should manage your financial affairs so that the District will not be obligated to execute any court ordered wage garnishments against you. If the court orders the District to take deductions from your paycheck, you will be notified accordingly. A processing fee may be assessed for each transaction.

Educational Retirement (ERA)

Participation in ERA is mandatory by state law and provides eligible employees with a monthly pension benefit upon retirement. The contributions from the employer and the employee will be at the rate mandated by the state. Members may withdraw their contributions only when they terminate covered employment in New Mexico.

Employees are required by statute to contribute a small percentage of their salary established annually by the Retiree Health Board to a prefunded group health insurance fund for current and future retirees. These contributions, along with employer and current retiree contributions, will be combined to provide benefits to you when you retire.

Social Security

Employees participate in Social Security. The cost is borne equally by the employee and the District. Contribution levels are established by law, and are subject to change.

Credit Union

All new employees and their family members are eligible to join the Financial Security Credit

Union, which provides share accounts and loans through payroll deduction. Information on their services can be obtained from: Financial Security Credit Union/1105 W. Pierce Street/Carlsbad, New Mexico/575-887-6030.

Section 8 – Leaves – All Employees

Leave policies vary by employee group. For specifics, please refer to the negotiated agreements with C-FUSE, NEA-Carlsbad, or United Steelworkers.

Requests for absence, other than sick leave, must be made on a prescribed form or AESOP to the building principal/supervisor, who will forward it with an endorsement to the Superintendent or his/her designated representative.

Absent Without Leave
An employee shall be deemed "absent without leave" when absent from work because of:

A. A reason that conforms to a policy currently in effect but the maximum days provided for in that policy will be exceeded; or
B. A reason that does not conform to any policy currently in effect; or
C. Failure to report to work without prior notification to the Superintendent or his/her designee.

In no case shall an employee be compensated for time lost due to being absent without leave. An employee who is absent from work without prior approval is subject to disciplinary action, as is one who was unable to obtain prior approval due to unusual circumstances and such approval is denied upon the employee's return.

Sick leave/bereavement leave
Sick leave may be used for personal illness, family illness or death of immediate family members. Immediate family members include only the following:

- Spouse
- Daughter/step-daughter/daughter-in-law
- Son/step-son/son-in-law
- Father/step-father/father-in-law
- Mother/step-mother/mother-in-law
- Brother/step-brother/brother-in-law
- Sister/step-sister/sister-in-law
- Grandparents or grandchildren
- Foster child or foster parent
- Relative living in the immediate household of the employee and who is dependent upon the employee for their care.
- Domestic Partner (as defined in school policy)

Sick Leave in excess of three (3) consecutive days will require a doctor's statement indicating that the illness justifies the leave.

Absence due to the death of a close relative of the employee, other than the immediate family as

identified in the sick leave policy, must be approved in advance by the Superintendent or his/her designated representative.

Approved sick leave for death in the immediate family shall be limited to not more than five (5) work days for each occurrence, and is subject to the approval of the Superintendent/designee.

Sick Leave

All licensed employees are granted sick leave days as follows:

• classroom teachers, ten (10) days per year granted at the August 31 payroll;
• eleven (11)-month employees, eleven (11) days granted in July or August, depending on starting date;
• twelve (12)-month employees, twelve (12) days granted in July.
• Late start licensed employees are prorated based upon the total number of contract days for the category of position.

All classified employees are granted sick leave days as follows:

• nine (9)- and ten (10)-month employees, five (5) days on the August 31 payroll and five (5) days on the January 15 payroll;
• twelve (12)-month employees, six (6) days on the July 15 payroll, and six (6) days on the January 15 payroll.
• Late start employees will have their sick leave prorated, based upon the total number of contract days for the category of position.

Employees may not utilize sick leave prior to being earned. If sick leave is utilized in excess of earned sick leave days, the employee will be docked for any day in excess of earned sick leave days at the daily contract rate. Such docking in pay will be subject to review and/or approval of the Superintendent or designee.

Unused sick leave may accumulate from year to year up to a maximum of one hundred twenty (120) days.

The Superintendent or designee shall ensure that sick leave is used only for:

• illness or injury to the employee;
• illness or injury of a member of the employee's immediate family; and,
• death in the employee's immediate family.

All persons absent from duty because of any reason listed above shall be charged sick leave as used even if a substitute is not employed.

Claims of sick leave under this program shall be approved only for the reasons listed above.

Certification of personal illness or inability to report for duty by a doctor who is duly registered and licensed, a licensed doctor of dentistry, a licensed chiropractor, or a licensed podiatrist, shall be required for absence due to illness or injury in excess of three (3) consecutive workdays duration. This certification shall state the employee's medical condition precluding the employee from working and the expected duration of absence.

Where the school administration suspects sick leave abuse, the District may conduct a reasonable investigation including requests for more detailed medical information reports, and the employee should cooperate with such requests.

Approved sick leave for death in the immediate family shall be limited to not more than five (5) work days for each occurrence, and is subject to the approval of the Superintendent.

Any employee who can be shown to have willfully violated or misused the District's sick leave policy or misrepresented any statement or condition will be subject to discipline, which may include reprimand, suspension, and/or dismissal.

Sick Leave Bank

A Sick Leave Bank is available for employees in the bargaining unit represented by NEA-Carlsbad and C-FUSE. New employees, who elect to join the Sick Leave Bank, must enroll within twenty (20) days of their beginning date of employment. Enrollment forms will be provided to you by the Human Resources Department. More detailed information may be obtained from the employee group's employment contract.

Vacation Days

Employees who are employed for 240 or more days of a calendar year shall be granted annual vacation with pay in accordance with the following schedule:
1. Employees with up to ten calendar years of service shall receive ten vacation days.
2. Employees with ten through 14 calendar years of service shall receive fifteen vacation days.
3. Employees with 15 or more calendar years of service shall receive twenty vacation days.

Accumulation of Vacation Days

Vacation days may carry over not to exceed 40 days.

Accumulated vacation time may be used for extensive travel or study if approved by the Superintendent. The intent to allow vacation time to accrue for the foregoing reasons shall be submitted to the Superintendent and approved by the Board prior to the time of the beginning of vacation accrual.

Except with individual approval by the Superintendent, vacations shall be taken between June 1 and August 30 of the current calendar year.

Employees may receive a pay-out for up to 40 accrued vacation days upon retirement.

Leave of Absence

Under certain circumstances, employees who have completed at least three (3) years of satisfactory service with the district may be granted a one year leave of absence without pay. Paid employment cannot be accepted during the leave time. If you find it necessary to request such a leave, consult your principal or supervisor immediately.

Military Service Leave

An employee who is a member of the army or air national guard or army, air force, navy, marine or

coast guard reserves shall be given but not to exceed fifteen working days' military leave with pay per federal fiscal year when they are ordered to duty for training, such leave to be in addition to other leave or vacation time with pay to which such employees are otherwise entitled.

Military Reserves or National Guard absences may be taken as necessary to fulfill these required obligations.

The District must reemploy uniformed service members, as defined in 38 U.S.C. 4303, returning from a period of service, if the service member:
• Was employed by the District.
• Gave the District notice that he/she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable.
• Has a cumulative period of service in the uniformed services not exceeding five (5) years.
• Was not released from service under dishonorable or other punitive conditions.
• Has reported back to the District in a timely manner or has submitted a timely application for reemployment in accordance with the Uniformed Services Employment and Reemployment Rights Act.

Civic Leave

Civic Leave is granted to employees called for jury duty. If the employee receives compensation for jury service for time spent during working hours, that pay is to be reimbursed to the business office.

An employee may be granted civic leave to attend a school related legal proceeding at which the employee is either a party to a case or is required by a lawfully issued subpoena to attend. The employee will provide written verification of the their eligibility for this leave to the employee's immediate supervisor and to the Human Resources office.

An employee excused from jury duty after being summoned shall report for regular duty as soon as possible. Failure to report for duty will result in a deduction equal to that portion of a contract day missed.

Human Resources may request any employee to provide a sealed notice verifying his/her attendance for jury duty. The notification is easily obtained from the court clerk upon request; however, it will only be sealed at the end of the day.

An employee who receives a subpoena for a matter that is not school related will be required to use either a personal leave day or leave without pay.

Personal Leave

Personal Leave days are days available for business or emergencies that cannot be handled before or after school hours. This time is to be scheduled through the site administrator. Approval will be granted for non-emergencies if the absence does not provide an undue hardship on students and other staff members of the school site. Personal leave may not be taken preceding or following a holiday or during the first or last week of school without prior approval of the Director of Human Resources.

Each staff member will be granted personal leave not to exceed three (3) days per year for which the employee need not state a reason. Personal leave days may not be accumulated and do not carry over from year to year. No more than ten percent (10%) of the staff or other groupings of employees may take personal leave at any one time. Requests for personal leave must be received at least four (4) working days prior to the first day of leave unless considered an emergency by the approving administrator, and must be approved by the principal. Requests shall be acted upon in order of receipt, and the availability of substitutes, if necessary, may limit the number of requests granted at any one (1) time.

Personal leave may not be taken the first week of school, the last week of school, or before or after a holiday or long weekend without prior approval from the Human Resources Department. Personal Leave beyond the maximum of three (3) days allowed, or non-approved personal absence, will result in a salary deduction on a pro-rata basis according to the number of days contained in the contract.

Absence due to once-in-a-lifetime events in which the employee has no control over the date (i.e., college graduation, fiftieth (50th) wedding anniversary of parents), leave can be requested only after personal leave has been exhausted. Approval must be given in advance by the Superintendent. There may be a salary deduction, and it is limited to five (5) days per event.

Unused leave

Employees who breach their contract of employment with the district or who are terminated for "just cause" will not be eligible to receive any payment for accumulated but unused sick leave, personal days, or non-work days.

Section 9 - Business Hours & Attendance

Employees are expected to comply with the District's working hour requirements for their particular position, or be subject to disciplinary action. Employees may refer to the District's Leave Policy to see how to exercise their rights under this policy. However, unauthorized or excessive absences or tardiness may lead to disciplinary action, including possible dismissal. Always contact your supervisor prior to a known need to be absent or immediately when the need becomes known.

Your particular hours of work and the scheduling of your meal period will be determined and assigned by your supervisor. Most employees in the district offices are assigned to work a regularly-scheduled work week and are required to take an unpaid lunch period.

Absence or Lateness

If you are unable to report to work, or if you will arrive late, contact your supervisor immediately. If you know in advance that you will be absent, you must request this time off directly from your supervisor. A consistent pattern of absences can be considered excessive. In addition, excessive lateness or leaving early may carry the same weight as an absence. Other factors, like the degree and reason for the absences or lateness, will be taken into consideration. Unauthorized or excessive absences, lateness, or leaving early may lead to disciplinary action, up

to and including termination/discharge.

Reporting Absences

When it is necessary to be absent, it is the employee's responsibility to notify their supervisor and enter the absence through the Frontline/AESOP system. Absences that occur early in the morning should be reported by no later that 6:30AM.

Holidays

The Carlsbad Municipal School District follows all holidays that are determined by the Calendar Committee each school year. Individual employee groups may have varying holiday schedules (see current school year calendar).

Vacation days also follow the school year calendar. The Custodial/Maintenance Department's vacation days and holidays are determined by the length of service and the school calendar. Employees are not allowed to work during holidays to replace regular workdays, without prior written approval of their supervisor and in compliance with union agreements.

Procedures for Delayed Schedule Due to Inclement Weather

- Procedures for 2-Hour Delay Schedule

  When the weather conditions are extremely bad, and it is necessary to delay the starting time for school, the following schedule will be implemented. Starting times will be delayed by two hours, which means the buses will run approximately two hours later for all grades:

  - Pre-K: The morning session will not attend. The afternoon session will attend at the regular time.
  - All-Day Kindergarten and Elementary (Grades 1-5) will start at 9:45 a.m.
  - Sixth (6^{th}) Grade Academy/Alta Vista Campus will start at 10:30 a.m.
  - Carlsbad Intermediate School/P. R. Leyva Campus (grades 7-8) will start at 10:05 a.m.
  - Carlsbad High School (Grades 9-12) will start at 10:45 a.m.
  - Early College High School (Grades 9-12) will start at 10:30 a.m.

- Procedures for 3-Hour Delay Schedule

  When the weather conditions are extremely bad, and it is necessary to delay the starting time for school, the following schedule will be implemented. Starting times will be delayed by three hours, which means the buses will run approximately three hours later for all grades:

  - Per-K: The morning session will not attend. The afternoon session will attend at the regular time.
  - All-Day Kindergarten and Elementary (Grades 1-5) will start at 10:45 a.m.
  - Sixth (6^{th}) Grade Academy/Alta Vista Camus will start at 11:30 a.m.
  - Carlsbad Intermediate School/P. R. Leyva Campus (Grades 7-8) will start at 11:00 a.m.
  - Carlsbad High School (Grades 9-12) will start at 11:45 a.m.
  - Early College High School (Grades 9-12) will start at 11:30 a.m.

Delay information will be broadcast on both radio and TV stations. Please listen to these media during bad weather conditions for current information on possible day.

All District administrative and support personnel are expected to report for duty as close to their regular schedule as safely possible. This allows a maximum delay of two hours. Arriving late to work is only acceptable when severe weather causes hazardous driving conditions, not due to mechanical issues caused by cold weather.

If an employee does not report to work, she/he shall take eight hours of annual leave or one personal leave day.

Building Access by Employees

District buildings will customarily be opened, closed, and secured only by the designated building supervisor, assigned custodian or another district employee specifically designated to perform those functions. The building supervisor may allow other employees to apply for access privileges and building keys/cards under certain circumstances that are beneficial to the district and or the operation of the building in question. District employees shall not give building keys/cards to an outside organization or person not employed by the district. Any employee granted access privileges is required to enforce and abide by all district policies and procedural directives regarding the use of the building and any equipment therein.

Section 10 – Professional/Certified Teaching Staff

Teachers are professional employees as defined by the federal Fair Labor Standards Act.

Normal Hours

Although professionals' work is not limited to any specified number of hours or days per week, the "normal" hours of work for full-time employees in positions authorized as "40 hours per week" as well as a duty-free lunch period of at least thirty (30) minutes each day. A 40-hour work week for middle school and high school teachers results in a typical work day equivalent to 7:45 am - 3:45 pm. At the elementary level, the work day is equivalent to 7:30 am - 3:15 pm.

Professional Hours

Education and teaching is a professional occupation. The professional staff is expected to be with students for their supervision and instruction and to be present at those times needed to carry out their professional responsibilities. Professional responsibilities include, but are not limited to time and events such as: all instructional time, grade level/department/building/district meetings, professional development, supervision duties, attending and supporting youth at school events, etc. At times, these requirements may result in workdays with more than 8 hours of required time.

Part-time staff members are required to attend 100% of professional development expectations to include professional development, grade level, department, and faculty meetings without additional compensation. Part-time staff members are required to attend 100% of open house time. Part-time teachers are required to work with the assigned percentage of FTE for all parent teacher conferences and required record days.

A common expectation for all Carlsbad Municipal Schools staff members is that they may manage their work time. Carlsbad Schools' faculty are committed to students as demonstrated through their completion of classroom responsibilities, duties, and work. Teachers are to be available to meet with parents, staff, colleagues, and administration, and participate in meetings or professional responsibilities including contributing to the school community through attending school sponsored events.

Teachers manage their work time and operate under "professional hours." Teachers are expected to be at their work areas during their assigned duties and teaching assignments and the scheduled minutes prior to and scheduled minutes after the student day, unless excused by their building principal or his/her designee. Teachers are collectively responsible for overall student learning, safety of students and their own professional responsibilities. For example, teachers should be in attendance before and after the regular student day for activities such as faculty/department/grade level meetings, IEP meetings, student assistance, etc. Teachers are expected to fulfill their professional responsibilities, including all duties. Misuse of professional hours will result in disciplinary action.

Professional Growth

CMSD recognizes its responsibility to provide opportunity for the continual professional growth of its certificated staff. Such opportunities include, within budgetary limitation, special in-service training courses, workshops, school or District visitations, conferences, and assistance from supervisors and consultants.

Mentoring

All new teachers to the District will be placed into the District's mentoring program. All aspects of the mentoring program, including attendance at meetings, is expected of new teachers to the District as well as active mentors.

Professional Development Days

The District recognizes the importance of staff development that is designed to enhance professional knowledge, skills and dispositions to meet job responsibilities and positively impact the achievement of the District's mission. Therefore, all teachers are required to attend all professional development days of the District.

Part-time teachers shall attend all meetings without additional compensation or time off. Personal days and pre-scheduled sick days shall not be granted on professional development days without unique and unavoidable cause. Teachers may be required to provide a doctor's note for a sick day taken on a professional development day.

Teachers must be present for the complete professional development day and may not leave early for extra-curricular activities. Coaches may leave early for game day timelines.

Teacher Assignments, Vacancies and Transfers

A basic idea in the Carlsbad Municipal Schools will be to encourage employee growth by allowing existing staff members to receive first consideration for job responsibility assignment change.

Notice of an existing vacancy or vacancies shall be posted on the District website.

Promotion or lateral transfers shall be contingent upon the applicant having met all job and licensure requirements. Application shall be made through Frontline.

The Superintendent will determine all licensed professional staff assignments. Such assignments shall be based on the needs of the District. In addition, no right to school, grade, or subject assignment shall be inferred from the standard teacher's contract.

Please refer to *Policy G-3450©GCF or G-7650©GDF* and your negotiated agreement, if applicable, for more information.

Transfers

The Carlsbad Municipal School District provides employees with an opportunity to apply for transfer to other positions within the district. Approval of transfers depends largely upon training, experience, and work record. The Carlsbad Municipal School District is an equal opportunity employer and will consider qualified applicants within and outside the District. The Carlsbad Municipal School District encourages employees to review the Carlsbad Municipal School District website for career opportunities.

The procedure for assignment and transfer of professional staff members will be based on the needs of the instructional program. Assignments may be changed to serve the best interests of the District and students.

Professional staff members may apply for transfer or reassignment, whether or not a vacancy exists. Generally, transfers will not be approved during the school year unless the needs of the District dictate such approval.
It shall be the policy of the Board that professional personnel be assigned on the basis of their qualifications, the needs of the District, and their expressed desires. When it is not possible to meet all three (3) conditions, personnel shall be assigned first in accordance with the needs of the District, second where the Superintendent determines the employee is most qualified to serve, and third as to expressed preference of the employees.

In the case of vacancies in new or existing positions, first consideration will be given to qualified applicants among current employees.

The Superintendent shall have the responsibility for the assignment of all personnel throughout the District.

The resolution of any conflicts over the need for a transfer shall be based on what is best for the instructional program, the needs of the students, and the overall needs of the District as defined by the Superintendent.

Employee Resignation of Professional Staff Members

Professional employees shall give thirty (30) calendar days written notice of intention to resign or request a release from contract. A release from an uncompleted contract may be granted contingent upon the availability of a well-qualified, licensed teacher as a replacement. This notice should be submitted to the supervisor in writing and should specify both the last day of work and the reason for terminating. The following is to be completed:

A teacher who resigns contrary to the required 30 day notice shall be deemed to have committed an unprofessional act and shall be subject to the penalty as provided under New Mexico statutes and Secretary of Public Education regulations.

Each licensed teaching employee shall deliver an acceptance or rejection of reemployment to the Governing Authority within fifteen (15) days from the following:

• The date written notice of reemployment is served upon the person; or
• The last day of the school year when no written notice of reemployment or termination is served upon the licensed school employee on or before fifteen (15) working days prior to the last day of the school year.

Teacher Supervision and Evaluation

The purpose of evaluation shall be the improvement of performance. Such a process, to achieve the greater measure of success, shall be predicated on the assumption that the evaluation will be a cooperative procedure, with the evaluator and the teacher having full knowledge of the criteria, process, and results.
The following statements give more specific purposes for evaluation:

• Evaluations determine how well the objectives held by the school are being carried out. The success of the educational program is dependent upon the quality of classroom instruction, supervision, and administration.
• Evaluations provide the basis for motivation and for self-improvement, permitting personnel to be aware of their strengths and weaknesses in order to improve.
• Evaluations provide a basis for planning in-service training and supervisory activities. Such activities can be most effective when they are based upon clear evidence of need as shown by evaluation studies.
• Evaluations provide the basis for administrative decisions. Such decisions may include the employment of personnel, their assignment, promotion, demotion, or termination.
• Evaluations aid in determining satisfactory or unsatisfactory performance.

Discipline, Termination and Nonrenewal of Certified/Licensed School Instructors

This policy is intended to cover decisions by the Superintendent to re-employ, reduce in force, or terminate licensed school instructors. The purpose is to ensure that any decisions to re-employ, terminate, reduce in force, or discharge, and comply with Section 22-10-12, 22-10-13, 22-10-14, and 22-10-17 NMSA, 1978 as amended, 1991.

Statement of Policy

The Carlsbad Board of Education will exercise its discretion in deciding questions effecting programs, positions, and individual employees, and will make good faith judgments based upon factors outlined below which will best serve the district's educational needs. The Board is committed to providing its students with excellent educational programs with the best professional staff, and will strive continually to improve the quality of education the district delivers. It is in the best interest of the school district to hire and retain the best-qualified, licensed school instructors, and the district recognizes that to do so, licensed school instructors must be treated professionally and fairly.

Re-Employment

On or before the fifteen (15th) calendar day prior to the last day of the school year of the existing employment contract, the Carlsbad Municipal Schools Board shall serve written notice of re-employment or termination on each licensed school instructor employed by the District according to State Board of Education Regulation No. 75-7, Amendment No. 1. A notice of termination shall be a notice of intention not to re-employ for the ensuing school year. Failure of the School Board to serve written notice for re-employment or termination on a licensed school instructor by the last day of each school year shall be construed to mean that notice of re-employment has been served upon the person according to the terms of the existing employment contract, but subject to any additional compensation allowed other licensed school instructors of like qualifications and experience employed by the district. It is the responsibility of the licensed school instructor to deliver a written acceptance or rejection of re-employment for the ensuing school year within fifteen (15) calendar days to the administrative staff. (Section 22-10-12 and 22-10-13 NMSA 1978).

For purposes of this policy:
• "Discharge" means the act of severing the employment relationship with a licensed school employee prior to the expiration of the current employment contract.
• "Terminate" means, in the case of a licensed school employee, the act of not reemploying an employee for the ensuing school year.
• "Working day" means every school calendar day, excluding Saturday, Sunday or legal holiday.
• "Just cause" means a reason that is rationally related to an employee's competence or turpitude or the proper performance of assigned duties and that is not in violation of the employee's civil or constitutional rights.
• "Administrative leave" means the assignment of an employee to the employee's home to await further instructions pending the outcome of an investigation or inquiry into the actions of the employee in order to avoid interference in the inquiry. The use of "administrative leave" is not a disciplinary action.

Categories of Misconduct

Licensed staff members may be disciplined for infractions that include, but are not limited to, the following categories:

- Engaging in unprofessional conduct.
- Committing fraud in securing appointment.
- Exhibiting incompetency in their work.

- Exhibiting inefficiency in their work.
- Exhibiting improper attitudes.
- Neglecting their duties.
- Engaging in acts of insubordination.
- Engaging in acts of child abuse or child molestation.
- Engaging in acts of dishonesty.
- Being under the influence of alcohol while on duty.
- Engaging in the use, possession, or distribution of narcotics or habit-forming drugs.
- Being absent without leave.
- Engaging in discourteous treatment of the public.
- Engaging in improper political activity.
- Engaging in willful disobedience.
- Being involved in misuse or unauthorized use of school property.
- Being involved in excessive absenteeism.
- Possessing alcohol on school-owned property.
- Carrying or possessing a weapon on school grounds unless they have obtained specific authorization from the appropriate school administrator.
- Engaging in ethical misconduct by inappropriate touching, sexual harassment, discrimination or intended behavior to induce a child into engaging in illegal, immoral or other prohibited behavior.

Unsatisfactory Work Performance Of Licensed School Personnel

A.Authority – This regulation is promulgated pursuant to Section 22-10-21, NMSA 1978. This regulation supersedes Regulation No. 77-1, adopted by the State Board of Education on January 21, 1977, and filed on February 2, 1977.

B.**Purpose**. This regulation is promulgated to establish procedures for supervising and correcting"unsatisfactory work performance" of licensed school personnel before notice of intent to discharge is served upon them, and further to distinguish between the terms "unsatisfactory work performance"and "insubordination".

C.**Definitions**. As used in this regulation the following words, terms and phrases shall have the meaning set forth in this paragraph.

1."Administrative authority" means the Superintendent, principal, or a person acting under the authority of such Superintendent or principal.

2."Insubordination" means actual or implied willful refusal to follow written policies, regulations, rules, or procedures established by the Public Education Department, the local school board, or administrative authorities, or the lawful written or oral orders, requests or instructions of administrative authorities.

3."Uncorrected unsatisfactory work performance" means unsatisfactory work performance which the licensed school personnel has failed to correct pursuant to the provisions in this regulation; provided however, that if unsatisfactory work performance is uncorrectable through the evaluation and supervision process, as determined by the local school board policy, the provisions in this regulation shall not apply.

4."Unsatisfactory work performance" means the failure by licensed school personnel to satisfactorily perform those tasks, which are evaluated by the employee's supervisors, pursuant to the school district's approved plan(s) for evaluation and supervision of its licensed employees. Furthermore, for

the purpose of this regulation unsatisfactory work performance does not include insubordination or conduct deemed to be outside the normal scope of duties of licensed school personnel.

Uncorrected Unsatisfactory Work Performance

1.Uncorrected unsatisfactory work performance is good cause for discharging licensed school personnel, so long as procedures established in Paragraph D. 2. herein are followed.

2.Provisions Governing Procedures. The following procedures shall be followed by local school boards or governing authorities of state agencies in supervising and correcting unsatisfactory work performance of licensed school personnel before serving them with notice of intent to discharge pursuant to Section22-10-17, NMSA 1978.

a. **Conferences**. Two or more conferences shall have been held with licensed school personnel charged with unsatisfactory work performance by a local school board or governing authorities of state agencies before notice of intent to discharge is served upon him/her. Such conferences shall be held with the individual's immediate supervisor and such other persons as the local board may designate. For purposes of this regulation, the conference at which the supervisor first identifies unsatisfactory work performance shall be counted as one of the required conferences. Sufficient time shall have elapsed between the conferences to allow the licensed school personnel to correct the unsatisfactory work performance and to have been observed for an adequate time in the discharge of his or her duties.

b. **Record**. A written record of all conferences shall be made, specifying the areas of uncorrected unsatisfactory work performance, all action suggested by the school which might improve such performance, and all improvements made. Each written record shall be signed by all parties to the conference. In the event of a refusal to sign, a notation shall be made of the refusal. A copy of each record shall be given to the person charged with unsatisfactory work performance. The local board shall retain a copy of the record to be introduced at any hearing for the person charged with unsatisfactory work performance.

Termination Pursuant to 22-10A-24 NMSA (1978)

The following procedures will be used to impose any termination permitted under 22-10A-24 NMSA (1978) except that it does not apply to:

- A licensed school employee employed to fill the position of a licensed school employee entering military service;
- A licensed school employee who is employed as a licensed school administrator; or
- An unlicensed school employee employed to perform primarily District-wide management functions;
- A person who does not hold a valid license or has not submitted a complete application for licensure within the first three (3) months from beginning employment duties.

Step 1 - Notice:

Upon the Superintendent's determination of the existence of cause to terminate, and on or before fifteen (15) working days prior to the last day of the school year, the Superintendent shall notify the staff member of intent to terminate. The notice shall be in writing and shall be delivered in person or by first-class mail to the last address provided for personnel records. The notice shall include the following:

- The statement that the employee has the right to request written reasons for the decision to terminate and such reasons shall be provided within ten (10) working days of such request.

The reasons shall not be publicly disclosed by the administration or Governing Authority. For a licensed employee who has not been offered and accepted a third-year contract for services and licensed educational assistants with less than one (1) year of employment the decision to terminate is not contestable under the School Personnel Act.

- For licensed employees who have been offered and accepted a third-year contract for service and licensed educational assistants employed for more than one (1) year the following appeal procedure shall apply.

Step 2 - Appeal Requirements and Content:

Termination may be appealed to the Governing Authority by a professional staff employee who has been employed for more than two (2) consecutive years and licensed educational assistants employed for more than one (1) year by making a request to the Superintendent within five (5) working days of the date of receipt of the notice of termination requesting a meeting with the Governing Authority.

• The appeal shall be granted if the employee responds to the Superintendent in writing within ten (10) working days of receiving the reasons for termination with the following information:

- A statement of contention that the employee believes the decision is without just cause.
- A brief statement of the reason(s) why the staff member believes the decision is without just cause.
- A statement of the facts that the employee believes support this contention.

Step 3 - Appeal Procedure:

The Governing Authority shall meet to hear the employee's statement in no less than five (5) or more than fifteen (15) working days after receipt of the statement.
The hearing shall be conducted informally in accordance with the provisions of the Open Meeting Act.

- The Governing Authority shall take such action as is necessary in accordance with the Open Meeting Act to uphold or deny the recommendation to terminate. The Governing Authority shall notify the employee and the Superintendent of its decision in writing within five (5) working days from the conclusion of the meeting.

Discharge per 22-10A-27 NMSA (1978)

A licensed school employee may be discharged only for just cause following procedures as indicated below:
Notice:

- Upon the Superintendent's determination of the existence of cause to discharge, the Superintendent shall notify the licensed staff member of intent to recommend discharge. The notice shall state the cause for the recommendation and shall advise the employee of a right to a discharge hearing before the Governing Authority.
- The notice shall be in writing and shall be provided in accordance with the law for service of process in civil actions.
- If the licensed school employee does not exercise that right to hearing, the Superintendent shall discharge the licensed school employee.

Representation
In the event any employee is called to a meeting with representatives of the District for the purpose of issuing discipline or discharge, or for the purpose of investigating circumstances which may lead to discipline or discharge, the employee has the right to request representation.

Disciplinary Materials
Copies of any disciplinary material(s) shall be provided to the employee when such material is placed in an employee's personnel file. The employee shall have the opportunity to reply to such materials and affix his/her reply to said material.

Termination of Employment

- The employment relationship between the District and any employee is terminated:
- If the employee is discharged pursuant to the terms of this Handbook.
- If the employee quits his/her employment.
- If the employee fails to return to work on the work day following the expiration of an authorized leave of absence unless unable to notify because of illness or other reasonable basis.
- If the employee retires.

WORK PLACE STANDARDS

Open Communication

The Carlsbad Municipal School District encourages you to discuss any issue you may have with a co-worker directly with that person. If a resolution is not reached, please arrange a meeting with your supervisor to discuss any concern, problem or issue that arises during the course of your employment. Retaliation against any employee for the appropriate use of communication channels is unacceptable. Please remember that it is counterproductive for employees to create or repeat rumors or gossip.

Customer and Community Relations

The success of the Carlsbad Municipal School District depends upon the quality of the relationships between Carlsbad Municipal School District, our employees, customers and community. Our customers' impressions of Carlsbad Municipal School District and their interest and willingness to send their children to our schools are greatly influenced by the people who serve them. You are an ambassador of Carlsbad Municipal School District. The more goodwill you promote, the more our customers will respect and appreciate you, the Carlsbad Municipal School District, and the programs we offer to students.

Employment and Termination/Discharge Policy

The Carlsbad Municipal School District maintains the right to terminate or discharge an employee for good cause at any time it is in the best interest of the students and the public, for reasons such as gross misconduct, poor performance, poor attendance/tardiness or economic necessity. The District will follow state regulations, local board policies and/or union contracts when terminating an employee becomes necessary. The details of such procedures are in each employee group's

union contract and Board of Education policies.

Vacancies, Applications, Promotions and Transfers

Please refer to *Policy G-3450©GCF or G-7650©GDF* and your negotiated agreement, if applicable, for more information.

Evaluation of Professional Staff Members
Please refer *to Policy G-5350 GCO* and your negotiated agreement if applicable.

Evaluation of Support Staff Members
Please refer to *Policy G-8900 GDO* and your negotiated agreement if applicable.

Definitions

For purposes of this regulation, "reasonable restraint" means involuntary immobilization of the student's opportunity for movement by staff member(s) through direct contact.

Progressive Discipline Process

Administrators or supervisors may use a number of tools to motivate, correct, and/or discipline employees, including, but not limited to, warnings, suspensions, and termination, as determined to be appropriate in each individual circumstance. There may be some situations where the seriousness of the offense justifies the omission of one or more of the steps of the process. Likewise, there may be times when the district may decide to repeat a disciplinary step.

Employees always have the opportunity to respond to disciplinary action in writing to the supervisor or department which notifies the employee of the action. (Please refer to Board Policy *G-9300 © GDQD* and *G-6100 © GCQF*, as well as your Union Collective Bargaining Agreement, if applicable.)

Administrative Leave Pending Possible Disciplinary Action

If you are suspected of violating the district's policies, procedures, or work rules you may be placed on administrative leave with or without pay, pending an investigation of the situation. The New Mexico School Personnel Act, particularly NMSA 22-10A-24 and NMSA 22-10A-25, also provides an opportunity for an employee to state his or her response to being terminated, in the event disciplinary action results in termination.

General Employee Safety

Reporting Safety Issues

The Carlsbad Municipal School District complies with regulations governing injury and accident prevention and employee safety consistent with the needs of our industry. If you are ever in doubt about how to safely perform a job, it is your responsibility to ask your supervisor for assistance. Any suspected unsafe conditions and all injuries that occur on the job must be reported immediately. Compliance with these safety rules is considered a condition of employment. Each supervisor shall make the safety of employees an integral part of her/his regular management functions. Each employee shall accept and follow established safety regulations and procedures.

Life-Threatening Emergencies

- **Call 911 or seek immediate attention at the nearest hospital emergency facility.**

Federal law requires that we keep records of all illnesses and accidents that occur during the workday. The New Mexico State Workers' Compensation Act also requires that you report any workplace illness or injury, no matter how slight. If you fail to report an injury, you may jeopardize your right to collect workers' compensation payments as well as health benefits.

Parking Areas

You are encouraged to use the parking areas designated for employees. Remember to lock your car and park within the specified areas. The Carlsbad Municipal School District is not responsible
for any loss, theft, or damage to your private vehicle or any personal property.

If you should damage another car while parking or leaving, immediately report the incident, along with the license numbers of both vehicles and any other pertinent information you may have to the Carlsbad Police Department.

Performance Reviews

The Carlsbad Municipal School District periodically conducts a formal review for each employee. The Carlsbad Municipal School District goal is to conduct this review on an annual basis. Your review provides an opportunity for collaborative, two-way communication between you and your supervisor. This is a good time to discuss your interests and future goals. Your supervisor can recommend further training or additional opportunities for you and answer any questions you may have about the performance review process.

Transfer Policy

The Carlsbad Municipal School District provides employees with an opportunity to apply for transfer to other positions within the district. Approval of transfers depends largely upon training, experience, work record, and needs of the District. The Carlsbad Municipal School District is an equal opportunity employer and will consider qualified applicants within and outside the District. The Carlsbad Municipal School District encourages employees to review the Carlsbad Municipal

School District website for career opportunities.

SEPARATION OF EMPLOYMENT

Voluntary Terminations

The Carlsbad Municipal School District will consider you to have voluntarily terminated your employment if you:

- *Resign from Carlsbad Municipal School District*
  A letter of resignation from your employment with CMSD must be given to your immediate supervisor with a copy to the Human Resources Department.

- *Retire from Carlsbad Municipal School District*
  A letter of retirement must be sent to the Superintendent with a copy to your supervisor and the Human Resources Department.

Time of Notice: Teachers, certified employees and administrators should give a minimum of 30 days' notice for voluntary termination of employment. All other employees should provide at minimum 15 days' notice for voluntary termination of employment.

Involuntary Terminations

Below are two types of involuntary terminations:

- The Carlsbad Municipal School District may terminate/discharge you from your employment for poor performance, misconduct, excessive absences, tardiness, discrimination or other violations of CMSD policies. If your employment is at will, you or CMSD may terminate the employment relationship at any time and for any or no reason.

- The Carlsbad Municipal School District may elect not to renew the expiring contracts of some employees. This is considered Non-Renewal.

Return of District Property

ALL district, department, school, and/or outside agency (i.e. PTA, Booster Club) purchased equipment and supplies must remain at the original work site. This includes but is not limited to:

- Computers/Laptops and charging cords.
- Hardware
- Software
- iPads and charging cords
- Furniture
- Shredders
- Office and cleaning supplies

- Sound systems

Any property that the Carlsbad Municipal School District issues to you, such as keys, uniforms, computer equipment, parking passes or vehicles, etc., must be returned to your supervisor at the time of termination. You will be responsible for any lost or damaged items. The value of property issued and not returned may be deducted from your paycheck. You may be required to sign a wage deduction authorization form for this purpose.

District Keys

Keys/key cards for District facilities must not be produced, duplicated, or obtained from any source other than the Technology/Maintenance Department. The unauthorized possession, use, or reproduction of a District Key/key card may constitute theft or misappropriation of District property. An employee who violates these procedures may be subject to disciplinary action.

Employee Responsibilities:

- Employees shall only use District keys/cards for access to their assigned work areas and lock doors when leaving.
- Employees must also ensure that keys/cards are safeguarded and properly used. Keys/cards should never be placed on a teacher's desk where students may have access.
- At the end of each school year, mid-term transfer or termination of employment, keys must be returned to the side administrator.
- Employees may not loan our or exchange assigned keys/cards.
- Employees must immediately report lost keys/cards to the site administrator.

Lost or unreturned building or classroom keys/cards can pose a serious security issue. Employees must immediately report lost or stolen keys/cards to the appropriate site administrator. The employee to whom the key(s)/card was issued is responsible for its use. The employee who lost the key(s)/card may be held liable for cost incurred in re-coring all accessible areas.

Fees for lost keys will include the cost of replacement core(s) and keys. Total feels will not exceed $750.00 per occurrence.

District Housing

Please refer to *G-2475 GCBDA* for full policy on staff housing.

Section 11 – Classified and Hourly staff

It shall be the policy of the District to employ and retain the best qualified personnel. This will be accomplished by giving careful consideration to qualifications and by providing competitive salaries within the financial capabilities of the District, adequate facilities, and good working conditions. Volunteers are to have background checks in accord with this policy.

Recruitment of support staff personnel is the responsibility of the Superintendent. Other members of the administration and supervisory staff will assist as responsibilities are delegated by the Superintendent.

The Board adopts the following general criteria and procedures, which shall be utilized in the selection process for initial employment:

- There will be no discrimination in the hiring process due to race, color, religion, sex, sexual orientation, age, national origin, or disability of an otherwise qualified individual.
- Candidates for all positions shall be able to perform the duties of their position job descriptions.
- Each applicant shall be required to provide fingerprint cards or electronic fingerprints upon being offered employment for purposes of obtaining a criminal history background record before finalization of employment.
- Each candidate shall be requested to complete a consent-and-release form regarding conduct of a background investigation.
- A "background investigation" - consisting of communication with the applicant's (or employee's) former employer that concerns education, training, experience, qualifications, and job performance for the purpose of evaluation for employment - shall be conducted on each individual to be considered for a recommendation of employment. Forms developed for this purpose are to be used.

In addition to the requirements in this policy and those of the fingerprint policy which follows, the District shall follow 6.41.4.9 NMAC M through S for the purposes indicated below. That part of the New Mexico Administrative Code shall be incorporated in this policy by reference.

- Commercial Driver's License (CDL) pre-employment screening.
- Returning CDL pre-employment screening.
- School owned activity driver pre-employment screening.

Conditions Of Employment

The classified employee is required to provide the following to the Human Resources Office: Transcripts: A copy of high school diploma or GED must be on file. An official copy of college transcripts must be provided (when applicable).

Immigration & Naturalization Employment Eligibility Verification (I-9) Form: Completed form provided by Human Resources Office and must provide proper identification as required by Federal Law within three (3) working days.

If at any time a question should arise on the mental competency or physical ability of a school employee to perform the assigned responsibilities, the school will require a complete examination by a school-appointed doctor at the direction of the Superintendent. This service will be financed by the school.

Regular Workweek

A regular work week is forty (40) hours or less. The regular work week is five (5) consecutive days unless the immediate supervisor assigns the employee to a different work schedule. This section shall not be construed as a guarantee or limitation on the number of hours per day or hours in a work week which may be scheduled or required by the District.

A regular full-time workday is seven and one-half (7 ½) hours or less, excluding lunch time. Because of different schedule requirements, employee's starting, lunch, and finishing times may vary in different assignments and locations. The employee's immediate supervisor will schedule working hours and lunch periods.

Custodians

Unless otherwise provided in the initial hire letter, custodians are responsible for working twelve (12) months per year on all normal workdays, absent any approved paid or unpaid time off. The normal workday shall be eight (8) consecutive hours in length in addition to at least one-half (1/2) hour duty free lunch. Lunch time will be provided within the eight (8) hour work day for second and third shift employees.

Vacation Selection

The vacation year shall be between July 1 and June 30. Vacation shall be approved on a first come, first served basis, or with administration's discretion.

Employees are not permitted to sign in or commence work more than fifteen (15) minutes before their normal starting or to sign out or stop work later than fifteen (15) minutes after their normal quitting time without the prior approval of the school administrator/supervisor.

All employee time records shall be verified and signed by the school administrator/supervisor.

Reporting another employee's time or falsifying one's own time is prohibited and may be grounds for disciplinary action including termination.

Additional Hours and Overtime

Time worked over forty (40) hours per week is paid at one and one-half (1.5) rate. Time over forty (40) hours per week does not include sick, vacation, holiday, or personal leave time. The reason for overtime must be indicated. For the sole purpose of determining the appropriate pay period for the receipt of overtime pay, a week is defined as a pay period starting at 12:01 a.m. on Saturday and ending at 12:00 midnight the following Friday. Overtime work is discouraged, and all overtime must have prior approval by the Superintendent or his/her designee.

Approval: For an employee to work beyond his/her contract hours in any week, prior approval must be obtained from the immediate supervisor. Exceptional cases requiring overtime may be approved after the overtime is worked when all administrators/principals/immediate supervisors are unavailable and such pre-approval may cause harm to students, staff, the community or District property.

Non-School Employment

Classified employees may not hold another job that interferes with employment with Carlsbad Municipal Schools. Under no circumstances should work be performed for any other employer during the employee's regularly scheduled work schedule for Carlsbad Municipal Schools.

Lunch

All employees are required to take a lunch or meal break.

Professional Development Days

The District recognizes the importance of staff development that is designed to enhance professional knowledge, skills and dispositions to meet job responsibilities and positively impact the achievement of the District's mission. Therefore, all staff members are required to attend all professional development days related to their position in the District. Personal days and sick days shall not be granted on professional development days without unique and unavoidable cause.

Transfers

The transfer of support staff members will be based on the needs of the District. Assignments may be changed to serve the best interests of the District.

Personnel may request reassignment to other employment positions within the employee's training and experience within the District through the (1) Bid process (2) transfer requests (3) application.

The respective CBA's of each union state Bid and Transfer processes.

Involuntary Transfers

When the District determines that an involuntary transfer of an employee is necessary, the District reserves the right to transfer an employee in the District qualified for the position. No employee will be involuntarily transferred by the District without a conference followed by a notice.

Job Posting

Interviews and Selection Process
The District retains the right to select the most qualified applicant for any position based upon stated job duties (this restriction does not prohibit the District from considering qualifications that are related to the position and exceed those minimum qualifications listed in the job duties). The term applicant refers to both internal candidates and external candidates for the position.

The District shall determine the timing and whether or not to grant the transfer request. The District may choose not to grant a transfer request if it would not be in the best interest of the District to do so. Decisions made by the District regarding transfers will not be subject to the grievance procedure.

Supervision and Evaluation

The primary purpose of evaluation is to provide continuous improvement in the quality of service to the community/students/staff of the District. All support personnel shall be evaluated by the appropriate supervisor or administrator.

A written evaluation of effectiveness of each support staff member shall be completed during the

first year of employment and not later than ninety (90) days after the first day of work.

A second first-year evaluation will be not later than the anniversary date of employment.
At least once each year thereafter, an evaluation will be conducted. The evaluation will be used to increase job proficiency and for recommending continued employment.

Resignation of Support Staff Members

Employees voluntarily terminating their service with the District are expected to give advance notice of not less than ten (10) working days. This notice should be submitted to the supervisor in writing and should specify both the last day of work and the reason for terminating.

Discipline, Suspension, Termination And Discharge of Classified Staff Members

All newly hired employees shall be on probation for a period of one full school year from the date of hire.

Unless limited by the provisions of a collective bargaining agreement or by other statutory provision, a public employer may:

- direct the work of, hire, promote, assign, transfer, demote, suspend, discharge or terminate public employees;
- determine qualifications for employment and the nature and content of personnel examinations;
- take actions as may be necessary to carry out the mission of the public employer in emergencies; and

For purposes of this policy:

- "Terminate" means, in the case of a noncertificated school employee, the act of severing the employment relationship with the employee.
- "Working day" means every calendar day, excluding Saturday, Sunday or legal holiday.
- "Administrative leave" means the assignment of an employee to the employee's home to await further instructions pending the outcome of an investigation or inquiry into the actions of the employee in order to avoid interference in the inquiry. The use of "administrative leave" is not a disciplinary action.

Categories of Misconduct

Staff members may be disciplined for infractions that include, but are not limited to, the following categories:
Absence without leave
Abuse of Leave
Alcohol or drug impairment
Child Abuse or molestation
Discourteous treatment of the public
Dishonesty
Excessive absenteeism

Insubordination
Incompetence or inefficiency
Neglect of duty
Unauthorized possession of a weapon on school grounds
Unauthorized use of school property
Unlawful conduct
Violation of a District policy or regulation

Progressive Discipline

Representation

In the event any employee is called to a meeting with representatives of the District for the purpose of issuing discipline or discharge, or for the purpose of investigating circumstances which may lead to discipline or discharge, the employee has the right to request representation. In the event the employee chooses to have representation, the meeting may be delayed, at the discretion of the District, until appropriate representation may be obtained. Nothing in this provision shall prevent the District from removing an employee from the work place if immediate action is required.

Disciplinary Materials

Copies of any disciplinary material(s) shall be provided to the employee when such material is placed in an employee's personnel file. The employee shall have the opportunity to reply to such materials and affix his/her reply to said material.

Termination of Employment

The employment relationship between the District and any employee is terminated:

A. If the employee is discharged pursuant to the terms of this Handbook.
B. If the employee quits his/her employment.
C. If the employee fails to return to work on the work day following the expiration of an authorized leave of absence unless unable to notify because of illness or other reasonable basis.
D. If the employee retires.

New Employee Wage Schedule Placement

The District will assign an initial salary to employees upon hire. Upon hire, classified employees are granted up to 7 years of experience associated with the position hired, to be included when considering placement on the salary schedule.

Coaching
Hourly staff can make a valuable contribution to the students in their extracurricular activities. However, due to overtime rules, hourly staff may only volunteer for these positions.

Volunteers
Volunteers can make many valuable contributions to the students and educational programs of the

District. A volunteer program is approved subject to suitable rules, safeguards, and regulations as developed by the Superintendent.

In order to protect the safety and security of children and school staff, any volunteer given access to students without the presence (line of site view) of a licensed staff member shall have a background and criminal history check, with the results received prior to allowing the volunteer such access. The volunteer may be required to pay the cost of obtaining criminal history records. Volunteer applicants must submit to a background investigation by completing an application form and background consent form in accord with current District policy. If a background check conducted from these criteria fails to return all necessary information, a background check using fingerprints may be conducted.

Volunteers are to be made aware of and comply with all District policies and procedures relevant to the performance of volunteer duties including but not limited to conduct, privacy, discipline, supervision, and ethics. Each volunteer will be provided with a job description of duties, time requirements and qualifications, and be provided training, supervision, and evaluation.

This policy shall not apply to adults who visit a school but have no ongoing individualized interaction with a student or students, including, but not limited to, adults who have been invited to speak to a class or assembly, to judge academic competitions, to give a musical performance, or to participate in a sponsored program; a parent or legal guardian who is accompanying his or her child's class on a one (1)-day field trip or on another type of occasional extra-curricular activity that does not involve an overnight stay.

A. Volunteers will not be eligible for salary/wages, stipend, or benefits;
B. Volunteers will be covered by the District's general liability insurance policy while acting as a volunteer coach for the District. However, there is no coverage under the District's liability insurance policy for claims made against volunteers by other volunteers or District employees;
C. Volunteers will be responsible for their own personal injuries (i.e., ineligible for worker's compensation);
D. Volunteers must follow all District activity and athletic policies and procedures and other District policies as applicable;
E. Volunteers accept direct and indirect supervision of the head coach;
F. Volunteers may be dismissed at any time without cause

Section 12 – Substitute Staff

Substitute Teachers

Substitute teachers are a very valuable part of the Carlsbad Municipal Schools. Substitute teachers are temporary employees and therefore have no expectation of continued employment. As such, substitute teachers may be disciplined or discharged for any reason without recourse to the grievance procedure. Substitute teachers may also be removed from the substitute call list at the discretion of the District.

Assignment and Professional Responsibilities

A. Substitutes may be assigned through the AESOP system. Assignments may be cancelled at the discretion of the District.

B. School Board policies are available to the substitute on the District website.
C. Notifying/Declining Daily Substitute Call: A substitute may refuse a daily call. The District may, in its sole discretion, unilaterally remove individuals from the substitute staff list if the substitute demonstrates a pattern or practice of declining assignments.
E. The responsibilities and duties of substitutes shall be consistent with the regular employee's responsibilities and duties for whom they are substituting.
F. The substitute's length of service will be determined by the District.

CARLSBAD MUNICIPAL SCHOOLS DISTRICT COMPUTING AND INTERNET ACCEPTABLE USE POLICY

A. Purpose
1. The Carlsbad Municipal School District is providing its employees and students ("users") with access to computing equipment, systems and local network functions such as District e-mail and the Internet.
2. This access has a limited education purpose for students and is to facilitate employees' work productivity.

B. Access rights and privileges
1. The School District has the right to place reasonable restrictions on the use of equipment, resources and material students and employees access or post through the system. Students and employees are also expected to follow the rules set forth in the District's rules and regulations governing conduct, disciplinary code, and the law in their use of the District's equipment and network. This access has not been established as a public access service or a public forum. All access and rights are privileges granted by the District, and users should expect no privacy rights.
2. All District employees and students will have access to the Internet through the District's private network. Parents may specifically request that their children not be provided such access by notifying the District in writing.

C. Unacceptable Uses
1. Users may not use the District's private network to access material that is profane or obscene (pornography of any kind), that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature).
2. Users may not post personal information on the Internet about themselves or other people. Personal contact information includes address, telephone, school address, work address, pictures or video bites, clips, etc.
3. Users may not attempt to gain unauthorized access to any computer system. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of "browsing", "snooping", or "electronic

discovery".
4. Users may not deliberately disrupt or harm hardware or systems, interfere with computer or network performance, interfere with another's ability to use equipment and systems, or destroy data.
5. Users may not use the District's private network to engage in illegal acts, such as threatening the safety of another person, accessing or sharing unauthorized copyrighted music, movies, and other intellectual property, etc.
6. Users may not utilize peer-to-peer file-sharing applications or execute programs to facilitate the downloading or exchange of copyrighted or unauthorized music, movies, and other materials.
7. Users may not use the District's private network to solicit information with the intent of using such information to cause personal harm or bodily injury to another or others.
8. Users may not post information that could endanger an individual, cause personal damage or a danger of service disruption.
9. Users may not knowingly or recklessly post false or defamatory information about a person or organization.
10. Users may not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users.
11. Users may not indirectly or directly make connections that create "backdoors" to the District, other organizations, community groups, etc. that allow unauthorized access to the District's network.
12. Users may not use obscene, profane, lewd, vulgar, rude, inflammatory, hateful, threatening, or disrespectful language.
13.Users may not engage in personal attacks, including prejudicial or discriminatory attacks. Users may not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person.
14. Users may not re-post a message that was sent to them privately without permission of the person who sent them the message.
15. Users may not forward or post chain letters or engage in "spamming". Spamming is sending an annoying or unnecessary message to many people. Users also must refrain from abusing e-mail distribution lists. Acts of abuse include but are not limited to: forwarding non-school/work related e-mails, advertising and solicitation.
16. Users will not install or reproduce unauthorized or unlicensed software on District resources.
17. Users may not plagiarize works that they find on the Internet or other resources.
18. Users may not use technology resources and Internet for private business activities or unreasonable personal use.
19. Users may not use the District's private network for political lobbying.
20. Students will not download files unless approved by their teacher.
21. Users may not use any type of Internet proxy service or proxy server to bypass district filters.

D. System Security Obligations
1. Users are responsible for the use of their individual access account(s) and should take all reasonable precautions to prevent others from being able to use their account(s), including coworkers, friends, or family. Under no conditions should a user provide his/her password to another person.
2. Attempts to log on to the District's private network or any other network as a system administrator is prohibited.
3. Any user identified as a security risk or having a history of violating this or any other Acceptable Use Policy may be denied access to the District's private network.

4. Users will avoid the inadvertent spread of computer viruses.
5. Users should immediately notify a teacher or system administrator of any possible security problem.
6. Students will promptly disclose to their teacher or other appropriate school employee any message received that is inappropriate.
7. Users may not connect unauthorized wireless devices to the District network. Wireless devices include, but are not limited to: wireless access points, wireless routers or any type of wireless gateway device.

E. Filtering
1. As required by law and in recognition of the need to establish a safe and appropriate computing environment, the District will use filtering technology to prohibit access to the degree possible, to objectionable or unsuitable content that might otherwise be accessible via the Internet.

F. Due Process
1. The School District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to any illegal activities conducted through the District's private network.
2. In the event there is an allegation that a student has violated the District Acceptable Use Policy, disciplinary actions may be taken.
3. Employee violations of the District Acceptable Use Policy will be handled in accordance with law, School Board Policy or collective bargaining agreement(s), as applicable.

G. Administration
1. Computer Aided Instruction has the responsibility and authority for the development publication, implementation and ongoing administration and enforcement of the processes and techniques required to protect the Carlsbad Municipal School District's technology systems and services from unauthorized access, loss, or misuse.
2. School principals have the responsibility to establish a plan to ensure adequate supervision of students. They are also responsible for interpreting and enforcing this policy at the local level.
3. Local management has the responsibility to enforce and interpret this policy.