



DIGITAL ARTS & TECHNOLOGY ACADEMY (DATA) EMPLOYEE HANDBOOK OF POLICIES & BENEFITS

2021 - 2022

NOTICE: *The only current, official, and binding version of this Employee Policy Handbook (print and electronic) is the Master version maintained by the Digital Arts & Technology Academy (DATA), Human Resources Office, the contents of which supersede any and all print hard copies of this Handbook. It is each employee's responsibility to be familiar with this Handbook, and all additions, changes, or modifications made in the future. The official hard bound copy of this Handbook is available for inspection from the DATA Human Resources Coordinator, and employees may freely review its contents during break and rest periods. The official Handbook copy is not to leave DATA property. Employees should feel comfortable reviewing the Handbook at work as it has been designed for that purpose. Ask the Human Resources Coordinator about any questions you may have regarding the interpretation of these policies.*

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INTRODUCTION

This handbook is designed to acquaint you with the Digital Arts & Technology Academy (DATA) and provide you with general information about working conditions, benefits and policies affecting your employment with DATA. It is the policy of DATA to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations; and it is the policy of DATA that this Employee Policy Handbook should be used as an outline of the basic human resource management policies, practices, and procedures for the organization.

The information contained in this handbook applies to all employees of DATA, and following the policies detailed within the handbook is considered a condition of continuous employment. The handbook is a summary of our policies, which are presented here only as a matter of information.

Not all DATA management and professional business policies, procedures, rules, and other similar control instruments are necessarily contained in this Handbook, and DATA reserves the right to issue memoranda, postings and other written or oral directives from time to time that are to be considered extensions or expansions of this Handbook.

Because such policies and procedures are subject to change with or without prior notice, the information provided in this Employee Handbook is not intended to create a contract of employment nor should it be construed as the terms and conditions of a contract of employment with the organization. No statements to the contrary, written or oral, made either before or during an individual's employment can change this. No individual supervisor can make a contrary agreement except for DATA's Chief Executive Officer (C.E.O.).

All Handbooks are DATA's property. The Human Resources (HR) Coordinator is responsible for distribution of the Handbook. Any hard copy Handbooks must be returned to the HR Coordinator upon termination of employment.

You are responsible for reading, understanding and complying with the provisions of this handbook. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

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In the event of a conflict between this Handbook and an actual contract or agreement, signed by the C.E.O. and the named employee, the contract or agreement will prevail.

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EMPLOYMENT POLICIES

DATA Management Rights

DATA Administration has the exclusive authority to establish, change, interpret, and administer all DATA policies and procedures.

In addition, it has all other rights and responsibilities in determining matters necessary for the conduct of the operations at DATA, in cooperation with and as delegated by the Governing Board, including but not limited to expressly retaining and reserving the rights listed below:

1. To hire, assign, transfer, promote, and reward its employees as the employer, in its sole discretion, deems advisable.
2. To discipline, demote, suspend and otherwise discipline or terminate its employees as the employer, in its sole discretion, deems advisable.
3. To determine the work hours of the employee, to assign the employee and to lay off the employee as the employer, in its sole discretion, deems fit. Administration reserves the right to reduce work hours and transfer employees.
4. To determine the job classifications and duties of each employee, subject to change without written notice to the employee.
5. To establish and change all forms and amounts of compensation, fringe benefits, and other compensatory features without cause, warning, or notice.
6. To manage its affairs efficiently and economically, including the determination of quantity and quality of services rendered, the control of equipment to be used and discontinuance of any services or methods of operation.
7. To produce new equipment, methods, or processes, change or eliminate existing equipment, and institute technological changes, decide on supplies and equipment to be purchased.
8. To sub-contract or purchase the construction of new facilities, or the improvement of existing facilities, as the employer, in its sole discretion, deems advisable.
9. To determine the number, location, and type of facilities, to direct the work force, to assign the type and location of work assignments, and determine the number of employees assigned to operations.
10. To close or otherwise reduce the scope of operation of any or all facilities.
11. To determine starting and quitting times, and the number of hours to be worked by employees.
12. To establish and change work schedules, work standards and the methods of processes and procedures by which such work is to be performed by employees.
13. To select employees for promotion or transfer to other supervisory positions and to determine the qualifications and competencies of the employees to perform the available work.

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Equal Employment Opportunity

DATA is committed to a policy of equal employment opportunity for all employees and applicants for employment without regard to race, color, gender, national origin, religion, age, marital status, pregnancy, citizenship, veteran status, status as a qualified person with a disability, sexual orientation, gender identity and any other protected status covered by applicable federal, state or local law.

All employees and applicants will have a fair and level playing field with equal opportunity. This EEO policy covers all personnel/employment programs and, administrative practices and decisions, including promotion, transfer/reassignments, training, benefits, and separation from employment.

DATA also complies with federal, state and local laws prohibiting discrimination, harassment and retaliation in the workplace.

All employees' talents are important, and DATA supports an environment that is inclusive and respectful.

Americans with Disabilities Act (ADA)

DATA is committed to the fair and equal employment of people with disabilities. DATA is further committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA"), the Americans with Disabilities Act as Amended (ADAAA), state and local disability laws, as applicable, and as they pertain to any protected categories under federal, state, and local laws.

An employee who believes a reasonable accommodation is required to perform the essential functions of the job, may request a reasonable accommodation in writing. Documentation required will vary depending on the type of accommodation requested. In accordance with the ADA, when a request for accommodation is received, the request will be reviewed to determine if the accommodation is reasonable and necessary for the employee to meet the essential functions of the job, without creating an undue hardship for DATA. All accommodation requests require that there be an interactive process between the supervisor and employee, in order to determine if an accommodation can be made.

If you would like to request an accommodation, please contact the Human Resources Coordinator immediately.

Separation of Employment

Separation of employment is an inevitable part of personnel activity within any organization. It may be initiated by employees or by DATA; and many of the reasons for termination are routine, such as resignation, retirement, non-renewal of contract, reduction-in-force etc.

Procedures:

Employee relations will be conducted in accordance with federal and state laws, including the School Personnel Act (NMSA 22-10A). The C.E.O. has authority over all employment matters, including hiring, evaluation, discipline, renewal of contracts/agreements and termination.

For non-renewal / termination situations, employees can request the reasons for this decision. Per statute, they may also have an opportunity to contest the decision before Governing Board, depending on their position and the length of their employment. Contact Human Resources for details / questions.

Voluntary Termination

DATA will consider an employee to have voluntarily terminated their employment if they:

- Resign from DATA;
- Retire from DATA;
- Fail to return from an approved leave of absence on the date specified without communicating ahead of time with Administration; or
- Fail to report or call in for three (3) or more consecutive workdays.

Involuntary Termination

- DATA may terminate employment for poor performance, misconduct, excessive absences/tardiness, drug/alcohol abuse or other violations of DATA policies, in accordance with the School Personnel Act, 22-10A-24.
- DATA may elect not to renew the expiring contracts of some employees.
- In the event that DATA experiences insufficient or reduced revenues, a reduction in the number of employees may be necessary.

Return of School Property

On or before your last day at work, any property of DATA – including but not limited to keys, equipment, and confidential information – must be turned in.

The School reserves the right to recover any funds remitted or paid to the employee as an overpayment, remitted or paid to the employee for work that was not performed, or any other just cause.

Post Employment Inquiries

Requests for information should be forwarded to Human Resources. If there is a voluntary or involuntary termination, the affected employee or continuing employees must not respond to any requests for information regarding another employee, unless it is part of their assigned job responsibilities and, if they are leaving, it is prior to their last day at work. Personal references are allowed.

WORKPLACE CONDUCT

Code of Conduct

GENERAL PROVISIONS

All employees are expected to act with professionalism and respect, courtesy and integrity in the performance of their jobs; in their relationships and communication with students and parents/guardians, fellow employees, guests, and the public; and in any environment where they may be seen as representing DATA.

Accomplishing DATA's goals requires that employees work together as a team when needed, care for and use the equipment and property of the school appropriately, and comply with school policies. In a very real sense, the success, vitality, effectiveness and growth of our students depends on US — on our motivation, development, and teamwork. As a result, DATA expects that everyone will act responsibly to establish a pleasant and friendly work environment.

DATA employees also serve as positive role models for students and are to set good examples in conduct, manners, dress and grooming. DATA expects each employee to maintain the highest standards of conduct and act in a mature and responsible manner at all times. Employees will not engage in activities which violate federal, state or local laws or which, in any way, diminish the integrity, efficiency or discipline of the school.

DRESS CODE AND PERSONAL APPEARANCE

Employees are expected to present a professional, image to students, community members, and visitors; and they are expected to comply with any safety or job-specific dress requirements established by DATA. Each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

Guidelines:

Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with DATA. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.

Employees may dress according to the requirements of their position; however, business is always first. This means that employees should keep their day's schedule in mind. We recognize that different levels of dress may be appropriate for different occasions. As a general rule, during school and when meeting with community members or outside visitors, traditional business attire should always be worn except where it doesn't make good business sense.

- We ask that employees make certain their clothing is appropriate, and clean.
- All employees should select their attire for meetings and contact outside of the office by the type of function that will be attended.

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- On occasion there may be a specific business reason to require that all employees dress in traditional business attire. In such instances, this will be communicated to employees in advance.
- On occasions when DATA allows employees to dress more casually than normal, employees are still expected to present a neat appearance.
- DATA reserves the right to determine appropriate dress. If a supervisor determines that an employee's attire and/or grooming is out of place, the employee may be asked to leave the workplace until he/she is properly attired and/or groomed. Supervisors will assist staff by counseling them on appearance and conduct, if needed.
- If employees require a reasonable accommodation regarding their dress for bona fide health and/or religious reasons, they should contact the Human Resources Coordinator to discuss an exception to the personal appearance guidelines.

CONFLICT OF INTEREST

The DATA Governing Board, C.E.O. and all employees will comply with provisions in the New Mexico Governmental Conduct Act. These provisions include standards for ethical behavior and control financial conflicts of interests.

BEHAVIOR IN A DIGITAL, CYBER OR NON-FACE-TO-FACE ENVIRONMENT

DATA will 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 policy.

DATA has the right to sanction or discipline employees who violate the standards of conduct in a digital, cyber or non-face-to-face environment.

Administration will assist employees in making wise decisions regarding interactions with students, families, members of the community and colleagues when needed, in both face-to-face environments.

UNACCEPTABLE ACTIVITIES

DATA expects each employee to act in a mature and responsible way at all times. Administration will 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. Nothing in this list alters the at-will nature of employment for some employees of the school.

Unacceptable activities include, but are not limited to:

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- Violation of any federal, state and local law or regulation.
- Violation of any school policy or administrative procedural directive.
- Violation of security or safety rules or failure to observe safety rules or school safety practices.
- 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 or at a school function; use, possession or sale of a controlled substance in any quantity while on school property, except medications prescribed by a physician which do not impair work performance.
- Possession of dangerous or illegal firearms, weapons or explosives on school property or while on duty.
- Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on school property, at a school-sponsored activity or when representing DATA; fighting, or provoking a fight on school property, or negligent damage to property.
- Insubordination or refusing to obey instructions properly issued by a supervisor pertaining to the employee's work; refusal to help out on a special assignment.
- Threatening, intimidating or coercing fellow employees on or off school property at any time, for any purpose.
- Engaging in an act of sabotage; negligently causing the destruction or damage of school property, or the property of fellow employees, customers, suppliers, or visitors in any manner.
- Theft or unauthorized possession of school property or the property of fellow employees; unauthorized possession or removal of any school property, including documents, from the premises without prior permission from administration; unauthorized use of school equipment or property for personal reasons; using school equipment for profit.
- Dishonesty; falsification or misrepresentation on your application for employment or other work records; untruthfulness about sick or personal leave; falsifying reason for a leave of absence or other data requested by DATA; unauthorized alteration of school 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 school property or while on duty.
- Conducting a lottery or gambling on school property.
- Unsatisfactory or careless work, failure to meet work productivity or work quality standards.
- Any act of discrimination or harassment including but not limited to sexual, racial, religious, telling sexist or racist jokes, making racial or ethnic slurs.
- Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of your supervisor; stopping work before time specified for such purposes.
- Sleeping or loitering during working hours.

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- Excessive use of telephones for personal calls.
- Smoking on school property or in school-owned vehicles.
- 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 school premises.
- Speeding or careless driving of school-owned vehicles.
- Failure to immediately report damage to, or accident involving, school-owned equipment.
- 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 school 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 will maintain professional relationships with students at all times. The school will reserve the right to investigate concerns of employee or volunteer misconduct involving students, even if no written complaint has been filed. Employees are required to report known misconduct and questionable behavior on the part of fellow employees and volunteers involving students.

SEXUAL CONTACT WITH STUDENTS

Consensual sexual relationships between any employee or volunteer and students, including students who have reached the age of consent, are prohibited.

CORPORAL PUNISHMENT

Corporal punishment, which is defined as any disciplinary action taken by school personnel with the

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intention of producing physical pain, will not be used at DATA.

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 school 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 certified and commissioned police officers.

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

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.

After a teacher or other employee uses reasonable restraint with a student, the teacher or other employee must report the incident to the principal or designee immediately.

Attendance & Punctuality

DATA expects that every employee will be regular and punctual in attendance. Attendance is an essential function of each person's job. This means being in the appropriate office or classroom, ready to work, by the starting time each day. Excessive absenteeism and tardiness place a burden on both co-workers and students.

Procedures:

If you are going to be late for work, contact the Human Resources Coordinator as soon as possible. If you become ill at work or must leave the school for some other reason before the end of the workday, you must inform your supervisor of the situation. Human Resources should also be notified.

Faculty Absences:

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- Non-teaching faculty should contact their supervisor and the Human Resources Coordinator as soon as possible. Teachers should arrange for a substitute, if needed, and send an email to the Human Resources Coordinator and Front Desk Administrative Assistant as early as possible. The email should include rosters and lesson plans or a note about where these can be found. If a sub is not needed, an email should be sent to their supervisor and the Human Resources Coordinator.
- For everything except sick leave, teachers should submit an electronic Request for Leave form, according to the instructions that precede the form.

Support Staff Absences:

- As early as possible, support staff should talk with their supervisors in advance about time off they would like to take and record time off on their time sheets. The Human Resources Coordinator should also be informed.
- If support staff are sick, they should inform Human Resources and their supervisor as soon as possible.

You will be compensated for authorized absences according to the provisions described in this Manual or described in contract addendums for which you have available leave time.

If you do not report for work and DATA is not notified of your status, after three consecutive days of absence, it may be assumed that you have resigned; and you can be removed from the payroll. If weather conditions result in a delay or cancellation of classes by Albuquerque Public Schools (APS) prior to the beginning of the school day, DATA will do the same; and employees are not required to notify anyone about following the directive issued.

See the Sick Time, Severe Weather, and other policies in the Time Away From Work section for specific details and requirements.

Community Relations

Beyond our faculty and staff, DATA's community includes its students, families, and those who visit our school – whether to find out more about DATA, to evaluate us, or to provide services.

All DATA employees deal with our community members, regardless of their position. Accordingly, faculty is expected to be service oriented and treat our families and guests in a courteous and respectful manner.

Procedures:

1. When appropriate, employees should share what DATA has to offer and the benefits of having a student attend our school. They should also learn what community members want and need, and communicate that to Administration, if appropriate.

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2. Any private information which an employee may receive from a community member, whether in verbal or written form, should be safeguarded as we would safeguard our own school information.
3. Employees are encouraged to report recurring community member problems to their supervisor and make suggestions for changes in school policies or procedures to solve the problems.
4. Employees should return voicemails and emails as soon as possible and deal with community member needs or issues in a helpful, professional manner. If a community member becomes unreasonable, abusive, or harassing, he or she should be referred to an administrator, if the employee cannot resolve the problem.

Employee Fraternization Policy

DATA wants to preserve a working environment that has clear boundaries between personal and professional relationships, in order to conduct our day to day work life in a professional manner. This policy establishes clear boundaries with regard to how relationships develop at work and within the confines of the work area. During working hours, while on school property, or during the course or scope of DATA business, employees of DATA are expected to keep personal interactions appropriate and avoid distracting or offending others.

Employees must not engage in physical interactions that could be seen as inappropriate. What constitutes inappropriate conduct is at the discretion of the DATA Administration.

Employees who have personal relationships with other employees and allow these relationships to negatively affect the working environment may be subject to corrective action.

Romantic relationships between supervising or managing employees and subordinates are strictly prohibited. If a relationship does develop between a supervising employee and his or her subordinate, the C.E.O. should be notified immediately.

Non-Discrimination and Anti-Harassment Policy

DATA strives to maintain a workplace that fosters mutual employee respect and promotes amicable, productive, working relationships. All employees should be able to enjoy a work environment free from all forms of discrimination, harassment, and retaliation. These are a form of misconduct that undermines the integrity of the employment relationship.

Work Rules:

This policy applies to all employees throughout the organization and to all individuals who may have contact with any employee of this organization. It covers behavior both on and off duty, as well as on and off the work premises – during normal working hours, at work related or sponsored functions, while traveling on work related business and during non-work hours. There will be no recriminations for anyone who, in good faith, alleges illegal harassment.

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1. PROHIBITED DISCRIMINATION AND HARASSMENT - DATA prohibits discrimination and/or harassment that is sexual, racial, or religious in nature or is related to anyone's color, gender, national origin, sex, age, sexual preference, gender identity, disability, religion, pregnancy, genetic information, military or veteran status, or any other basis or class protected by federal, state, or local law.
2. TYPES OF PROHIBITED CONDUCT AND ILLEGAL WORKPLACE HARASSMENT - Unwelcome sexual advances, requests for sexual favors, or other verbal, visual, physical, or electronic device conduct of a harassing and/or discriminatory nature will constitute harassment and/or discrimination when the person involved feels compelled to submit to that misconduct in order to keep his/her position, to receive appropriate pay, or to benefit from certain employment decisions. It also may be considered harassment and/or discrimination if this type of misconduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. This behavior can include but is not limited to suggestive or insulting noises, facial expressions, vulgar language, nicknames, slurs, derogatory comments, cartoons, jokes, written materials, and offensive gestures or touching.
3. RESPONSIBILITY TO REPORT INAPPROPRIATE CONDUCT - Any employee who believes that a supervisor's, manager's, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible.
4. RETALIATION PROHIBITED - DATA prohibits retaliation of any kind against employees, who, in good faith, report harassment and/or discrimination or assist in investigating such complaints.
5. MAKING FALSE AND MALICIOUS COMPLAINTS PROHIBITED - If after investigating any complaint of unlawful discrimination, DATA determines that an employee intentionally provided false information regarding the complaint, appropriate disciplinary action may be taken against the one who gave false information, up to and including possible termination of employment.

Procedures:

1. Any employee who experiences, witnesses, or learns of harassing conduct by another employee or other party must promptly report the conduct.
2. The conduct can be reported to any of the following, at any time: your supervisor, any Administrator, or Human Resources.
3. Employees can tell the alleged harasser that the conduct is unwelcome, and this may be an effective way to end the harassment. However, employees are certainly *not required* to approach the person who is harassing and/or discriminating against them, and they may bypass any offending member of Administration, if applicable, to report such conduct.
4. The person to whom the behavior is reported will ensure that an investigation of the discrimination and/or harassment claim is properly initiated. The investigation will be conducted in as confidential a manner as possible, without deterring an effective investigation.
5. A timely resolution of each complaint will be reached, appropriate corrective action will be taken, and communication with the reporting employee will take place.

See also the Code of Conduct and Reporting Improper, Illegal or Unethical Conduct (Whistleblower)

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Policies.

Drug-free Workplace and Substance Abuse

The abuse of alcohol and drugs poses potential safety, health, and security problems for employees, community member, visitors, and DATA alike. As a result, employees are prohibited from:

- Possessing, distributing, selling, manufacturing, or being under the influence of any illegal drug;
- Consuming alcoholic beverages while on DATA premises, in DATA vehicles, or while on DATA business or time;
- Abusing inhalants or prescription drugs or possessing prescription drugs that have not been prescribed for the employee by a physician.

Work Rules:

Employees are also prohibited from the off-premises use of intoxicants and alcohol and possession and use, sale or distribution of illegal drugs, or sale of prescribed drugs, when such activities adversely affect job performance, job safety, or DATA's reputation in the community, at DATA's sole discretion. Employees' desks, vehicles and personal items may be searched.

If taking a prescribed medication affects job safety and performance, the C.E.O. must be informed so that a determination can be made as to whether the employee may continue working while taking the medication or whether any precautions are necessary. (If employees have questions regarding the medication that they are taking, they should contact their own healthcare provider.)

Procedures:

EMPLOYEE DRUG AND ALCOHOL TESTING - DATA reserves the right to conduct drug and alcohol testing in the circumstances listed below. Refusal to submit to any drug or alcohol test may be considered grounds for immediate termination or can be considered a voluntary resignation:

- POST-ACCIDENT/INCIDENT – If the employee has been involved in an accident which results in injury to the employee or others, or damage to the property of DATA, employees, guests or others, and there is reason to believe that the use of drugs and/or alcohol caused or was a contributory factor to the employee's impairment and subsequent accident/incident, a test can be required.
- RETURN-TO-WORK – This is a condition of continued employment or reinstatement after an incident of drug and/or alcohol related misconduct, on or off the job.
- CONTRACT TERMS – Any employee working under a contract or other agreement that includes provisions for random or other drug and alcohol testing will be subject to random testing.

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- **REASONABLE SUSPICION** – If a supervisor suspects that an individual is at work and there is reasonable suspicion that he or she may be under the influence of alcohol and/or drugs. Reasonable suspicion tests will be based upon evidence of unusual job behavior, including but not limited to:
 - ✓ Direct observation of drug and/or alcohol use or the possession of drugs and/or alcohol.
 - ✓ A pattern of abnormal conduct or erratic behavior that adversely affects work performance, but not limited to abnormal coordination, appearance, behavior, speech or odor, noticeable declines in the employee's productivity or performance, accidents on the job, repeated lateness/ absences from work, violent behavior, sensory or motor skill malfunctions, altered appearance or conduct suggestive of same (e.g. glassy eyes, slurred speech, smell of alcohol, etc.).
 - ✓ Arrest or conviction of a drug or alcohol-related offense, or the identification of an employee as a focus of a criminal investigation concerning illegal drug use, possession, manufacture, or trafficking.

EMPLOYEE DRUG AND/OR ALCOHOL RELATED ARRESTS AND/OR CONVICTIONS - As a condition of employment, the employee must abide by the terms of this policy statement. A violation includes being arrested for driving while under the influence of alcohol or drugs, and drugs include illegal or prescription medications, whether on or off duty. If an employee is arrested and/or convicted of a criminal drug or alcohol violation, whether on or off duty, the employee:

- Must report the arrest and/or conviction to the Human Resources Coordinator as soon as possible within five (5) calendar days. Failure to report such an arrest and/or conviction may result in disciplinary action up to and including termination.
- May be subject to testing for the presence of alcohol and/or drugs on the request of an authorized representative of DATA, with or without cause or reasonable suspicion. Failure or refusal to consent to testing when requested may result in disciplinary action up to and including termination.
- A plea of no contest shall be considered a guilty plea for the purposes of this policy. An employee's conviction of or a plea of guilty to the crime of driving while under the influence of alcohol and/or drugs may result in immediate termination.

Violation of this policy may result in an employee's immediate removal from the premises and appropriate disciplinary action, which can include termination of employment.

Tobacco and Smoke-Free Environment Policy

DATA is a tobacco and smoke-free environment, including but not limited to cigarettes, e-cigarettes, cigars, pipes, and smokeless tobacco. This policy relates to all DATA facilities, all work areas at all times, and campus grounds, including before and after normal working hours.

DATA does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during nonworking time, or is off of DATA's premises and not within view of the campus.

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Employees may contact the Human Resources Department for information regarding the availability of smoking cessation programs.

Violence in the Workplace

It is DATA's policy to provide a workplace that is safe and free from threatening and intimidating conduct. Therefore, DATA will not tolerate violence or threats of violence of any form in the workplace, at work-related functions or outside of work if it affects the workplace. This policy applies to DATA employees, students, parents and families, visitors, vendors, people doing business with DATA and any other members of the community.

Work Rules:

It is a violation of this policy for any individual to engage in any conduct, verbal or physical, that intimidates, endangers or creates the perception of intent to harm persons or property. Examples include but are not limited to:

1. Physical assaults or threats of physical assault, whether made in person or by other means (i.e., in writing, by phone, fax or email).
2. Verbal conduct that is intimidating and has the purpose or effect of threatening the health or safety of a co-worker.
3. Any other conduct or acts that administration believes represent an imminent or potential danger to workplace safety or security.

Anyone with questions, complaints, or comments about workplace behaviors that fall under this policy may discuss them with a supervisor or the Human Resources Coordinator. DATA will promptly and thoroughly investigate any reported occurrences or threats of violence. Violations of this policy will result in disciplinary action, up to and including immediate termination of employees. Where such actions involve non-employees, DATA will take action appropriate for the circumstances. Where appropriate and/or necessary, DATA will also take whatever legal actions are available and necessary to stop the conduct and protect DATA employees and property.

Weapons in the Workplace

DATA prohibits the possession of firearms or any other lethal weapon on DATA property, in a vehicle being used on DATA business, or at a work-related function. This applies to all employees, visitors and community members on DATA property, even those who are licensed to carry weapons. The only exception to this is an employee who is required to possess weapons in order to fulfill his or her job duties.

Some examples of prohibited weapons include:

- Firearms (pistols, revolvers, shotguns, rifles and bb guns)
- Knives (switchblades, gravity knives or any knife with a blade longer than three inches)
- Metal knuckles
- Tasers

We prohibit weapons to ensure the safety and security of all employees and persons visiting DATA. Any employee found in violation of this policy will be subject to disciplinary action, up to and including immediate termination.

Workplace Bullying

DATA is committed to providing a safe and healthy work environment for all employees. As such, DATA prohibits bullying of any kind and will deal with complaints accordingly. This policy applies to employees while working, at work functions, while traveling on DATA business, and while representing DATA.

Guidelines:

Bullying is defined as unwelcome or unreasonable behavior that demeans, intimidates or humiliates an individual or a group of individuals.

Bullying can be:

- An isolated incident or persistent incidents
- Carried out by a group or an individual
- Either direct or indirect
- Verbal or physical

Some examples of bullying include:

- Abusive or offensive language
- Unwelcome behavior
- Unreasonable insults or criticism (especially in public)
- Teasing and/or spreading rumors
- Trivializing of work or achievements
- Exclusion or isolation

Bullying can have devastating results. If you witness bullying or suspect bullying is taking place, report it to your supervisor and/or to Human Resources immediately. All suspected incidents of bullying will be thoroughly investigated and disciplinary measures will be taken accordingly.

Phone Call Policy

DATA provides phones to employees to increase efficiency in doing school business. Please adhere to the following guidelines, based on the type of call you are making or receiving:

Business phone calls - Much of our contact with parents is by phone, therefore our demeanor on the telephone is extremely important. A friendly, positive, and businesslike telephone manner should always be projected.

Voice mail - School telephones are equipped with voice mail. Employees are responsible to check their voicemails and respond in a timely manner.

Personal phone calls – Though personal calls should be conducted most frequently at breaks and meal times, DATA recognizes that periodically, personal phone calls on school phones or cell phones must be made or received during business hours. Such calls should be kept to a minimum so that they do not interfere with the workflow.

Conflict Resolution Policy

DATA desires to foster open communication with all employees. Any employee concerns should be promptly discussed with administration or human resources so that a solution may be developed.

Procedures:

Informal Complaint: Employees should share their concerns, seek information, provide input, and resolve work-related issues by first discussing them with their supervisor. If the issue is with the supervisor and the employee feels uncomfortable talking with them about it, the employee can talk to human resources. Subsequent meetings will be set to work on remedies as quickly as possible; but employees need to understand that it may take some time and may involve additional meetings or processes.

Formal Complaint: If an issue cannot be resolved at the informal level, and/or if the employee wants to file a formal complaint, the employee is welcome to discuss the issue with human resources and request a complaint form to be submitted within 30 days of the incident.

An investigation will be done regarding the items reported on the form. This will be handled at the school level, if Administration/H.R. has not already facilitated an investigation and made a decision, or by the Governing Board if the employee received the school-level outcome but wants to pursue the matter further. If the Board is doing an investigation, the employee will be informed when the Board will be able to hear and address the concerns and will be informed of the final outcome when necessary steps are completed.

When a complaint is voiced, DATA will do its best to remedy the situation. While every employee may not be satisfied with every outcome, DATA wants to foster an environment where all employees feel comfortable reporting their concerns.

[If the complaint involves ethics and/or legal violations or suspected violations, please see the policy that follows on *Reporting Improper, Illegal or Unethical Conduct (Whistleblower Policy)*.]

Corrective Action Policy

When it becomes necessary to address an employee's performance, actions, conduct, and/or behavior in the workplace, or off duty when it harms other people or the interests or reputation of the school, general guidelines of acceptable business conduct will govern. Depending on the nature and seriousness of the employee's actions, corrective action may begin at any step in the corrective action process and not be progressive.

Guidelines:

1. The process should inform employees regarding the behavior or performance that needs to be corrected, inform them about any measures they must take to correct unacceptable performance or behavior, and give them adequate opportunity to correct the situation.
2. The type of disciplinary action to be imposed is at administration's discretion.
3. Elements of DATA's corrective action process include but are not limited to the following.
 - **Verbal Counseling**
 - **Written Corrective Action / Warning Suspension** - This is a more severe action that may be used for investigations and/or constructive improvement.
 - **Dismissals** - An employee's employment may be terminated after other disciplinary measures have failed or when a first-time incident occurs that is extremely serious.

Nothing in the Corrective Action Policy is to be construed as negating an employee's status as an employee-at-will, if that is the case.

Reporting Improper, Illegal or Unethical Conduct (Whistleblower Policy)

DATA is committed to high standards of business conduct. As representatives of DATA, all employees must practice integrity in fulfilling their responsibilities and complying with all applicable laws and regulations.

Procedures:

DATA encourages all employees to report ethics and legal violations or suspected violations.

- **ACTING IN GOOD FAITH** – Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.
- **COMPLETE AND SUBMIT THE FORM** for Reporting Improper, Illegal, or Unethical Conduct in the Shared Drive for the current year – This may be given to the immediate supervisor, the C.E.O. or Human Resources.
- **CONFIDENTIALITY** - Violations or suspected violations may be submitted on a confidential basis by the person reporting or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with any need to conduct an adequate investigation.
- **HANDLING OF REPORTED VIOLATIONS** – Administration or the Human Resources Coordinator will notify the person reporting and acknowledge receipt of the reported violation, if it is not made in person and is not anonymous. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

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- PROTECTION FROM RETALIATION – No employee who reports a violation in good faith shall suffer harassment, retaliation or adverse employment consequences.

See also the Code of Conduct and Non-Discrimination and Anti-Harassment Policies.

Employee Relations Policy

Digital Arts & Technology Academy (DATA) employees have the right to form, join, and otherwise participate in the activities of employee organizations of their own choosing for the purpose of bargaining collectively with the Board. Employees also have the right to refuse to join or participate in the activities of employee organizations.

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Communications Policy

Employees are expected to communicate with professionalism, courtesy and restraint in all communications to both internal and external recipients.

Work Rules:

Telephones, computers, and all other electronic forms of communication are efficient and valuable business tools; and they are the property of the school. DATA reserves the right to monitor, access, and read any and all information contained in its telephone systems, communication systems, and/or computer systems. Employees do not have a personal privacy right to any matters received, created in, sent over, or stored in DATA's telephone systems, communication systems, and/or computer systems.

In short, none of these systems is considered to be confidential, nor should they be used to meet an employee's own personal needs. If an employee receives a message that is not addressed to him/her, he/she is not authorized to read or use information contained in that message.

Communication between faculty, staff, and administration occurs mostly through email, and employees are expected to check their email account on a daily basis.

Brief and occasional personal use of e-mail is acceptable as long as it is not excessive or inappropriate and does not interfere with work.

Computer and Printer Acceptable Use Policy

Computers / Network

Users of the Digital Arts and Technology Academy's (DATA's) computer resources are expected to act ethically and courteously and follow the Acceptable Use Policy (AUP).

Work Rules:

The following standards have been established for DATA's network and computer facilities:

1. Users are defined as faculty, staff, students and anyone granted access to DATA's network. Users may be issued an email account and access to the Internet by the Information Technology Director.
2. Users may access only those resources they are authorized to use and must use them only for the purposes specified in this document. Questions about appropriate use can be addressed to the Director of Information Technology.
3. Although the school makes every attempt to back up and make available files saved by users, all users are ultimately responsible for the backing up of their own files kept on the school's

system network drives (Z: drive, "My Documents", "Desktop", shared folders, and email).

4. Email correspondence is governed by the standards in the Communications Policy. Intimidation and harassment through electronic communication, as well as perpetuation or initiation of electronic chain letters, is prohibited. Users should remain alert to the possibility of virus invasions and forward any concerns to the Information Technology Department (IT.support@datacharter.org). Account holders are responsible for all usage of their accounts (including use by other persons) and should keep their passwords confidential. If a password is stolen / compromised, change it immediately and report it to the Information Technology Department.
5. Users may not access, download, install or copy software without prior authorization from the I.T. Director.
6. Users are responsible for adequately researching and complying with applicable copyright law as it pertains to writing, software use, research or project development done while using DATA computer facilities.
7. Users may not load software (to include search engine toolbars, chat software, etc.) on DATA computers. If a faculty or staff member needs new software, they must get approval from the I.T. Director.
8. Users may not transport software to another site or computer without authorization from the Director of Information Technology.
9. Users must not install, modify, or disconnect any hardware, or erase or disable any software provided by DATA. Lab and classroom computer areas are to be kept clean (and free of food and drinks), and computers must be used responsibly. Users should respect the rights of others. A user may neither hamper nor deprive another access to resources or encroach on another's use of computer facilities. Users must consider the impact of their conduct on others. The highest priority for use of technology on DATA's campus is for educational endeavors.
10. Users should exhibit caution in divulging any personal information (name, address, telephone number, credit card information, age, etc.) to online sources accessed through the school systems. The school claims no liability for this activity.
11. Internet use should generally be limited to scholarly research and educational exploration. Users may not access or exchange inappropriate materials, including but not limited to sexually explicit material, and/or hate related material unrelated to course work. Also, games, instant messaging, chat rooms, video/audio streaming, bulletin boards, and electronic communications are not allowed for students, unless being used under teacher supervision for classwork or a school related project or event. If an inappropriate or disallowed site is accessed accidentally, it should be reported to the Information Technology Director as soon as possible after the incident.
12. DATA monitors all Internet usage on a regular basis. Access to the information considered inappropriate as stated in this policy, and the frequency and duration of this use, will be reported to the C.E.O. or other Administrator.
13. The school reserves the right to view, investigate, or otherwise inspect any electronic files kept on school systems. Users should have no expectation of privacy in social media, email, etc. that is on the school's network or when using the school's equipment. These may be subject to lawful monitoring.

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Wireless Computer Usage

1. All rules and regulations contained in the AUP above are in force for the use of devices on DATA's wireless network.
2. For DATA network users, there is access to Z: drive, "My Documents", "Desktop", shared folders, and email. These can be accessed by mapping to the proper network drive and authenticating on the network with their regular DATA login.
3. For non-DATA users, access will be limited to the Internet.
4. As is the policy of DATA, there will be no access to instant messaging, chat rooms, online games, and other non-scholarly activities, unless being used under teacher supervision for classwork or a school related project or event.
5. All wireless activity using DATA's network is monitored, and is subject to the same actions as is regular network usage.

Guidelines:

Printers

Users of the Digital Arts and Technology Academy's (DATA's) printing resources are expected to act ethically and courteously and follow the Acceptable Use Policy (AUP) as described herein. The following standards have been established for DATA's printer facilities:

1. Users are defined as faculty, staff, students and anyone granted access to DATA's network. Users may be assigned access to printers based on need and function.
2. Low volume jobs (a single document or print job consisting of less than 50 pages) should be sent to your local printer.
3. High volume jobs (a single document or print job consisting of 50 or more pages) should be sent to the appropriate high volume printer.
4. All black and white print jobs, and high volume print jobs with little color (i.e. school logo, etc) should be sent to the appropriate black and white printer.
5. Color print jobs may be sent to the color printer; please act responsibly when sending print jobs.
6. Students will be mapped to a high volume printer. Teachers should supervise to make sure that student printing in both black and white and color is appropriate and uses DATA resources wisely.
7. Do not attempt to service a printer/copier yourself. A user may be granted an exception to this.
8. Do not move printers.
9. Printing resources are dedicated for educational endeavors.

DATA monitors all printer usage on a regular basis. The school reserves the right to view,

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investigate, or otherwise inspect any materials printed by school systems.

Recording Devices

DATA respects the privacy of its employees and strives to protect all confidential DATA information. At the same time, DATA is responsible to protect the school facility and equipment, as well as the welfare and safety of DATA employees, students, and visitors.

Work Rules:

- Security cameras are placed in several main locations inside and outside of the school building.
- Cameras are routinely used as part of our Film Program.
- Recording may occasionally be done at school-related functions or for professional development purposes.

Recording as part of concerted activity is allowed, if requested. Outside of these situations, the use of any recording device on school property or during working hours must be approved by Administration. This includes the use of picture phones or any other camera or device that may capture visual images in any area where members of the school community, public, or co-workers would expect a reasonable degree of privacy, unless reserved temporarily for a school film project, and in any areas in which sensitive or closely guarded school or business materials are either used or housed.

Facility Access & Visitors

In an effort to maintain safety and security at a minimum inconvenience, we have guidelines in place regarding facility access and visitors.

Guidelines:

DOORS - During day school, all entry doors to the school are to remain locked, with the exception of the front entry door. Faculty and staff who may be in the building and need to leave after 4 pm must make sure that someone locks the front door behind them or must exit through a door that will lock behind them after they leave. These procedures help to establish that areas of access are supervised.

AUTHORIZED VISITORS - Only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, safeguards employee welfare, protects against theft, ensures security of equipment, protects confidential information, and avoids potential distractions and disturbances. For the purposes of this policy, uniformed vendors and maintenance workers who regularly service DATA are not considered visitors.

- Employees are responsible for the proper conduct and safety of their visitors.
- Supervisors may impose restrictions on visitors in the workplace which are appropriate for the successful operation of the school.
- Unless accompanied by a faculty or staff member, all authorized visitors need to sign IN and OUT on the Visitor's Log in the reception area; and the administrative assistant / receptionist shall notify the person they are visiting when they first arrive.

- Visitors must wear the visitor's sticker given to them by the front lobby staff on their shirt/blouse so it can be seen.
- No videotaping or photography is allowed on the premises unless approved by Administration.
- Any visitor refusing to follow any rules or regulations may be escorted from the premises.

FRIENDS AND FAMILY - There may be occasions when friends and family of DATA employees visit the employee in the workplace. It is important that these visits not become disruptive to work routines.

- Employees should not bring their children to work while on duty without prior approval by Administration. This is to avoid possible accidents to the child and to allow the employee and fellow employees to perform their jobs without the interruptions and distractions of the child. It is generally not appropriate for children of any age to be in the workplace on a regular basis, such as after school each school day or on regularly scheduled school holidays.

FORMER STUDENTS – Former students are welcome to visit DATA. Before or after school is best, but the front desk Administrative Assistant or an Administrator can allow them to visit during the day, at their discretion. In order to minimize distractions for current teachers and students, they may not be on campus during school hours, unless they have an appointment with a particular faculty or staff member for a purpose other than simply visiting.

ANIMALS – May not be brought into the building. With the exception of service dogs or other service animals used to guide or assist persons with disabilities, employees may bring animals to DATA only with prior permission from Administration.

UNAUTHORIZED VISITORS - If an unauthorized individual is observed on company premises, employees should immediately notify campus security or Administration. Police assistance will be called if necessary.

Safety Policy

DATA wants employees to remain safe and injury-free and intends to comply with all applicable safety laws. In order to help ensure that accidents are avoided whenever possible, we expect our employees to refrain from careless behavior and negligent actions. Safety is everyone's responsibility.

Work Rules:

- While working, employees must observe safety precautions for their safety and the safety of others. All work areas must be kept clean, and free of clutter and debris.
- Any hazards or potentially dangerous conditions should be reported to a supervisor as soon as possible.
- Observe and practice the safety procedures for the job.
- In case of injury, report at once to Administration.

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- In case of injury resulting in possible fracture to legs, back, or neck, or any accident resulting in an unconscious condition, or a severe head injury, the employee is not to be moved until medical attention has been given by authorized personnel.
If it is necessary to get the attention of another employee, wait until it can be done safely.

Guidelines:

- Safely file or stack materials, skids, bins, boxes, or other equipment so as not to block aisles, exits, firefighting equipment, electric lighting or power panel, valves, etc. **FIRE DOORS AND AISLES MUST BE KEPT CLEAR.**
- Keep your work area clean.
- DATA vehicles will be operated only by authorized personnel.
- Do not block access to fire extinguishers.
- Do not tamper with electric controls or switches.
- Do not engage in such other practices as may be inconsistent with ordinary and reasonable common sense safety rules.
- Report any UNSAFE condition or acts to Administration, and help to prevent accidents.

Safety checklist - It's every employee's responsibility to be on the lookout for possible hazards. If you spot one of the conditions on the following list—or any other possible hazardous situation—report it to Administration as soon as possible.

- Slippery floors and walkways
- Tripping hazards
- Missing (or inoperative) entrance and exit signs and lighting
- Dangerously piled supplies or equipment
- Open or broken windows
- Unlocked doors and gates (when they are supposed to be closed)
- Open doors on electrical panels
- Leaks of steam, water, oil, etc.
- Blocked aisles
- Blocked fire extinguishers, hose sprinkler heads
- Blocked fire doors
- Evidence of any equipment running hot or overheating
- Roof leaks
- Safety devices not operating properly

Seat belts - All employees must use seat belts and shoulder restraints (if available) whenever they operate a vehicle on DATA business. The driver is responsible for seeing that all passengers in front and rear seats are buckled up.

Good housekeeping - Your work location should be kept clean and orderly. Keep machines and other objects out of the main aisles. Clean up spills, drips, and leaks immediately to avoid slips and falls. Place trash in the proper receptacles.

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GENERAL PRACTICES

Background Checks/Fingerprinting & Employment Eligibility

DATA shall require background checks, based upon fingerprint identification, for all prospective employees, every 5 years thereafter for continuing employees, and volunteers who may have unsupervised access to students.

Employment is contingent upon the following:

1. Satisfactory post-offer employment background and fingerprinting check and the ability to maintain background check requirements for the job
2. Evidence of eligibility to work in the United States
3. Satisfactory professional reference checks
4. Evidence and confirmation of current educational credentials
5. Confirmation of employment history
6. Copy of current driver's license and vehicle insurance, if driving

Procedures:

Background Checks: Prospective employees shall, as a condition of employment and at their expense, submit to and clear a background check at one of the approved sites for fingerprinting and background checks provided by the Human Resources office. An acceptable background check through the Public Education Department within two years of the date of hire will also fulfill this obligation according to the School Personnel Act.

In addition, all volunteers who may have unsupervised access to students must also clear a background check at one of the approved sites.

Continuing Requirement: Employees must report any known arrest, charge and/or conviction of criminal offense to the C.E.O. and Human Resources as soon as possible after it occurs, as this may affect the employee's ability to meet continued job requirements in one or more aspects.

Evidence of Eligibility to Work: All offers of employment are contingent upon verification of the employee's right to work in the United States. Employees will be asked to provide original documents required by federal law and complete the Federal Form I-9, Employment Eligibility Verification Form, no later than 3 days from the date of hire. If the employee cannot verify the right to work on the United States at any time, DATA may terminate employment.

Confidential Proprietary Information & School Property

To protect DATA's interests, employees must not use any confidential information for their personal benefit outside of job responsibilities or for the benefit of any person or entity other than the school. Employees must also make every effort to limit confidential information access to those who have a need to know for school purposes or who are authorized.

Work Rules:

DATA maintains confidential records for a variety of business and academic purposes. These records include detailed information about students, employees, and those with whom DATA does business. During your employment at DATA, you may have access to confidential and proprietary data which is not known by outside organizations or within the school's field of business generally. This Confidential Proprietary information includes, but is not limited to, data relating to the school's procedures and techniques, lists of students and potential students, proprietary software, web applications and analysis tools, and other data specific to our students, employees, guests, vendors, and school. This Confidential Proprietary Information is a valuable asset of DATA, developed over a long period of time and at substantial expense.

- There should be no unauthorized disclosure of confidential information.
- Misuse or unauthorized disclosure of confidential information not otherwise available to persons or companies outside DATA is cause for disciplinary action. DATA employees must not disclose confidential financial data, student information or other non-public information. Do not share confidential information regarding students or parents.

Protected National Labor Relations Act speech and good faith reporting of potential illegal or unethical conduct to the government that involves confidential information (see policy on *Reporting Improper, Illegal or Unethical Conduct*) are not considered unauthorized disclosure.

Finally, you should minimize those occasions on which you take documents, computer disks or a laptop containing confidential information outside the school. On those occasions where it is necessary to take these items outside the school in order to do your job effectively, all appropriate precautionary and security measures should be taken to protect the confidentiality of the information.

Driving While On School Business

Employees

Frequently, it is necessary for employees to use personal vehicles for school-related activities, such as off-campus meetings, conferences, trainings, professional development, competitions, special events, errands etc. As a result, NMPSIA requires employees to provide and maintain a valid New Mexico driver's license, as well as proof of vehicle insurance, at the beginning of each school year and later in the year if their current ones expire before the end of their contract / agreement.

As the employer, DATA must monitor driving records to make sure that all employees authorized to drive on school business maintain a company insurable driving record. This means that the school is only allowing employees to drive on school business whose records are not in violation of any laws or regulations.

When driving on school business, your vehicle insurance is primary; so any change in the status of your driver's license, any lapse in state-mandated insurance minimums, and/or any change in your driving record should be reported to Human Resources.

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Those driving while on DATA business must adhere to the following:

1. Be financially responsible for any fines, moving or parking violations incurred.
2. Use seat belts at all times – both driver and passengers.
3. Obey all applicable traffic laws.
4. Follow the Drug-free Workplace and Substance Abuse policy, along with other DATA policies.
5. Provide for the safety of employees and third parties on the road.
6. Maintain personal vehicles so they are safe.
7. Maintain mileage reports (school vehicle only).
8. Keep the vehicle clean at all times (school vehicle only).
9. Not smoking in any school vehicle.
10. Not using mobile devices while moving, unless a hands free system is being used.

Students

DATA employees are not insured by NMPSIA, and regulation does not allow employees to transport students in their personal vehicles or in DATA vehicles. As a result, families are responsible for the transportation of their students to and from events off campus, unless a school bus is provided. DATA recommends that parents / guardians transport their own students.

If occasions arise when students must be transported by an employee, the employee should be aware that his/her personal insurance will be the primary insurer, if an accident should occur.

Employee Classifications

All DATA employees are classified into three types of classification categories:

1. FULL-TIME AND PART-TIME STATUS

- **Full-Time Employee** - a position that requires performance of duties on a regular basis for a minimum of 35 hours per week for Teachers and Counselors, and 40 hours per week for Administrators and Support Staff.
- **Part-Time Employee** – a position which requires performance of duties for less than what is defined as Full-Time.

2. FLSA CLASSIFICATION

Employees are classified as either exempt or non-exempt for pay administration purposes, as determined by the federal Fair Labor Standards Act (FLSA).

The Fair Labor Standards Act, as amended, classifies employee positions as either "exempt" or "nonexempt." The classification of a position determines how an employee may be paid, among other things, for hours worked in excess of forty (40) hours per defined workweek and whether or not they are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. DATA will assign all classifications and make all determinations regarding whether an employee is exempt or nonexempt under the provisions of the Fair Labor Standards Act (FLSA).

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- **Exempt Employee** - Exempt employees are salaried employees and are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt employees are expected to fulfill their assignment to the extent possible within a normal workweek. However, because of the nature of their responsibilities, it may be necessary for them to work beyond regularly scheduled hours to complete assignments or participate in meetings away from home without additional compensation.
- **Non-Exempt Employee** – Nonexempt employees may be paid on either a salaried or hourly basis, do not meet all the criteria to be exempt, and qualify for the minimum wage and overtime provisions of the Fair Labor Standards Act. Details are provided with the agreements of these employees.

3. EMPLOYMENT TYPES AND STATUSES

Employees will also be classified into one of the categories listed below.

1. **REGULAR EMPLOYEE** - Regular employees are scheduled to work at least 15 hours per week on a consistent basis and are entitled to Basic Life Insurance paid for by DATA. Those who are regularly scheduled to work as a .5 Full Time Equivalent (FTE) or more are also entitled to the full range of benefits offered by DATA. Employment is generally continuous and is subject to satisfactory performance and availability of funding.
2. **PROVISIONAL EMPLOYEE** - A provisional employee may be hired when there are no candidates for a position who meet the minimum requirements of a job. Employees who are provisionally appointed may continue in the position until they have or have not met the minimum qualifications for the position, within the timeframe set by DATA. If the minimum qualifications have been met, the employee is eligible to be reclassified to regular or other appropriate employment status. Employees with provisional appointments may be eligible to receive certain employee benefits.
3. **TEMPORARY EMPLOYEE** - A temporary employee is hired to work a reasonably predictable schedule, full-time or part-time, for a period not to exceed six (6) months. A temporary appointment is made to any position for work that is emergent, temporary, or transitory. Temporary positions are normally not renewable; however, extensions may be granted with the approval of DATA's C.E.O. Temporary status will be reviewed at the completion of six (6) months or at the end of the project. Temporary employees are not eligible for any benefits specified in this handbook other than worker's compensation, FICA, and unemployment as required by applicable Federal and State law. Depending on the regularity of their schedule and the number of hours they will be working each week, these employees may also be eligible for Basic Life Insurance.

Student employees may perform simple jobs to help around the school, may work on a continuing basis year round, may become inactive for periods of time, and may be called back to work as needed.

4. **TERM EMPLOYEE** - A term employee is hired (full-time or part-time) into a position that is designated to run for a defined period of time; and whose employment and benefits are

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governed by the terms and conditions of a contract or grant, such as a contract agreement between DATA and a federal, state or commercial entity. A term position may also be funded from non-recurring sources (e.g. contracts and grants) or the position may be needed to complete a special project. Term employees are normally hired for periods greater than six (6) months and less than three (3) years, and term employment may be renewed at the discretion of DATA, subject to satisfactory performance and availability of funding. These employees may be eligible for benefits.

5. **SEASONAL EMPLOYEE** - Seasonal employees are hired under stipulations of set periods of time, typically tied to annually occurring events such as sports seasons or summer employment opportunities. A seasonal job is one that is available for a certain part of the year, and is temporary and short-term by definition. Seasonal employees are not usually eligible to receive employee benefits other than worker's compensation, FICA, and unemployment as required by applicable Federal and State law.
6. **PRN EMPLOYEE** - Pro re nata, or as needed employees, might not work any hours during one pay period, and might work part-time or full-time during another. As a result, they are variable hour employees. PRN employees are not classified as part-time or full-time due to the intermittent nature of their work. PRN employee status will be reviewed periodically to determine continued employment. PRN employees are not eligible for any benefits specified in this handbook other than worker's compensation, FICA, and unemployment as required by applicable Federal and State law.

Employee Reference Policy

The Governing Council of the Digital Arts & Technology Academy recognizes that any current or former employee or contractor's request to an administrator for a letter of reference is an opportunity to provide information about the potential employee's performance with a prospective employer. The Council, however, does not require that such references be provided and a current or former employee or contractor should have no expectation that a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the Executive Director, or their designee. This does not include the routine transmission of administrative and personnel files or the confirmation of dates and duties of employment or contract.

All employees, including but not limited to the Executive Director, who prepare a letter of reference or provide any type employment reference, in any form, pursuant to this policy, are prohibited from assisting any employee, contractor, or agent in obtaining a new job if s/he knows or has reasonable cause to believe that such employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law.

The only exceptions permitted are those authorized by the Every Student Succeeds Act section 8546. These are situations:

1. where the matter has been investigated by law enforcement and the matter was officially closed due to lack of probable cause or,
2. where the individual was acquitted or otherwise exonerated of the alleged misconduct.

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The charter school Executive Director and Administrative Team shall develop and implement any procedures necessary to administer this policy.

Employment of Relatives / Nepotism Policy

Members of your immediate family will be considered for employment on the basis of their qualifications. Your immediate family may not be hired, however, if it would:

- Create a direct supervisor-subordinate relationship with a family member
- Have the potential for creating an adverse effect on work performance
- Create either an actual conflict of interest or the appearance of a conflict of interest

This policy must be considered when hiring, assigning or promoting an employee.

If a circumstance arises that results in a direct supervisory relationship between immediate family or close personal relatives (including marriage, reduction in force, reorganization, etc.), one of the relatives may be reassigned to an appropriate vacancy. During the period that a direct supervisory relationship exists between immediate family members or close personal relatives, the supervisory relative will not be involved in any personnel action involving his or her relative. Typical first-level supervisory responsibilities will be referred to the next higher level in the supervisory chain.

For purposes of this policy, your immediate family includes your mother, father, husband, wife, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepchild, stepparent, grandchild or grandparent. This policy also applies to close personal relatives such as uncles, aunts, first cousins, nephews, nieces or half-siblings.

Hours of Work, Rest Breaks, and Meals

Hours of work, rest breaks, and meals will be specified in contracts and agreements.

Media Relations Policy

DATA is committed to providing the media with accurate information and ensuring that any visits by media personnel are approved and organized.

Media Inquiries

To avoid discrepancies, specific guidelines should be followed when a media inquiry is received. All media inquiries regarding DATA and its operation must be immediately referred to the Principal or C.E.O. who is authorized to make or approve public statements regarding school business. Unless specifically designated by these people, employees are not authorized to make those statements. If you wish to write or publish an article, paper or other publication on behalf of DATA, you must first obtain approval.

DATA will generally provide a response to media inquiries within 24 hours. Should the response require a detailed technical explanation, a spokesperson will be designated to address the issue. The

spokesperson will be chosen carefully, based on their area(s) of expertise. Some examples of media inquiries include:

- Press releases
- Advertisements
- Requests for interviews
- Information on: Administrative changes, Financial data, Working conditions, Wages

Media Visits

Media personnel must pre-arrange a visit to the school with the Principal, C.E.O. or his/her designee in order to maintain a smooth flow of the educational process and protect the under aged students' right to privacy. The details of the appointment will then be communicated to the faculty, and/or others who will be involved.

Upon arrival on a school campus, media personnel must report to the main entrance area and state the reason for the visit. Once the Principal or C.E.O. has been made aware of the media's presence, media personnel must wait quietly in the lobby until one of them comes to meet them and escort them to the appropriate location.

At any open Governing Council meeting, media personnel may set up cameras in the corners opposite where the Governing Council is sitting and where they have an unobstructed view. Media personnel must follow all of the same procedures as anyone from the public, respecting the authority and duties of the presiding officer and conducting themselves in a professional manner that does not interrupt or hinder the organized and orderly flow of the meeting.

Failure to Comply

An individual failing to comply with any of these procedures and/or causing a disruption of the educational or Governing Council meeting process may be barred or removed from the campus at the discretion of the Principal, C.E.O., his/her designee. An APD Officer may provide assistance if necessary.

Online Social Networking Policy

DATA is committed to maintaining a good relationship with its employees and the community. The way the public views us is vital to maintaining our school, gaining new students, retaining first-class employees, recruiting new employees and marketing our services.

While allowed to exercise rights protected by law, employees should practice caution and use discretion when posting content on the web or using the school's equipment and resources.

Guidelines:

The purpose of this policy is to:

- To promote a constructive relationship between the school and its employees

- To manage risk and preserve DATA's positive reputation
- To promote awareness among employees regarding risks associated with social networking sites

It is important that employees use their time while at work to conduct school business. As a result, the following actions should be conducted during personal, non-work time:

- Using social networking sites to conduct personal or non-school business
- Browsing social networking sites for non-school business
- Reading email alerts regarding personal social networking account activity or using personal email to correspond with personal social networking contacts
- Updating information, uploading photos or otherwise engaging with one's personal social networking profile for non-business purposes
- Micro-blogging for a non-business purpose on a social networking site throughout the day, whether it is on a company-provided computer or a personal smart phone device.

Also, keep in mind that some actions on your personal site are visible for the entire social networking community and may no longer be considered private matters. Please follow these guidelines for anything that is not covered by protected, concerted activity:

- Refrain from networking with current or former students, due to the potential issues that can arise from doing so. All contact with current and former students should be professional and school-related.
- We urge you to consider resolving workplace grievances internally. If you choose to address a grievance using social media, refrain from posting comments and materials that could be viewed as malicious, obscene, threatening and intimidating or that could create a hostile environment on the basis of race, sex, disability, religion or any other status protected by law.
- Communications that are reckless or maliciously untrue comments may not be protected by law.
- Do not impersonate DATA or its employees, make statements on behalf of DATA without authorization, or make statements that can be construed as establishing DATA's official position or policy on any particular issue.

Finally, employees should have no expectation of privacy in social media, email etc. that is on the school's network or when using the school's equipment. These may be subject to lawful monitoring.

Whenever state, local or federal laws govern an area of social media participation, DATA policies should be interpreted as to comply with them.

Open Door Policy

To foster an environment where employees and administration feel comfortable communicating with and voicing concerns to one another, DATA uses an Open Door Policy. Basically, this policy means that the doors of all supervisors and administrators are open to all of the employees, and employees are free to talk with them at any time. Please consider the following in regard to this policy:

You are responsible for addressing concerns with a supervisor or administrator, from complaints to suggestions and observations. Addressing these concerns allows DATA to improve and explain practices, processes and decisions.

We recommend that you first discuss concerns with your immediate supervisor, but the Open Door Policy also gives you the option of discussing them with higher administration and/or with Human Resources. All of these parties will be willing to listen to the issue and assist in a resolution.

Outside Work

Tutoring

At the request of a parent/guardian, privately tutoring a student assigned to an employee for pay may be acceptable. Please discuss any such requests with the C.E.O.

Participation in Political Activities

Staff members of DATA may hold public offices regardless of the relationship between the public office and the interests of DATA. The school seeks to assist employees/public officials in avoiding conflicts between the interests of DATA and the interests of the public official's constituents. An employee of DATA who is a public official, acting in his or her capacity, may speak, act, debate and vote according to his or her convictions, without undue influence by the Governing Council or by the C.E.O. / Superintendent. The school and employees who hold public office will observe compliance with laws, especially those relating to Article Nine, Section Fourteen (the anti-donation clause) of the Constitution of the State of New Mexico. DATA facilities, equipment or supplies may not be used for the purpose of campaigning for public office. An employee may not use work time to campaign for or do the business of a public office.

Parking and Vehicle Registration

Remember to lock your car every day and park on campus. DATA is not responsible for any loss, theft or damage to your private vehicle or any personal property.

Employees should register any vehicle that may be driven to school with the Assistant Business Manager, who will assign them parking tags. Employee vehicles should be parked on campus during work hours, and employees are required to visibly display the parking tag assigned to them at these times. This enables security to quickly and easily identify which vehicles in the parking lot belong to faculty and staff.

Pay

Paychecks are issued every two weeks and employees are responsible to ensure the accuracy of their pay and leave balances. Any error should be reported to the Human Resources Coordinator immediately. If you wait, you will make it more difficult to address any issues. Failure of the employee to note any discrepancies or inaccuracies in hours worked or amount of pay within two weeks of receiving their pay may result in a final determination that the hours and pay are correct.

Employees have the option of signing up for direct deposit, and those who do are also responsible to notify Human Resources if any of their account information changes.

If your paycheck is lost or stolen, contact Human Resources immediately.

Deductions

Certain deductions will be made in accordance with federal and state laws, such as Social Security, Medicare, State and Federal taxes, New Mexico Educational Retirement and Retiree Healthcare.

In addition, DATA makes available certain voluntary deductions as part of DATA's benefits program. If an employee elects core or supplemental coverage under one of DATA's benefits plans which requires employee contributions, the employee's share of the cost will be deducted from his or her check each pay period. If the employee is not receiving a payroll check due to illness, injury, or leave of absence, he or she will be required to pay the monthly cost directly to DATA.

Docking of Pay

Your regular pay may be docked or withheld for any suspension as part of a disciplinary action or leave taken in excess of your entitlement. Exempt employees cannot be docked for less than a full week's pay pursuant to a disciplinary suspension.

Recovering Monies Owed to DATA

- If the amount owed by the employee to DATA is the result of misappropriation by the employee of monies or property belonging to DATA, DATA may offset amounts owed by the employee against all wages or other monies owed to the employee.
- DATA may offset amounts owed to it against all sums owed to an employee other than wages.
- In all other cases of offsets against an employee's wages, DATA may only offset amounts owed to it against those wages that are above the statutory minimum hourly wage.

Subject to the above limitations, the C.E.O. may develop with an affected employee a repayment plan for successive offsets so that the entire amount owed to DATA is not offset on a single occasion; provided, however, that no such plan shall be developed in the instance of any final settlement of accounts, such as where a final check for wages for a terminating employee may be involved.

Payments & Gifts Policy

We prohibit the solicitation, acceptance, offer or payment to any person or organization of any bribe, kickback or similar consideration, including money, services, goods or favors (other than goods or favors which are nominal in amount and not prohibited by any federal, state or local law). Do not accept or give gifts, gratuities, entertainment or favors of such value or significance that their receipt might reasonably be expected to interfere with the exercise of independent and objective judgment in making or participating in the business decisions regarding the party with whom DATA is dealing. At the same time, DATA recognizes that students, parents, vendors and others may wish to show appreciation to DATA employees. It is DATA's policy that an employee may accept an occasional gift of nominal value (\$25.00 or less).

Performance Management and Feedback

DATA is committed to providing you with feedback, both formal and informal, about your performance on the job. Supervisors are responsible for providing ongoing performance feedback to each employee. In addition, your supervisor may formally discuss and document your performance at least once per year, if not more often.

Your evaluation discussion will review your strengths and identify any areas needing improvement, as well as goals and objectives that need to be achieved. Specific performance problems may be addressed outside the evaluation cycle through either informal discussions or formal disciplinary action. Formal performance feedback becomes a permanent part of your personnel file, and it should be understood that an evaluation does not automatically signify a pay increase or decrease.

All employees are expected to perform their job functions at acceptable and satisfactory levels and with appropriate supervision. Your performance evaluations will relate largely to your ability to meet and excel at requirements based upon your job responsibilities. You are responsible for knowing the functions, tasks, responsibility and standards of performance of the job to which you are assigned.

Regular self-evaluation of your work and continuously looking for and implementing ways to perform in a more efficient, accurate, and productive manner are the marks of an employee who performs well.

Personnel Records Policy

DATA strives to keep accurate and up-to-date personnel records. Employee personnel files may include items such as the following:

- Pre-employment paperwork
- Licensure, if applicable
- Contracts and/or Agreements
- Benefits paperwork
- Documents related to employee performance reviews, coaching and mentoring
- Records of participation in training events
- Records of disciplinary action, if any

In order to ensure the accuracy of your personnel records, please notify us immediately of the following changes:

- Legal Name
- Address
- Telephone number
- Marital status
- Dependent status
- Exemptions on your W-4 tax form
- Required professional license
- Driving record or status of driver's license, if you drive on DATA business
- Military or Draft status

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Personnel records are kept highly confidential, and they are not accessible to anyone outside of DATA unless you have personally authorized a release to a governmental agency or unless the release is required by law. To obtain access to your records, contact Human Resources.

Physical Examination Policy

DATA may require a mandatory, job-related medical examination when there is a need to determine if an employee can perform the mandatory functions of his or her position. This exam will identify physical limitations or restrictions. A medical examination may also identify significant health or safety risks to the employee or others by identifying infectious diseases, or other medical monitoring as required by medical standards, professional licensing bodies or standards established by federal, state or local law.

Professional Development

DATA is committed to developing and maintaining a high performance workforce, and encourages its employees to continue to develop the knowledge and skills necessary to succeed in their jobs. For these reasons, DATA encourages ongoing professional development training.

All employees are required to attend periodic meetings and training workshops as the Administration determines. Occasionally, employees may also be required to review printed and/or audio-visual training materials. You will be paid for the time during which you are in attendance in training meetings or workshops that are required by DATA.

If an employee requires special assistance in learning a specific procedure as determined by the Administration, that employee may be assigned to work with a more experienced employee who will mentor the employee until the specific performance objective is satisfied.

If employees have a training or conference they would like to attend, the request and cost must be submitted to the C.E.O. for approval. The professional development must be aligned with DATA's goals, and approval is dependent on budget availability.

Purchases

During the course of employment with DATA, it is likely that employees will need or want items for their classrooms/offices, curriculum or students. If the items are regular office supplies, or if you're not sure whether the school may have what you'd like on hand, please email or talk to the Assistant Business Manager. If the item(s) needed are not on hand, you will need to fill out a Purchase Request Form, located in the Business Office, and have it approved in advance with the signature of the C.E.O. Once this form is completed and turned in, the Assistant Business Manager may be able to get items at better prices. Employees should not be purchasing items on their own and then bringing in receipts for reimbursement. Employees who do this will not be guaranteed reimbursement.

Severe Weather & Delays/Closures

DATA follows Albuquerque Public Schools (APS) regarding weather-related changes of schedule for their schools. If their non-east mountain high schools have a delay or closure, DATA will do the same. This information is available on television news networks or on the internet.

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In the case of a delay, use common sense and your best judgment regarding traveling to work in severe weather, such as snow, heavy rain and ice. If you feel it is best not to come in when DATA has a delay, inform Human Resources right away about your absence.

When potentially dangerous weather develops during the day and a decision is made by administration to close, salaried employees will not need to use leave to cover the hours not worked, nor will they need to do so if they elect to leave early due to severe weather.

In the case of a school closure, if more instructional time is needed, the day(s) will be made up at the end of the year for instructional faculty.

Social Functions Policy

At times, social events will be hosted by DATA for employees to attend. Some events will be celebrated with a group luncheon, arranged by administration. At times, DATA may also host parties or social gatherings outside of working hours. These events may take place to celebrate holidays, school successes, or other occasions.

No alcohol will be served at an official school function on or off campus. At unofficial school social functions, employees are responsible for behaving in a professional manner. While alcohol may be served, employees should refrain from becoming intoxicated in order to avoid disruptive or unsafe behavior. Employees must remember that they are representing DATA and need to ensure that they are upholding the school's positive reputation at all times.

Solicitations & Distributions

DATA understands that employees may occasionally wish to communicate with their co-workers to advertise personal items for sale or to participate in fundraisers for non-profit organizations, children's schools and other non-work events. In these instances, DATA allows employees to send one to two emails and to use the Teachers' Lounge, if needed. In respect for others' efficiency, please do not use other resources as a means to solicit or distribute non-work materials, unless related to protected, concerted activity. Other activities that disrupt work hours or operations are prohibited.

Administration reserves the right to monitor such communications and remove them if inappropriate or not in the best interest of DATA operations.

Persons not employed by DATA may not solicit employees for any purpose on school premises, unless approved by Administration.

Workers' Compensation Policy

In accordance with applicable workers' compensation statutes, all employees of DATA who have a work-related injury are eligible for coverage.

REPORTING ACCIDENTS

All work-related accidents or injuries must be reported immediately to the injured employee's supervisor by completing and submitting the *Notice of Accident form (NOA)*, whether or not medical

care is needed. The employee's supervisor must complete the *Supervisor's Accident Investigation Report form*. Both documents are submitted within twenty-four (24) hours from the time the supervisor was informed of the accident to the employer's designated workers' compensation benefit specialist. The workers' compensation benefit specialist will then complete the Employers' First Report of Accident form. All three forms are then forwarded to the employer's insurance carrier or third party administrator within seventy-two (72) hours from the employer's first knowledge of the accident.

MEDICAL TREATMENT

When an injury or illness is life threatening in nature, the injured worker shall seek emergency treatment at the nearest emergency facility or by calling 911. After the emergency has abated, the injured worker will notify in writing the employer of the work related injury and present any disability or return to work notices. Upon such notice, the employer shall notify the worker in writing at that time whether the employer has elected to direct medical care to a selected health care provider or permit the worker to initially select the health care provider.

INITIAL SELECTION OF HEALTH CARE PROVIDER

The New Mexico Workers' Compensation Statute allows DATA to either select the initial health care provider or to permit the worker to initially select the health care provider. The party who did not select the initial health care provider has the right to change to a different health care provider sixty (60) days thereafter. DATA permits the injured worker to select the initial health care provider, as defined by the New Mexico Workers' Compensation Statute, unless the incident involves a blood borne pathogen. In that circumstance, DATA will make the initial selection of health care provider.

WORKERS' COMPENSATION BENEFITS

- **Medical Benefits** - Include all medical, surgical, and drug expenses that are reasonable, necessary and related to the work injury.
- **Lost Wage Benefits (indemnity payments)** - When an employee has been removed from work by an authorized health care provider and cannot earn wages, workers' compensation provides payments based on a portion of his or her average weekly wage up to a maximum limit set by the New Mexico Workers' Compensation Statute. The first seven (7) days (consecutive or non-consecutive) of disability is considered to be the waiting period and no indemnity benefits are due. Indemnity payments will be calculated and issued in accordance with applicable statutes and laws.

USE OF SICK LEAVE FOR WORK RELATED INJURY

When an absence is due to a work-related occurrence, the initial seven (7) days are the statutory waiting period in which no indemnity benefits are paid under the workers' compensation claim. The seven (7) day period can be consecutive or non-consecutive days and must be charged to the employee's leave (Sick, Personal, etc.).

If the worker continues to be disabled after the seven (7) day waiting period, the worker will be entitled to workers' compensation indemnity benefits at an amount equal to 66 2/3% of the worker's

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average weekly wage or up to the statutory maximum allowed at the time of the injury. The worker will not be permitted to use leave during this time.

If the worker's disability extends past 28 days, the worker will then be paid workers' compensation indemnity benefits for the initial seven (7) days of absence. If this occurs, then the worker is required to reimburse their leave (Sick, Personal, etc.).

Finally, workers will not accrue leave time while on workers' compensation.

PAYMENT OF INSURANCE PREMIUMS WHILE DISABLED FROM WORK

When an absence is due to a work-related occurrence, the worker will not receive wages from the employer. At the time of a qualifying disability, it will be necessary for the worker to pay their portion of any insurance premiums directly to the employer.

DATA will continue payment of its matching portion of the insurance premiums in which the worker was enrolled (including medical, dental, vision, and long-term disability) until whichever of these happens first:

1. The worker returns to work from the qualifying disability,
2. Through the end of the current fiscal year (June 30th), or
3. For as long as the worker pays their portion of the premium for up to four (4) months and is still an employee of DATA.

RETURNING TO WORK

Employees returning to work from a Workers' Compensation related accident shall:

1. Submit a written medical statement from the treating physician to the workers' compensation benefit specialist that they are physically able to return to perform the essential job functions of the original position;

or

If physically unable to return to performance of the essential job functions of the original position, the employee shall submit a written medical statement from the treating physician for review by the supervisor, human resources and workers' compensation benefit specialist detailing what specific functions of the original position that they are physically able to perform and what they cannot. Such written medical statement shall specify the employee's physical capacity in the terms outlined by §52-1-26.4, NMSA 1978.

Within five (5) days of receiving this written notification, the employer shall advise the employee in writing of the availability of accommodating work and the start date on which the employee is expected to fill the accommodating position. If available, accommodations will be made for no more than 3 months. If the 3-month point is reached, the employee's condition and position will be re-evaluated at that time;

or

If physically unable to perform even marginal job duties, employee will submit a written

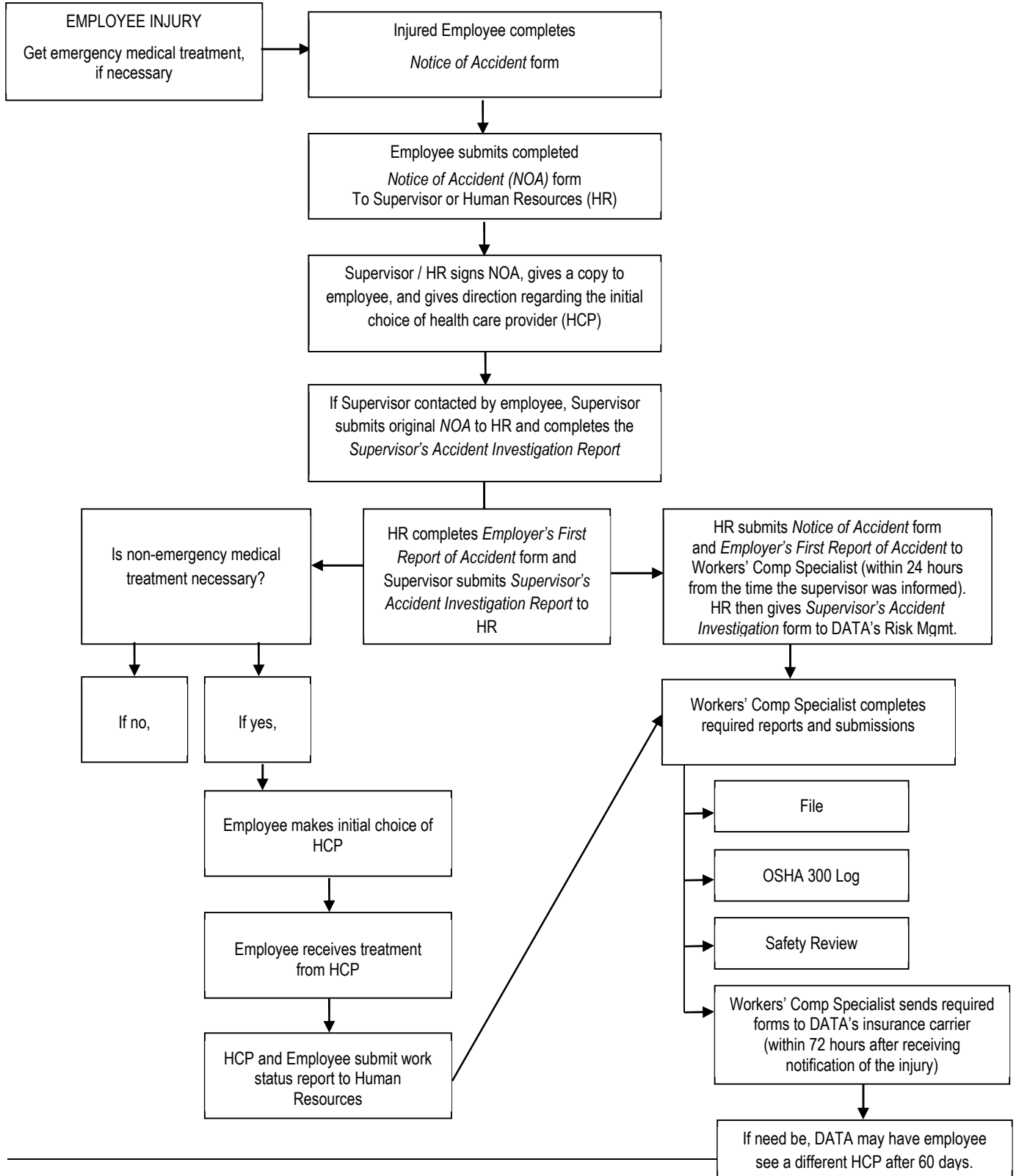
medical statement from the treating physician to the workers' compensation benefit specialist to that effect for review by the supervisor, human resources and workers' compensation benefit specialist.

2. Present themselves for work within one (1) working day after being released to return to work by his or her treating physician, or being notified of accommodating work by DATA.

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Injury Reporting Procedure - If you are involved in an accident, you must comply with the following Employee Injury Reporting Procedure. Human Resources will guide you through the steps.



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EMPLOYEE BENEFITS & TIME AWAY FROM WORK

Employee Benefits (this section refers to the various Employee Classifications on p. 31)

It is the policy of DATA to provide its employees with various life insurance, core / health, supplemental and pension benefits. Core benefits include medical, dental, vision, prescription drug, basic and additional life, and disability insurances. Supplemental benefits provide a variety of other kinds of options, such as a pre-tax option for health premiums, critical illness and additional life insurances, retirement plans, etc. The pension benefit is made possible through mandatory payroll deductions to the Educational Retirement Board (ERB), who administrates the plan.

Those who are entitled to all the core and supplemental benefits DATA offers are the employees classified as “Regular” and work a .5 Full Time Equivalent (FTE) schedule or more. Employment for Regulars is usually continuous and is subject to satisfactory performance and availability of funding. The pension plan has a separate list of specific criteria defining those who are required to contribute by statute and who are therefore eligible for pension benefits.

Information and summaries intended to explain these benefit plans will be furnished to all plan participants on a timely and continuing basis. DATA reserves the right to modify, amend, or terminate its core, supplemental and pension benefits as they apply to all current, former, and retired employees. Benefits under each benefit plan will be paid only if the Human Resources Coordinator determines that the applicant is entitled to them according to the criteria for eligibility. All benefits provided by DATA are described in documents that are kept on file in the Human Resources Office. These documents are available for examination by any plan participant or beneficiary.

Participant contributions to benefit plans will normally be deducted from the employee’s paycheck, if the employee has signed the appropriate benefits enrollment forms. Each pay period, employees should review their check vouchers for accuracy. These voluntary deductions will continue to be taken out of the employee’s paycheck unless benefit elections are changed. In addition, due to the rising costs of healthcare, premiums may be increased by our Plan provider; and this typically happens only one time per year. If this is the case, you will be informed in advance.

Employees can also elect to have contributions for qualifying core and supplemental benefits excluded from their gross wages for income tax purposes. Representatives come to DATA once a year to sign up those who are interested; and those who may be hired after that time can contact the Human Resources Coordinator for assistance.

In the event that an employee is called for a military, jury duty or other leave of absence, or as a result of termination, reduction in work hours, injury or illness, and other qualifying events, employees may be eligible to continue DATA’s group coverage. Please contact the Human Resources Coordinator as soon as possible if major events like these occur, so you can be informed about all of your benefit options. Employees are encouraged to consult the Program Guide for details on the core benefits. They can also contact the Human Resources Coordinator regarding any of the benefits, including supplemental and other benefit details.

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Administrative Leave

The Chief Executive Officer, at his/her sole discretion, may place an employee on administrative leave, with or without pay, for reasons perceived to be of an urgent or serious nature affecting the employee's ability to deliver professional services. Administrative leave is not punitive or disciplinary in nature. During leave with pay, regular accruals continue.

Bereavement Leave (Submit a Request for Leave Form in advance and request a substitute, if applicable)

DATA recognizes the need for time away from work when there has been a personal loss. If a family member or friend of an employee should pass away, the employee will be granted up to three days off with pay. An additional two (2) days may be granted with pay for out of state travel. If an employee needs more time than this, they can talk with Administration to develop a plan.

Bereavement leave will not count against any personal or annual leave unless used for the funeral of relatives and friends other than those listed above. Bereavement leave pay will not be granted to employees attending a funeral during periods when, for other reasons, they are not at work, such as vacation, holidays and illness.

DATA may request basic information, such as the deceased individual's name, the name and address of the funeral home, and/or the date of the funeral.

Communicable Disease Policy

A communicable disease is a disease that can be transmitted from one individual to another via: (1) direct physical contact, (2) the air (cough, sneeze or particle inhaled), (3) through a transmission vehicle (either ingested or injected) or (4) through a vector (animals or insects). Examples of some of the most common communicable diseases include: measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV), AIDS, AIDS-Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS) and tuberculosis (TB). This definition may be broadened in accordance with the recommendations and information provided from the Centers for Disease Control and Prevention (CDC).

DATA will make decisions involving those with communicable diseases based on medical information concerning the disease in question, the risks of transmission to others, symptoms and any special circumstances of the individuals involved. DATA will weigh potential risks and available alternatives before making any decisions.

Reporting Procedure:

Those employees who demonstrate signs or symptoms of a communicable disease that poses a credible threat of transmission in the DATA workplace should report that potential infection or disease immediately to Human Resources. The employee is then responsible for keeping DATA informed of his or her condition in case it may require extended care, missed work, etc. The employee may also be required to provide written documentation from a physician to return to the worksite. If paid leave is used to cover the absence, normal accruals will continue.

Hiring and Employment

DATA will not discriminate against job applicants or employees with a communicable disease. These individuals will not be denied access to the worksite solely because they have a communicable disease, but may be excluded from DATA facilities, programs and functions if administration determines that restriction is necessary to protect the welfare of the infected individual or the welfare of others. DATA will comply with all applicable statutes that protect the privacy of individuals with communicable diseases.

Abuse of this policy will result in disciplinary action up to and including termination. DATA reserves the right to revise this policy without notice during changing pandemic conditions.

Jury & Witness Duty (Submit a Request for Leave Form in advance and request a substitute, if applicable)

When you are unable to report to work because of jury service, attach a copy of your summons to serve on a jury to a leave slip and have your supervisor sign the leave slip prior to the time that you are scheduled to serve. Paid leave will be granted for up to two weeks of jury duty. After that, accrued, non-sick leave time may be used, if available, or jury duty absences will be unpaid.

Time spent on jury duty will not be counted as hours worked for the purpose of computing comp time or overtime, though time off accrual will continue, if the employee is on paid leave.

Other than jury duty, except as a plaintiff or defendant, court leave with pay will be provided where an employee is required by a lawful subpoena to testify in a court or administrative proceeding.

Leave of Absence

(Submit an Extended Leave of Absence Request form and request a substitute, if applicable)

Employees who remain unable to report to work for ten (10) calendar days must submit an Extended Leave of Absence Request form to Human Resources. If an employee requests and is approved for a Leave of Absence, accrued leaves will run concurrently until exhausted. After that, the remainder of the Leave of Absence will be unpaid.

Depending on the situation, a doctor's certification must also be submitted, and the certification must contain a probable date of return. Continued leave accrual will depend on the situation as well. The Extended Leave form may be obtained in the Human Resources Office.

Military Leave (Submit a Request for Leave Form in advance and request a substitute, if applicable)

DATA will abide by all the provisions of the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and will grant military leave to all eligible full-time and part-time employees. Military leave may be granted to full-time and part-time employees for a period of four years plus a one-year voluntary extension of active duty (five years total) if this is at the request and for the convenience of the United States government.

As with any leave of absence, employees must provide advance notice to their supervisor of their intent to take a military leave and must provide appropriate documentation unless giving such notice is impossible, unreasonable, or precluded by military necessity.

1. An employee's salary will not continue during a military leave unless required by law. During their military leave, however, employees may request to use any non-sick leave time they have accrued. DATA may offer employees this option but cannot require that employees use any accrued leave while absent because of military service.
2. Employee Benefit coverage will continue for 31 days, as long as employees pay their normal portion of the cost of benefits. For leaves lasting longer than 31 days, employees will be eligible to continue health benefits under COBRA and will be required to pay up to 102 percent of the total cost of their health benefits, if they wish to continue benefits.
3. Upon return from military leave, employees will be reinstated with the same seniority, pay, status, and benefit rights that they would have had if they had worked continuously.
 - Employees must apply for employment within 90 days of discharge from the military.
 - Employees who fail to report for work within the prescribed time after completion of military service will be considered to have voluntarily terminated their employment.
 - If service was for less than 90 days, DATA must restore the employee to the exact same job. If service was longer than 90 days, the employee must be restored to their same job or a similar job.
 - There are special extensions of time for returning employees who are hospitalized for or convalescing from injuries that incurred or were aggravated by military service.
4. If employees are reservists in any branch of the Armed Forces or members of the National Guard, they will be granted time off for military training. Such time off will not be considered vacation time. However, employees may elect to use their non-sick, accrued time during their reserve duty period to the extent they have such time available.

Please see Human Resources for details.

Nursing Mothers

To ease the transition of mothers returning to work following the birth of a child, lactation accommodation will be provided for nursing mothers. Please contact Human Resources for details.

Paid Time Off (Submit a Request for Leave Form in advance and request a substitute, if needed)

Paid Time Off benefits for each position will be specified in contracts and agreements, if applicable.

Pandemic / Infectious Disease Leave

The Governing Council of DATA strives to provide a safe and healthy workplace for all employees and students and approved a policy to safeguard employees' health and well-being during an epidemic or pandemic, while ensuring the DATA's ability to maintain essential operations and continue providing essential services to DATA's students during such an outbreak.

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The provisions of this policy, including its paid leave provisions do not replace or supplement any existing leave policies for paid leave granted to employee with a verifiable illness, and it only may be used as set forth in this policy.

- This Policy may only be implemented upon the issuance of a state of health emergency by the Governor due to an epidemic or pandemic of an infectious disease in the State or the issuance of an order/declaration by local health department of a localized epidemic of an infectious disease within DATA. However, this Policy is not dependent upon any request by the Secretary or order from the Governor to close or to partially close public schools as part of a health crisis, and the Governing Council reserves the right to close or partially close DATA under its own authority.
- The Chief Executive Officer shall take immediate and necessary steps to minimize to the extent practicable exposure to and spread of infection in the workplace.
- As appropriate, DATA may recommend measures that employees can take to protect themselves outside the workplace and encourages all employees to discuss their specific needs with a family physician or other appropriate health or wellness professional.
- No employee will be permitted to return to work if the employee has fallen ill with a verifiable illness or is reasonably suspected to have been exposed to an infectious disease until medically cleared to return by a medical profession or by a local, State or federal health authority. Such clearance must be in writing and verifiable.
- The Chief Executive Officer may implement screening of any or all employees to identify employees who are ill at work or who have been exposed to an infectious disease in or away from the workplace, including during personal or business travel as allowed by law.
- The Chief Executive Officer will designate essential personnel for DATA with discretion to address the specific demands and/or restrictions of any declared state of health emergency or community health department order/declaration entered by the federal, State or local governments.
- In the event of pandemic influenza or other epidemic of infectious disease, the Chief Executive Officer may grant all nonessential personnel immediate administrative leave with pay, will monitor emergency conditions to determine how long administrative leave must continue and will work without outside authorities to determine when to employees should expect to return to work.
- At the Chief Executive Officer's discretion or the direction of outside health authorities, her or she can require the isolation and quarantine, including removal from the workplace of any infected employees or employees reasonably suspected of being infected, who come to work despite exposure or need for medical attention.
- Under this Policy, nonessential personnel are reassigned home and may be assigned work assignments at home or be required to report to work as determined by the Chief Executive Officer for temporary and specific work assignments.

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- DATA expects employees who contract the flu or other infectious disease or have been exposed to infected family members or others with whom employees have been in contact to stay home and seek medical attention as necessary and appropriate. DATA expects such workers to notify the Chief Executive Officer or his or her designee as soon as possible of exposure or illness.
- The Chief Executive Officer shall make all reasonable efforts to eliminate the need for travel by taking advantage of technology that allows employees to communicate or otherwise operate electronically. Generally, in the event of an influenza pandemic or epidemic of other infectious diseases, travel on DATA's behalf when this Policy's administrative leave provisions are implemented is immediately suspended.
- Employees are required to notify the Human Resources Department of any change in emergency-contact information within two weeks of the change. H.R. shall maintain an up-to-date emergency-contact list for DATA.

Professional Development Leave

(Submit a Request for Leave Form in advance and request a substitute, if needed)

DATA understands that the development of a highly qualified faculty and staff sometimes requires training and activities outside of those provided in meetings on campus. As a result, at the discretion of the DATA Administration, professional leave may be granted for professional development, professional organizational activities, school-related professional activities, or other activities related to the employee's assignments.

A Request for Leave Form must be completed, signed by the employee's supervisor, and submitted to Human Resources prior to the event. Leave is granted with pay, if the employees are representatives of DATA at the activities mentioned; and professional leave is not counted against any accrued time the employee may have. In addition, leave accruals continue while the employee is on Professional Development Leave.

Religious Observances (Submit a Request for Leave Form in advance and request a substitute, if needed)

DATA understands and respects the individual religious beliefs of all employees and will allow employees who must attend religious observances or be away from the school on days of operation for religious reasons to use their personal or accrued (non-sick) leave time and/or will make other reasonable accommodations.

1. Employees who need time off for religious observances should request leave from their supervisors at least one week in advance and submit a signed Request for Leave form to Human Resources.

Supervisors will authorize schedule changes or additional use of accrued (non-sick) or unpaid leave only where the requested arrangement neither prevents the requesting employee from meeting the requirements of the job nor unfairly burdens other employees, in the supervisor's judgment.

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2. Any requests for a religious accommodation at work must be submitted in writing to Human Resources. The request must note what the religious conflict is and offer a suggestion to DATA on how to remedy that conflict. The employee will meet with Human Resources to discuss the request and whether it is being approved or denied.

Leave accruals continue when employees use their paid leave time. All questions or requests for leave should be directed to Human Resources.

Sick Leave (A signed Leave Form is not required)

Sick Leave for each position will be specified in contracts / agreements and addendums, if applicable.

Sick Leave Bank Policy

The purpose of the Sick Leave Bank is to provide additional paid leave for employees who have exhausted their accrued leave benefits as the result of a catastrophic illness or injury. The Bank serves as a depository into which eligible employees may voluntarily contribute leave for allocation to other employees. Application can be made when a prolonged and catastrophic illness or injury is incurred by the employee or a member of the employee's immediate family that requires hospitalization or home confinement and for which no other compensation will be received.

The employee must be working at DATA as a regular full-time or part-time employee at the time of application and have exhausted all paid leave to apply. The maximum benefit that any employee can receive in a school year is four (4) of his/her work weeks. In addition, an employee can receive this benefit no more than 2 years consecutively.

Employees who wish to contribute to or apply for leave from the Sick Leave Bank should contact Human Resources for the appropriate form. Those who are applying will also need to turn in a DATA Physician's Statement confirming the reason(s) and necessity for the leave.

Conditions which make the Employee Ineligible for Benefit

1. Employees who have work related injuries covered by Worker's Compensation
2. Treatment not requiring immediate attention which could have been obtained during the employee's normal non-working period (i.e. winter break, spring break, summer break, etc.)
3. Elective treatment/surgery
4. Normal pregnancy. However, pregnancies involving extraordinary complications requiring hospitalization and/or home confinement may be considered by the Sick Leave Bank Committee.
5. Substance abuse and related treatment
6. Self-inflicted injuries
7. Injuries incurred in the commission of a crime or as part of a criminal act

To make this benefit available and at the same time prevent liability to the school, donated hours will not be carried over from year to year. However, if there is a need for leave and the Bank does not have sufficient hours, employees will be informed so they have the opportunity to donate; and doing so is completely voluntary.

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Should an employee be out of leave and be ill due to something that is not catastrophic and prolonged, the employee may talk to Administration about the possibility of using a few hours or days from the Sick Leave Bank.

Time Off to Vote

DATA encourages its employees to participate in the election of government leaders and to inquire about the opportunities for early or absentee ballot voting. Every effort should be made to vote either before or after the employee's normal workday. However, according to New Mexico law (*NMSA 1-12-42*), on election day (including elections of Indian Nations, tribes or pueblos), employees who are qualified to vote in the election are entitled to two (2) hours of leave for the purpose of voting between the time of opening and the time of closing the polls. However, an employee whose work day begins more than two (2) hours subsequent to the time of opening the polls, or ends more than three (3) hours prior to the time of closing the polls is not entitled to this leave.

Employees must make arrangements with their supervisor in advance, and DATA has the right to change an employee's regular work schedule so that he/she may have time to vote within the timeframes allowed under the law. If leave time is granted, DATA has the right to specify the hours during this period in which the employee may take leave to vote.

Employees will not be disciplined or otherwise penalized for taking voting leave or for failing to vote.

- No deductions will be made from wages or salaries, and employees will not be expected to make up the missed work hours.
- Time off to vote is paid and does not count against an employee's accrued time off.

Victims of Domestic Abuse Leave

In accordance with New Mexico law (NM Statutes § 50-4A), "Promoting Financial Independence for Victims of Domestic Abuse Act," DATA will provide reasonable Domestic Abuse Leave from work for up to fourteen (14) days in any calendar year so that an employee who is a victim of domestic abuse, domestic violence, or sexual assault, or who has a family member who is a victim of domestic abuse can:

1. Obtain a protective court order or other judicial relief;
2. Meet with law enforcement officials;
3. Consult with attorneys or victim advocates;
4. Prepare for and attend court proceedings related to the domestic abuse for themselves or family members;
5. Seek treatment by a health care provider for physical or mental injury caused by domestic abuse; or
6. Obtain or assist a family member in obtaining mental health counseling when the employee or family member is a victim of domestic abuse.

This leave may be paid, if the employee has sick or other accrued leave to use; unpaid, if no accrued leave is available; or a combination thereof. If the leave is paid, regular accrued time will continue to accrue.

For leave, DATA may require an employee to provide written verification that the employee or the employee's family member is a victim of domestic abuse, and that leave is taken for one of the reasons described in this policy. Such verification must be provided in a timely manner to the Human Resources Department. An employee can provide verification through one or more of the following:

1. A police report indicating that the employee or family member was a victim of domestic abuse.
2. Court protection order separating the employee or family member from a perpetrator of domestic abuse.
3. The victim's domestic abuse advocate, the victim's attorney, a law enforcement official, or the prosecuting attorney.
4. An employee's or victim's written statement that the employee or the family member is a victim of domestic violence, sexual assault, or stalking.

DATA will treat information the employee provides confidentially. Information will only be disclosed if requested or consented to by the employee, as ordered by the court or administrative agency, or as otherwise required by applicable federal or state law.

Upon returning from approved Domestic Abuse Leave, the employee will be returned either to the position held at the time the leave began, or to an equivalent position unless the employee was hired for a specific term or only to perform work on a specific project.

DATA will not take adverse employment action against an employee because the employee has exercised rights provided under this policy or the law upon which this policy is based.

Volunteer Emergency Responder Leave

In accordance with New Mexico law (NMSA 12-10C-3), the "Volunteer Emergency Responder Job Protection Act," DATA provides up to ten (10) days of unpaid leave in a calendar year to employees who are absent from the workplace in order to respond to an emergency or disaster.

The New Mexico Volunteer Emergency Responder Job Protection Act prohibits employers from terminating, demoting, or in any other manner discriminating against an employee who is absent from his or her employment for up to 10 regular business days in a calendar year in order to serve as a volunteer emergency responder for an emergency or disaster (NMSA 10-18-1).

- A covered "emergency or disaster" is an event that is declared by the governor or president of the United States.
- A "volunteer emergency responder" is defined as a person who is a member in good standing of a volunteer fire department, an emergency medical service, a search and rescue team, or a law enforcement agency, or who is enrolled by the state or a political subdivision of the state for response to an emergency or disaster.

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NOTIFICATION REQUIRED - An employee who will be absent from his or her employment in order to serve as a volunteer emergency responder must make reasonable efforts to notify the employer and continue to make those reasonable notification efforts over the course of the absence.

DOCUMENTATION OF SERVICE REQUIRED - DATA requires that the employee provide written verification from the office of emergency management or a state or local official managing an emergency or disaster of the dates and time that the employee served as a volunteer emergency responder.

LEAVE IS UNPAID - DATA will not pay for the time the employee is absent from employment while serving as a volunteer responder to an emergency or disaster, unless the employee chooses to use accrued, non-sick leave for the time that they are out on Volunteer Emergency Responder Leave. Regular time off accruals will continue if leave is paid.

Leaves Not Mentioned

Leaves not specifically covered by the above policies will be reviewed on a case by case basis by the Business Office and the school's Chief Executive Officer.

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