

## **CMS EMPLOYEE HANDBOOK SECTION 4: *Employment Information***

### **Staff Contact Information**

An employee should notify his/her immediate supervisor and the Employee Services Department, as soon as possible, of any change of name or emergency contact information. If there is a status change with an individual who is listed on an employee's benefits document, the Benefits Office should be notified as soon as possible. Change of address and telephone number changes can be made through Employee Access in Skyward.

### **Meetings / Orientation**

Principals/supervisors are responsible for employee attendance at building level staff meetings, new educator orientation days, and participation in district in-service training. Employees are responsible for obtaining information regarding the location and time of the required meeting(s) and to attend as directed.

New educator orientation days consist of a general orientation to the District as well as the state-required training in Bloodborne Pathogen, Asthma Awareness, Sexual Harassment Staff-Staff, Sexual Misconduct Staff-Student, Playground Supervision (elementary only), Child Abuse Identification and Intervention, and Student Drug & Alcohol Abuse.

Numerous professional development opportunities occur throughout the year, and participation in the District Staff Development Program is based on individual interests and needs. Maintenance, Student Nutrition, Custodial, Related Services, and site supervisors will conduct training sessions at their discretion.

### **Documentation for Contracts and Compensation**

After successful completion of the background check process, each employee will provide the following information no later than October 1 or within thirty (30) days from the date of employment:

1. A proper license for the position to be held (certified and educational assistants, selected maintenance staff)
2. An official transcript or high school diploma/GED showing education record and training
3. Suitable evidence of the date of birth
4. Any other documentation as may be required by law

Failure to meet the required documentation submission timeline may cause the discontinuance of salary and the possible reimbursement of compensation received from the District.

### **Competencies**

Competencies for each job description may be obtained from your supervisor or on the District's website under the Employee Services Department. Competencies are addressed as a part of the District's Performance Evaluation Plan.

For teachers/certified librarians, the indicators for each level of competence may be obtained from your building principal or on the [www.teachnm.org](http://www.teachnm.org) website.

### **Health/Medical Examinations**

If at any time there is a question as to the ability of an employee to perform his/her assigned responsibilities or for other good and just reasons, the District may require a complete medical examination performed by a District appointed physician. The school district will pay for the examination.

Such a medical examination will be considered job-related and consistent with business necessity, and therefore permissible, in the following situations:

- When an employee wishes to return to work following an absence due to illness or injury. An examination may be conducted to determine if the employee, with reasonable accommodation, can safely and effectively perform the essential functions of the job.

- When an employee requests an accommodation. If an employee requests an accommodation on the basis of a claimed disability, an examination may be conducted to determine if the employee is an "individual with a disability" to whom a duty of accommodation is owed and, if so, to identify potential accommodations.
- When an employee is having difficulty performing the assigned job effectively, the District may require the employee to undergo a medical examination to determine if the performance problems are a result of an underlying medical condition.
- Medical examinations or monitoring are required under certain circumstances by regulations issued by the Department of Transportation and the Occupational Safety and Health Administration. Note that this does not include the normal doctor's excuse to not report to work or the doctor's note to return to work following an illness or medical care. For this type of medical documentation, the employee is generally responsible for paying for his/her own medical care.

### **Job Descriptions**

Job descriptions may be obtained from your supervisor. A copy may be provided to each employee at the initial point of employment. Job descriptions are also available on the District's website under the Employee Services Department. Job descriptions are subject to change without notice.

### **Licensure Requirements**

All staff members who are required to have a current license issued by the New Mexico Public Education Department, other licensure agencies, or regulatory boards in New Mexico must provide a copy of the license to the Employee Services Department by the state mandated deadlines.

Teachers, educational assistants, special education ancillary staff, librarians, counselors, social workers, coaches, trainers, therapists, administrators, and substitute teachers are a partial list of staff members who must be licensed.

The District provides training to educational assistants in an effort to assist them in acquiring a license, but it is the employee's responsibility to acquire the license.

Employees who do not have a license with the New Mexico Public Education Department are required to submit a fingerprint background check. Forms and information about licensure are available in the Employee Services Department and at the New Mexico Public Education Department's website: <http://www.ped.state.nm.us> and <https://webnew.ped.state.nm.us/bureaus/licensure/> under Licensure Information.

### **Continuing License, Renewing License**

For continuing licensure at all levels, your most recent employing local superintendent or nonpublic school administrator must verify that you have satisfactorily demonstrated the New Mexico Public Education Department's (PED) approved competencies. If you possess more than one license, you may renew each of those licenses provided that you have satisfactorily demonstrated the competencies for the license under which you are currently employed.

Should the local superintendent or nonpublic school administrator verify that you have not satisfactorily demonstrated the PED approved competencies, you may follow an established appeals procedure. A copy of the appeals procedure may be obtained from the New Mexico Public Education Department's Professional Licensure Unit.

**It is the employee's responsibility to monitor the expiration date of his/her license, take the necessary steps for renewal, provide a copy to the Employee Services Department, and do so prior to the state mandated deadlines.** If an employee does not maintain a current, valid license for the position for which he/she is hired, he/she will not be entitled to monetary compensation.

## **Personnel Records**

The Deputy Superintendent of Employee Services shall maintain a personnel file for each employee. This file will be retained in the District Administration Building with proper security controls observed. The personnel records of the school system will comply with all state and federal regulatory agencies. The records generally will include, but not be limited to:

### *Pre-Employment File:*

1. Original application and references
2. Documents obtained prior to employment, i.e., police record checks, court checks, worker compensation history, etc.
3. Reference documents prepared for submission to other agencies to which an employee may have applied for employment

### *Personnel File:*

1. Complete transcript of college credit or high school diploma
2. Current teaching certificate/license, if required
3. Driver's License or Passport
4. Social Security Card
5. Birth Certificate
6. Retirement record
7. Contracts or letters of employment
8. Supervising reports
9. Service record
10. W-4 form

Personnel records of the District are not classified as public records; therefore, are not open to public inspection. The use of the personnel file will be limited to the employee and his/her designated representative, the Superintendent or his/her designated representative, or the principal/supervisor. Use of the file by any of the above individuals will be through the office of the Deputy Superintendent of Employee Services.

Employees may have an opportunity to respond, in writing, to any material in their personnel file that they consider to be incorrect and negative and/or detrimental to their professional status or personal character. The response by the employee shall be included in his/her personnel record. Personnel may have what they consider incorrect, negative, and/or detrimental materials removed from their personnel record under the following guidelines:

1. A period of two (2) years has passed
2. The Deputy Superintendent of Employee Services and the Superintendent agree to its removal
3. All personnel involved in the material's submission to the personnel record and the employee agree to its removal, thereby agreeing that the reason for the initial submittal has been resolved.

If an employee wishes to review his/her personnel file, he/she may do so by contacting the Employee Services Department to schedule an appointment. Upon request by the employee, copies of personnel file documents will be provided by the Employee Services Department.

## **Required Training**

All employees shall be required to complete training in Bloodborne Pathogen, Asthma Awareness, Sexual Harassment Staff-Staff, Sexual Misconduct Staff-Student, Playground Supervision (elementary only), Child Abuse Identification and Intervention, Student Drug & Alcohol Abuse, Coronavirus: Awareness, and Coronavirus: Cleaning and Disinfecting your Workplace. This requirement shall be completed each school year. Additional training may be required of staff members periodically as a condition of continued employment in order for the District to meet legislative mandates and state and federal laws and regulations.

## **Optional Training**

Additional training is available on Safeschools including; Coronavirus: Managing Stress and Anxiety, and

Coronavirus: Preparing Your Household.

## **Resignations**

Resignations or any provision in regard to notification of resignation by an employee will depend on the conditions of tenure and continuing contract that are in effect. The District does not expect its employees to feel an obligation beyond the legal requirements of their contracts. The District does expect employees to act in accordance with several ethical considerations.

When feasible, a full-time employee who has been approached with an offer of employment outside the District should inform the appropriate administrators of the District when such negotiations are in progress. The conclusion of a binding agreement for the employee to accept a position elsewhere should always be followed by a prompt notice to the District.

A full-time employee should not resign in order to accept other employment during the term of a contract. It is recognized that emergencies occur. In such an emergency, the employee may ask the Deputy Superintendent of Employee Services to waive this requirement.

For certified/licensed staff, a written notice of resignation shall be filed with the Deputy Superintendent of Employee Services thirty (30) days prior to the effective date of resignation. The Deputy Superintendent of Employee Services may waive the 30-day notice. A resignation form may be obtained from the Employee Services Department or from the District's website. *Only the Superintendent may rescind a resignation.*

## **Transfers**

To be considered for a transfer to a different position within the District, an employee must complete an application. Teachers who are interested in transferring to a different position must follow the Lateral Transfer Process.

The Superintendent will determine all staff assignments. Such assignments shall be based on the needs of the District. In addition, no right to school, grade, or subject assignment shall be inferred from the standard teacher's contract. Therefore, assignments of all staff members may be changed to serve the best interest of the District.

Staff members may apply for transfer or reassignment when vacancies exist. Generally, transfers will not be approved during the school year unless the needs of the District dictate such.

It shall be the policy of the Board that personnel be assigned on the basis of their qualifications, needs of the District, and their expressed desires. When it is not possible to meet all three (3) conditions, personnel shall be assigned first in accordance with the needs of the District, second where the Superintendent determines the employee is most qualified to serve, and third as to expressed preference of the employee.

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

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

## **Vacancies**

Vacancies in the District are generally posted on the District's website. Current employees who apply for a vacant position are fairly considered. Occasionally, preference is given to current District employees when the job description suggests they may be the best-qualified group of applicants. Generally, current employees who have applied for a position are given equal consideration with all applicants for the position.

## **Evaluation of Professional Personnel**

Evaluation of certified employees is necessary to improve performance and to move the District toward excellence. Another purpose of evaluation is to contribute to the process for the determination of re-employment, termination, and/or reassignment.

Clovis Municipal Schools' evaluation process will include student/parents/peer assessments, administrative observations, as needed; performance goals and objectives; competencies, and job descriptions. Procedures and suggested timelines for implementing Board Policy G-5350 are set forth in the District's handbook, Cooperative Professional Development Plan, and/or the New Mexico Public Education Department's website under NMTEACH.

## **Evaluation of Support Personnel**

Evaluation of support personnel is necessary to improve performance and to move the District toward excellence. Another purpose of an evaluation is to contribute to the process for the determination of re-employment, termination, and/or reassignment.

Immediate supervisors and directors are responsible for the evaluation of support staff. Procedures and suggested timelines for implementing Board Policy G-8900 are set forth in the District's handbook, Cooperative Professional Development Plan for Support Staff. A current copy is available on the District's website under the Employee Services Department.

## **Employee Discipline Process**

For job performance that is less than acceptable or for misconduct, supervisors may use a number of tools to motivate, correct, and/or discipline employees, including, but not limited to warnings, reprimands, suspension with or without pay, and discharge, as determined to be appropriate.

Progressive discipline may be used to correct employee behavioral or performance issues. In this process, employees may receive the following: (1) informal warning/counseling, (2) documented warning/reprimand/directive, (3) increasing disciplinary action, and (4) notice of termination/dismissal. However, there may be situations where the severity or seriousness of the offense justifies the omission of one or more of the steps in this process. Likewise, there may be situations where a disciplinary step is repeated.

Employees may respond in writing, in a timely fashion, to any disciplinary documentation they may receive from their supervisors. This process is separate from the District's Grievance Procedure.

If warranted, employees may be temporarily suspended from their worksite due to an incident.

Following an investigation, if the action or incident does not warrant dismissal, the employee will be reinstated to his/her position with all salary and benefits.

CMS employees may be suspended for actions, incidents, or work habits that do not adhere to policies of the Board of Education and/or administrative rules and regulations of Clovis Municipal Schools.

## **Administrative Leave Pending Possible Disciplinary Action**

If you are suspected of violating District policies, procedures, or work rules, you may be placed on Administrative Leave, with or without pay, pending an investigation. If placed on Administrative Leave With Pay, this may not be considered a disciplinary action. Instead, this action is often done to protect both the employee and the District until an appropriate investigation can be completed.

## **Disciplinary Actions and Suspensions**

Disciplinary action against an employee may take the form of a written reprimand or suspension (with or without

loss of pay). Causes for such actions and procedures are as follows:

- A. In the event the administration (Superintendent, principals or supervisors) learn that a staff member has been indicted, charged, or otherwise accused of having committed an offense which might warrant dismissal, the Superintendent may suspend the employee from duties, without loss of pay, until the question of the employee's fitness to perform his or her duties is resolved. Accusations which might warrant suspension include, but are not limited to, a charge that an employee has committed a felony or other crime involving moral turpitude, or otherwise has engaged in the conduct of a morally reprehensible nature tending to discredit the faculty or the District or to cast doubt upon the employee's fitness to continue serving in his or her position.
- B. In the event the Superintendent determines that suspension from duties is warranted and upon completion of an investigation, the Superintendent shall either return the employee to duty or initiate procedures for dismissal.
- C. In the event the Superintendent initiates procedures for dismissal, he/she shall give the employee written notice of proposed action and a statement informing the employee of his/her right to a hearing.

### **Dismissal or Termination**

Dismissal or termination of an employee may be imposed for cause, including but not limited to the following reasons:

1. Conviction of a felony or a crime involving moral turpitude;
2. Unlawful use of alcohol or narcotics;
3. Failure to comply with official directives and/or established Board of Education policies, or;
4. Physical or mental incapacity preventing performance of duties.

NOTE: dismissal of a certified staff member during the term of a contract requires due process.

### **Workplace Grievances**

This applies only to grievances, which relate to conditions of employment.

NOTE: *Grievances that relate to equal employment and educational opportunity, sexual harassment, and discrimination of groups that are protected under federal or state law are not covered in this process. Please refer to "Grievance Procedures for Civil Right Discrimination" contained in this Handbook.*

Terms and conditions of employment mean the hours of employment, compensation, including fringe benefits, and the employer's personnel policies directly affecting the employee. In the case of professional employees, the term does not include educational policies of the District.

In regards to workplace grievances, you should first try to resolve the matter by discussing it informally with your immediate supervisor. If that does not work, you must put your concern(s) in writing to your immediate supervisor. From this point forward, please follow the process outlined below. Please note, some concerns are not grievable using this process. For example, if your supervisor gives you a 'bad evaluation or written reprimand', you can respond in writing as a part of the Performance Evaluation Plan; you do not respond by filing a grievance under this process.

No person shall suffer retaliation, recrimination, discrimination, harassment, or otherwise be adversely affected because of the use of the grievance procedure.

The following procedure has been established for effective communication between District employees, administrative staff, and the Board:

- Prior to filing a formal written grievance, the grievant must attempt to resolve the matter by one (1) or more informal conferences with the immediate supervisor. The first informal conference must be conducted within ten (10) days after the employee knew, or should have known, of the act or omission,

giving rise to the grievance. A second or any subsequent conference must occur within five (5) days after the initial informal conference or any subsequent conference.

- If the informal conference(s) does not resolve the matter, the grievant moves to the Formal Grievance Process. The process is explained in detail in CMS Board Regulation G-1811, and the necessary forms are provided in CMS Board Exhibit G-1831. The regulation and form are also available in the Employee Services Department.
- Please note, employees must follow and complete each level in the formal process prior to moving to the next level. The Formal Grievance Process always begins with your immediate supervisor.

The following situations are **not** covered by this grievance procedure:

- The discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by the designated evaluator(s).
- A personnel decision made by the Superintendent, including but not limited to termination or discharge, demotion, or Board action directly and adversely affecting an employee's employment, which may be subject to redress through provisions of state law and regulation.
- Situations in which the Superintendent and the Board are without authority to act or where the power to remedy the employee's concern resides exclusively with some person, agency or authority other than the Board.
- Situations as to which a different procedure for a remedy has been provided by the Board, or where state or federal authority prescribes District procedure.