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INTRODUCTION

This Employee Handbook has been developed by the District to provide employees and potential employees with essential information that promotes a positive work and learning environment. For further discussion regarding any of the contents in this Handbook you are highly encouraged to review the District’s Personnel Policies and Procedures Manual (Index Series 200) and the District’s Collective Bargaining Agreement (Posted on the HR Web Page). Further assistance and information is available from your immediate supervisor or the Director of Human Resources.

Nothing within these policies is intended to constitute the establishment of any employment contract property right for any employee beyond those employment property rights specifically set forth under Section 22 of the New Mexico Statutes Annotated (1978).

This Handbook is not intended to cover every situation, which may arise during an employee’s employment with the District. Rather, the Handbook is intended as a general guide to the goals, policies, practices, benefits and expectations of the District.

The Bernalillo District

The Bernalillo Public Schools serves over 3,000 students in the culturally rich Rio Grande Valley, from the villages of Bernalillo, Cochiti Lake, Peña Blanca, Placitas, and Sile and from five pueblo communities including Cochiti, Santa Domingo, San Felipe, Sandia, and Santa Ana.

The Bernalillo Public School District consists of nine schools. They are:

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<th>Grade Range</th>
<th>Location</th>
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<td>Algodones Elementary</td>
<td>PK-4&lt;sup&gt;th&lt;/sup&gt; grade</td>
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<td>6&lt;sup&gt;th&lt;/sup&gt;–8&lt;sup&gt;th&lt;/sup&gt; grade</td>
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<tr>
<td>Bernalillo High</td>
<td>9&lt;sup&gt;th&lt;/sup&gt;–12&lt;sup&gt;th&lt;/sup&gt; grade</td>
<td>Bernalillo, NM</td>
</tr>
<tr>
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<td>Pre-School</td>
<td>Bernalillo, NM</td>
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<td>3&lt;sup&gt;rd&lt;/sup&gt;–5&lt;sup&gt;th&lt;/sup&gt; grade</td>
<td>Bernalillo, NM</td>
</tr>
</tbody>
</table>

Students at Bernalillo Public Schools possess a wide range of gifts and talents. They learn in a secure, challenging environment rich with history and diverse cultures. All
students are encouraged to develop their skills and abilities, and to attain high levels of academic achievement.
WORKING IN OUR DISTRICT

Over six hundred people work in the Bernalillo Public School District. Whether we work in the classroom or provide support services our effort are essential to the success of our students. This section of the handbook outlines the various employment processes in our district to ensure that we have a common understanding of these important guidelines and policies.

Equal Employment Opportunity

Bernalillo Public Schools is an equal opportunity employer. Accordingly, the school district makes diligent efforts to assure that all personnel actions, such as recruitment, job advertising employment, rates of pay or other forms of compensation, promotion, transfer, demotion, layoff, termination, discharge, selection for training, discipline, application or the terms and conditions of employment will be administered without regard to race, color, religion, age, sex, handicap, national origin, ancestry, physical disability, marital status, sexual orientation or political affiliation, except where age, sex, or type of handicap is a bona fide occupational qualification.

Qualifications for Licensed Employees

All persons employed to administer, teach, supervise, counsel or provide special instructional services in the Bernalillo Public Schools must hold a valid license or certificate or have submitted a complete application for licensure or certification within thirty (30) days from beginning employment duties.

Failure to present such license within the prescribed time leads to forfeiture of all claims to compensation rendered thereafter.

All additional hours and degrees earned during the summer and all completed paperwork must be in the Office of Human Resources by October 1, to be considered for salary purposes for that school year.

Professional Support for New Teachers

At Bernalillo Schools we are committed to making our district a great place to teach and to learn. To support our new teachers we offer the following services:

Mentor Program

All new teachers are assigned a peer mentor to provide them with professional support. The mentor assists the new teacher in learning about school procedures, and about the essential instructional priorities of the District. The mentor serves as a "professional friend" who provides ongoing support during the first year of teaching.

New Hire Training

The district arranges ongoing training of new hire teachers in areas deemed essential to their success. The Deputy Superintendent’s Office will advise new hire teachers of available training programs.
Job Descriptions

The Human Resource office maintains a listing of all job descriptions. The purpose for the job descriptions are to 1) assist employees to meet their duties and responsibilities, 2) assist you and your supervisor in the employee evaluation process, 3) encourage the cooperation and collaboration among and between employees needed for maximum efficiency and effectiveness in achieving the work of the District, and 4) assist the District in meeting its responsibilities under the Americans with Disabilities Act. The job descriptions are not intended to include all responsibilities assigned to an employee. The District reserves the right to change job descriptions.

Evaluation of Employees

Philosophy of Staff Evaluation

The District recognizes that its employees are the district’s greatest assets. The goals of our evaluation process are to improve the quality of education for our students and to provide a foundation for District decisions related to the continued employment of employees.

The District provides a system of periodic evaluation for all employees of the school district, with written reports prepared and reviewed with each employee and kept on file in the Superintendent’s office.

No evaluation report will be placed in your file without review and discussion between you and your supervisor. If you disagree with the contents of the evaluation report, you may submit a written rebuttal to be attached to the report and kept on file. A rebuttal must be submitted within ten school days of the evaluation review.

Evaluation Guidelines

A separate booklet is available to provide detailed guidelines for staff evaluation. All employees are expected to be familiar with the evaluation process. Your supervisor is responsible for ensuring that you have a copy of these guidelines within the first month of the new contract year. If for any reason you are unable to obtain guidelines contact the Office of Human Resources at 867-2317 and we will promptly provide you with a copy.

The Hiring Process

As provided by law, the employment, re-employment, transfer, discharge and termination of employees is the responsibility of the Superintendent.

Hiring Committees and the Hiring Process

Interview Committees are established at school sites and/or at specific departments to assist in the interviewing of personnel. Hiring committees may include one or more representatives from the following groups:

- Administrator
- Certified Employee
- Classified Employee
- Parent
- Student (optional for higher grades)
The Hiring process includes the following steps:

1. **Posting of job vacancy.** Vacancy postings are distributed to all schools and departments on the BPS website.

2. **The Screening of Applicants:** The chairperson of the Interview Committee in consultation with the Director of Human Resources will select applicants to be interviewed based on those who best meet the selection criteria of the position.

3. **The Interview:** The interview committee will interview applicants selected from the screening process.

4. **Recommendation.** The chairperson of the interview committee will submit the committee’s recommendation and the documents outlined in the employment recommendation checklist.

5. The responsibility and authority to accept or reject recommendations rests with the Superintendent.

**Employment, Termination, and Discharge**

**Annual Notice of Employment Status for licensed Employees**

On or before the 14th day before the end of the school year of the existing employment contract, or earlier as may be provided by the State Board of Education Rules and Regulations, the superintendent shall serve written notice of reemployment or termination on each licensed school instructor (teacher, counselor, librarian, therapist, and coordinator) employed by the Bernalillo Public Schools.

The notice of reemployment shall be an offer of employment for the ensuing school year.

A notice of termination shall be a notice of intention not to reemploy for the ensuing school year.

Failure of the Superintendent to serve a written notice of reemployment or termination on a licensed school instructor shall be construed to mean that notice of reemployment has been served upon the person for the ensuing school year according to the terms of the existing employment contract.

Each licensed school instructor shall deliver to the Superintendent a written notice of acceptance or rejection of reemployment for the ensuing school year within fifteen (15) days of the following:

A. The date written notice of reemployment is served upon the person; or,

B. The last day of the school year when no written notice of reemployment or termination is served upon the person on or before the last day of the current school year.

**Termination of Employees (With Less than Three Years’ Service (licensed and unlicensed))**

The District may terminate an employee with fewer than three (3) years of
consecutive service with the District for any reason it deems sufficient. Upon request of the employee, the superintendent or other designated administrator shall provide written reasons for the decision to terminate. The reasons shall be provided within ten (10) working days of the request. The reasons shall not be publicly disclosed by the District. The reasons shall not provide a basis for contesting the decision under the State School Personnel Act.

**Termination of Employees with three (3) or more years of Consecutive Service (Licensed and non-Licensed)**

An employee who has been employed by the District for three (3) consecutive years and who receives a written notice of termination may be terminated only for a reason(s) that is rationally related to the employee’s competence or turpitude or the proper performance of duty and that is not in violation of the employee’s civil or constitutional rights.

The employee may request an opportunity to make a statement to the Board of Education and may also request in writing the reasons for the termination action, as provided by law.

The employee may be granted a hearing before the Board of Education, as provided by law, under the contention that the decision to terminate was made without just cause.

If the employee is still aggrieved by the decision of the Board following the hearing, the law provides that an appeal may be made to an independent arbitrator for a *de novo* hearing. The arbitrator shall decide whether there was just cause for the decision to terminate.

**Discharge of Licensed School Employees**

A “discharge” is the act of severing the employment relationship of the District with a licensed school employee prior to the expiration of the employee’s current employment contract.

The District may discharge a licensed school employee for reason that are rationally related to the employee’s competence or turpitude or the proper performance of duty and that is not in violation of the employee’s civil or constitutional rights provided the Superintendent serves a written notice of intent to recommend discharge on the licensed school employee and complies with all other due process requirements set forth in the State Personnel Code.

**Short Term Employees**

Nine-month employees hired after the first contract day are officially considered short-term employees. A short-term employee’s contract is automatically not renewed at the end of the contract year.

The position held by the short-term employee is posted as a vacancy. Short-term employees are eligible to re-apply for the position.

**Transfers**

Transfers from one school or work location to another may be *voluntary* (employee-initiated) or *involuntary* (employer initiated). The ultimate
authority to reassign staff lies with the Superintendent.

A. Voluntary Transfers (Employee Initiated) transfer requests can be made in response to or in anticipation of district vacancies.

Employees requesting a transfer should submit a BPS Transfer Request Form to the Office of Human Resources no later than May 30 of each year. As indicated on the transfer form, voluntary transfers require the approval of both the employee’s current supervisor and receiving supervisor.

Decisions to approve or deny a transfer request will be made in the best interests of the district.

The employee will be advised on the status of their request as soon as possible.

B. Involuntary Transfers (employer-initiated)

At the District’s discretion it may initiate a transfer or reassignment when it determines such action is necessary to meet its operational or educational needs. Transfers shall not be initiated arbitrarily, capriciously, or in retaliation against the employee for exercising the employee’s legal or contractual rights. (See BPS – NEA Bernalillo Collective Bargaining Agreement Section 11.C for details on transfer guidelines.)

Resignations

Licensed employees shall provide the Superintendent with at least thirty (30) days’ notice of the intent to resign.

Non-licensed employees shall provide at least two (2) weeks’ notice of the intent to resign.

Under extenuating circumstances, the Superintendent may waive these notice requirements.

Exit Interviews and Procedures

All employees leaving the employment of Bernalillo Public Schools are required to check out through the Office of Human Resources. The employee will need to bring keys, and any portable technology equipment issued by the District, such as cell phones, laptops, and iPads.

Employees leaving the District may meet with the Director of Human Resources for an exit interview, or they may complete the interview via a survey link located on the HR web page. The exit interview is a valuable opportunity to share insights for improvement.

Reduction-in-Force (RIF)

The Superintendent has the authority to discharge certified school personnel during the term of their contracts or to terminate certified school instructors and non-certified school employees when a reduction in such personnel is required as a result of decreased enrollment, a decrease in revenue, a revision of educational programs.

In addition, orders from courts or from the State Board as well as legislative mandates are conditions justifying a reduction in force.
The District has a formal process by which a RIF would occur whether it is gradual or immediate. By the same token, the District also has a plan to recall released staff to fill positions affected by the RIF. A detailed description of our RIF policy can be found in the BPS Policy Manual. [BPS Policy 227]

The Work Year

The regular work year for employees in each of the various employee groups is:

- Nine month employees: 182 Days
- Ten month employees: 200 Days
- Eleven month employees: 210 Days
- Twelve month employees: 237 Days

Certified employees assigned additional annual workdays will be compensated at their daily rate of pay.

Work Hours

A. Certified Employees Work Hours

All employees will have normal starting and dismissal times established by their immediate supervisor, Monday through Friday. The total normal workday will be seven and one-half consecutive hours, including at least a thirty-minute duty-free lunch period.

B. Classified Work Hours

Classified work hours are indicated below. Such work hours will normally be scheduled within the indicated range, Monday through Friday, unless the specific operational needs of the District require a different recurring work schedule.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Daily hours</th>
<th>Normal Work Hour “Range” (Exclusive of lunch)</th>
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</thead>
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<tr>
<td>Instructional Support</td>
<td>7:00</td>
<td>7:30 a.m. – 5:00 p.m.</td>
</tr>
<tr>
<td>Office Personnel</td>
<td>8:00</td>
<td>7:00 a.m. – 5:00 p.m.</td>
</tr>
<tr>
<td>Maintenance</td>
<td>8:00</td>
<td>7:00 a.m. – 5:00 p.m.</td>
</tr>
<tr>
<td>Custodial</td>
<td>8:00</td>
<td>6:00 a.m. – 10:00 p.m.</td>
</tr>
<tr>
<td>Warehouse/Purchasing</td>
<td>8:00</td>
<td>7:00 a.m. – 5:00 p.m.</td>
</tr>
<tr>
<td>Mechanic</td>
<td>8:00</td>
<td>7:00 a.m. – 5:00 p.m.</td>
</tr>
<tr>
<td>Transportation</td>
<td></td>
<td>Varies</td>
</tr>
<tr>
<td>Food services: head cook</td>
<td>8:00</td>
<td>6:30 a.m.-3:00 p.m.</td>
</tr>
<tr>
<td>- Cooks</td>
<td>8:00</td>
<td>6:30 p.m.-3:00 p.m.</td>
</tr>
<tr>
<td>- Cook helper</td>
<td>4:00</td>
<td>6:30 p.m.-3:00 p.m.</td>
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Employee Grievances and Concerns

When an employee has a dispute or concern with a supervisor or other administrator, every effort should be made to resolve the matter with the other party informally.

Disputes and other concerns are either addressed as a grievance or as a complaint. The difference between these two processes is explained below.

A “grievance” is a dispute pertaining to a claim by an employee which alleges that a provision of the Collective Bargaining Agreement has been violated.

Grievance procedures are explained in the Collective Bargaining Agreement. Grievances should be resolved at the lowest possible administrative level. All parties in a grievance process must adhere to guidelines provided in the Collective Bargaining Agreement.

All other complaints or concerns that are not covered by the Collective Bargaining Agreement are addressed through the chain of command up to and including the Superintendent.
Non-Grievable Management Rights

The following are considered management rights and are not subject to grievances:

- To direct and supervise all operations, functions, and the work of the employees
- To hire, lay off, promote, demote, assign, reassign, transfer, discipline, discharge, or terminate employees
- To determine what and by whom education will be provided to the students
- To determine staffing requirements, create and abolish positions, or to eliminate or reorganize work units
- To determine the need for and the qualifications of new employees, and to determine the qualifications for and qualifications of employees considered for transfer and promotion
- To take actions as necessary to carry out the mission of the employer in emergencies, and
- The District retains all rights not specifically limited by a collective bargaining agreement

A grievance related to Title IX should be taken to the district Title IX Coordinator (see Appendix for contact info).

Personnel Records

The Human Resources Department under the supervision of the Director is responsible for maintaining all personnel records. These records may include but are not limited to official transcripts, birth certificates, health certificates, licensure documents, experience records, evaluation reports, police reports, and the results of fingerprint background checks.

These records are to be kept confidential and access to these records is only available to: 1) the employee, 2) the Superintendent or the Superintendent’s staff on a need-to-know basis, 3) the Board of Education during executive personnel sessions, and 4) representatives of regulatory or accrediting agencies.

Release of Personnel Information

It shall be the policy of the Board and administration of the Bernalillo Public Schools to protect the privacy of current, former and prospective employees to the extent permitted by law.

Accordingly, all personnel information retained by the district shall be considered confidential unless the Inspection of Public Records Act requires otherwise.

Confidential personnel information will not be released without the affected person’s written consent unless an administrator who is responsible for maintaining the relevant records determines that exceptional circumstance justify such action.

Other personnel information will be made available pursuant to the Inspection of Public Records Act, as interpreted by the New Mexico courts.

Pay Periods

Employees will be paid in equal semi-monthly installments. Certified instructors and other classified staff who have elected to receive 24 installments
will receive their summer paychecks as follows three (3) checks on the last day of school and two (2) checks no later than June 25.

If you leave employment prior to the end of a school year you will be paid the total amount of your total salary, which is proportionate to the amount of the year, which you worked.

**Overtime Compensation**

Overtime will be paid to employees who are eligible for overtime compensation under the Fair Labor Standards Act by increased salary at the rate of one and one-half times the regular compensation rate. Overtime is defined as work in addition to the normal forty hours per week.

All overtime work must have prior written approval of the Superintendent or his/her designee.

The hours worked by an employee who, at his or her option, engages in part-time occasional or sporadic employment for the District in a different capacity other than his or her primary employment is not entitled to overtime compensation.

**Overtime compensation does not apply to executive, administrative, professional or licensed teacher employees or volunteers.**

**Applicant Background Investigations**

The District will conduct work and education background investigations on all applicants recommended for employment with the district.

**Criminal Background Investigations**

All applicants being recommended for employment are required to submit fingerprints so that an arrest record investigation can be conducted through State and federal law enforcement agencies.

Applicants are required to disclose on their applications any misdemeanor or felony convictions.

Offers of employment in the District are contingent upon the satisfactory completion of the investigation.

Findings in the investigation do not automatically ban you from employment however; it may be the basis for refusing employment. Existing employees may also be required to undergo an investigation for a reasonable cause.

**CREATING A POSITIVE WORK ENVIRONMENT**

A positive work environment creates a positive learning environment. The District expects all employees to follow proper conduct and professionalism in their daily activities.

**Educators Code of Ethics**

The District places a high value on professional conduct at all employee levels. Professionalism and integrity are vital foundation principles in delivering top quality educational services. You
are expected to follow a Code of Ethics on a daily basis and to use it as a guide when making decisions, or judgments. Following is the District’s Code of Ethics that teachers should practice daily. In fulfilling his/her obligations to the student, the educator:

A. Shall not, without just cause, restrain the student from independent action in the pursuit of learning; deny the student access to varying points of view.

B. Shall not deliberately suppress or distort subject matter for which he/she bears responsibility.

C. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.

D. Shall conduct professional business in such a way that the student is not exposed to unnecessary embarrassment of disparagement.

E. Shall teach the assigned curriculum.

F. Shall not on the grounds of race, color, creed, religion, or national origin exclude any students from participation in or deny the benefits under any program, nor grant any discriminatory consideration or advantage.

G. Shall not use professional relationships with students for private advantage.

H. Shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

I. Shall not misrepresent the institution or organization with which he/she is affiliated, and shall take adequate precautions to distinguish between personal and institutional or organizational views.

J. Shall not distort or misrepresent the facts concerning educational matters in direct and indirect public expression.

K. Shall not use institutional privileges for private gain or to promote political candidates or partisan activities.

L. Shall not accept gratuities, gifts or favors that might impair or appear to impair professional judgment, nor offer any favor, service or thing of value to obtain special advantage.

M. Shall conduct professional business through the appropriate chain of command.

Criticism of Co-Workers, Supervisors and Subordinates

As stipulated in the Collective Agreement (17.C), any criticism of an employee by a supervisor, or any criticism of a supervisor by an employee will be made in confidence and not in the presence of students, parents, co-workers, or members of the public.
Employee-Employer Relations
NEA-Bernalillo

The District will attempt to provide a positive work environment for its employees. The District recognizes the importance of creating a fundamental relationship of mutual respect among all employees, administration and the Board of Education.

To facilitate this, the District recognizes the need to solicit employee input and participation in the decision-making process in the District.

The District recognizes the National Education Association (NEA)-Bernalillo as the formal employee representative.

The District protects through policy the right of NEA-Bernalillo in the following areas:

1. The authority to solicit membership from District employees:

2. The right to collect union dues through payroll deduction or employee payroll checks with the District.

3. Allow union representation at meetings requested by an employee with administration, or at any meeting whose purpose is potentially disciplinary in nature.

4. The right to represent employees in cases of employment which may result in a request for arbitration in accordance with New Mexico employment statutes.

Drug Free Campuses

All properties of the District are drug free, zero tolerance zones. The use of alcohol, tobacco, or drugs by employees or students on any of the campuses will not be tolerated. The abuse of these substances could affect your performance, conduct, reliability, and danger the safety of students and co-workers.

Disciplinary Actions

Any violation of these prohibited practices by an employee may result in disciplinary action up to and including dismissal, reprimand, suspension with or without pay, termination or discharge from employment and referral for investigation and/or prosecution by law enforcement agencies.

A disciplinary action may also include the satisfactory completion of a rehabilitation program at the individual’s expense.

Self-Reporting of Substance Abuse Problems

When an employee acknowledges having an alcohol and/or drug abuse problem and willingly undergoes treatment, his/her job rights and job security will not be jeopardized.

Drug Testing

District bus drivers are required by the United States Department of Transportation to undergo drug testing regularly as a basis of employment. Guidelines and regulations governing
testing and the testing processes are maintained at the Transportation Department and the Human Resources office.

The District may also administer random alcohol and/or controlled substance testing for those employees holding safety sensitive positions or when the District has cause as defined in the Collective Bargaining Agreement to believe that an employee is under the influence of alcohol or a controlled substance.

**Use of Tobacco Products**

The use of tobacco products by employees and any other persons is forbidden in school buildings, on school property, in any district-owned vehicle or in any vehicle used to transport students.

**Dress Code**

The Bernalillo School Board of Education believes its employees to be representatives and excellent role models to its academic institution and to the community. Accordingly, the Board expects all District employees to present themselves in an acceptable manner.

Suitable district attire is expected to be neat, clean and compatible with the District’s educational and academic philosophy.

Therefore, the following attire is unacceptable: half-shirts, tube tops, caps, shorts, blue jeans, tight or short skirts, sweat suits/clothes, torn or rumpled clothing, and revealing or tight clothing.

Skorts and skirts are acceptable and must be mid thigh or longer. Colored jeans are acceptable.

Modifications can be made for personnel in non-instructional roles. Fridays are casual/spirit days and blue jeans and school spirit tee shirts are allowed.

**Using District Technology**

Computer technology provides many educational benefits. Unfortunately, it can also introduce serious problems into the workplace if used inappropriately.

The guidelines listed below and in our district technology policy are designed to ensure appropriate educational and work-related use.

Strict adherence by all employees is required. The complete District Technology Policy is included in Appendix A of this handbook.

**No Expectation of Privacy**

The computers and computer accounts given to Users are to assist them in performance of their jobs. Users do not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the Bernalillo Public School District and may be used only for business or educational purposes.
Prohibited Activities

Inappropriate or unlawful material(s)
Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, threatening or potentially violent, defamatory, racially offensive, inappropriate proselytizing, or otherwise unlawful, or in violation of the Bernalillo Public Schools Board of Education’s policy may not be sent by email or any other form(s) of electronic communications (i.e. bulletin board systems, newsgroups, chat groups, list-servers) or be displayed on or stored in the District’s computers. Users encountering or receiving this kind of material should immediately report the incident to their principal(s) or supervisor(s).

Prohibited uses
Without prior written permission from the Superintendent or his/her designee, computer resources may not be used for dissemination or storage of commercial or personal advertisements, promotions, destructive programs (including but not limited to self-replicating codes or viruses), political or religious materials, or any use which is unauthorized or in violation of the Bernalillo Public Schools Board of Education’s policy.

Unacceptable use
The Bernalillo Public School District has the right to take disciplinary action, remove computer and networking privileges, take legal action, or report to proper authorities any activity characterized as unethical, unacceptable or unlawful. Unacceptable use activities constitute, but are not limited to the following:

- Any activity through which the user seeks to gain unauthorized access to information resources, obtains copies of, or modifies files or other data, or gains and utilizes passwords belonging to other Users;
- Destroys, alters, dismantles, disfigures, prevents rightful access to or otherwise interferes with the integrity of computer-based information resources, whether on stand alone or networked computers;
- Invades the privacy of individuals or entities; or
- Submits, publishes or displays any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually oriented or threatening materials or messages either for public or private use.

Violations/Consequences
Staff members who violate the district technology policy and procedures shall be subject to discipline up to and including suspension, termination or discharge in accordance with Board Policy, negotiated agreements and applicable law. Violations of law will be reported to law enforcement officials.

Sexual Harassment of Employees
The District expects that all employees and students enjoy a positive and productive learning and working environment. The District will not tolerate any form of sexual harassment by anyone employed by the District.
Sexual Harassment Defined

Sexual harassment is defined as unwelcome sexual advances or requests for sexual favors, and other unwelcome conduct of a sexual nature. Prohibited sexual harassment occurs if:

- submission to the conduct is made either an explicit or implicit condition of employment, or;
- submission to or rejection of the conduct is used as a basis for an employment decision, or;
- the conduct substantially interferes with an employee’s work performance, or creates an intimidating, hostile, or offensive work environment.

Conduct of a Sexual Nature

Conduct of a sexual nature may include, but is not limited to, any unwanted physical, verbal or visual sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; requests for sexual favors and any other sexual oriented conduct which is offensive or objectionable to the recipient; comments regarding physical or personality characteristics of a sexual nature; other sexual-oriented such as epithets, derogatory or suggestive comments, slurs or gestures, “kidding”, “teasing”, double entendres and jokes; use of offensive cartoons, posters, pictures or drawings, and objects; and any harassing conduct to which an employee would not be subjected but for the employee’s gender.

Unwelcome Conduct of a Sexual Nature

Verbal or physical conduct of a sexual nature may constitute sexual harassment even if the allegedly harassed employee has not indicated that it is unwelcome.

An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

Administrators and Sexual Harassment

It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors when the subordinate’s failure to submit will result in adverse treatment, or when the subordinate’s acquiescence will result in preferential treatment.

Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to disciplinary action.

Sexual Harassment Reporting

Any person who believes has a sexual harassment complaint should follow these steps:

1. Discuss the complaint informally with your immediate supervisor who will investigate and answer the complaint within five business days. If your
complaint is against the immediate supervisor then the discussion should be held with the next level of authority.

2. If the answer is not acceptable, you may initiate a formal written complaint to the Superintendent within five business days after previous response by immediate supervisor. The complaint shall set forth the allegation, names, dates, and witnesses. The Superintendent must respond within ten days of notification of complaint.

This procedure and timelines shall continue until all efforts through the Superintendent and Board of Education have been exhausted.

Further appeal may be to the appropriate state or federal agency, which may include:

Equal Employment Opportunity Commission
505 Marquez NW
Suite 900
Albuquerque, NM 87102

Sexual Harassment: Disciplinary Consequences

Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension or termination, subject to applicable procedural requirements.

Gender Equity – Title IX

The Board of Education of Bernalillo Public Schools finds that Bernalillo Public Schools must provide equivalence of benefits for all its boys and girls athletics, academics, and training programs as required by Title IX of the Education Amendments of 1972 which prohibits discrimination on the basis of gender by educational that receive federal funds.

The Bernalillo Public Schools is committed to the philosophy of equal employments, educational programs, activities and services.

All students shall have the opportunity to participate in and receive benefits from all programs or activities including, but not limited to course offerings, graduation requirements, athletics, counseling, employment assistance, extra-curricular and other school related activities.

Discrimination in education or employment because of race, color, national origin, ancestry, religion, creed, sex, age, physical or mental handicap, marital or parental status, pregnancy, sexual orientation or veteran status is prohibited.

Title IX – Grievance Procedure

Any student or employee of the Bernalillo Public Schools who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity on the bases of his or her gender or on the bases of his or her disability may file a written complaint with the Title IX coordinator.

Steps for Filing a Title IX Grievance

1. Pick up a Title IX Grievance form from the Title IX Coordinator, Director of
Athletics, or school Principal or simply prepare a written complaint/grievance.

2. Return or mail completed form or written grievance with documentation attached to:

Title IX Coordinator for
Bernalillo Public Schools
560 S. Camino del Pueblo
Bernalillo, NM 87004
(505) 867-2317

You can obtain a copy of the Title IX Grievance procedure from the Principal’s office of every school or from the Title IX Coordinator.

Sexual Misconduct with Students

Sexual misconduct by school employees involving students strikes at the heart of the educational process. In addition to the potential damage to the immediate victims, sexual misconduct damages or destroys relationships in the school community between teachers and students, parents and schools, and others.

Sexual misconduct is defined as any sexual or romantic contact between any employee and any student of the District.

Sexual misconduct can result in criminal prosecution by law enforcement authorities. In addition, however, the District has an independent process for receiving and investigating charges of misconduct by employees and for taking the appropriate action against those involved in such misconduct.

All employees, as part of their regular duties, should be watchful of the welfare of students, particularly with respect to circumstances that suggest victimization of students by school employees. All reports of possible sexual misconduct against students by school employees will be promptly and fully investigated by the administration.

Duty to Report Information: All employees of the district, including counselors, shall report to their building principal any information from any source concerning a threat or potential threat to the welfare of a student, including any information concerning sexual misconduct. In the event the employee implicated by the information is the building principal, then such report shall be made to the Superintendent. If the Superintendent is implicated, the report shall be made to a member of the school board.

Employee Assault

The District acknowledges the need for you to perform your duties in a safe, secure and non-threatening atmosphere. Assault of you or another person on school property is possible. Assault is defined as a violent physical or verbal attack, battery, and intentional infliction of severe mental or emotional distress.

You are not expected to tolerate, while on duty, physical or verbal assault by any person. You are permitted to use reasonable force to repel a physical assault if necessary.

Violent and Aggressive Conduct

Violence or aggression will not be tolerated in the District. This is inconsistent with the District’s mission of instilling respect, self-control, and personal discipline on students. Employees must strictly avoid the threat.
of violence, other forms of physical harassment or intimidation. If you are involved in or witness violent and aggressive conduct by school employees you should report such acts to the immediate supervisor who will then take action as required.

**Reporting Illegal or Improper Conduct**

A Professional Responsibility

The Bernalillo Board of Education affirms its commitment to adherence to proper and legal conduct by all employees of the District.

As part of this commitment, the Board requires, if you have reliable information that another employee is engaged in illegal or improper conduct that you report this to an appropriate supervisor or administrator.

**Protection from Retaliation**

The District will hold you safe from retaliation, unless you acted in bad faith or with malicious purpose. Any employee who retaliates against an employee who makes a proper report of illegal or improper conduct will be subject to discipline.

If the conduct would compromise the safety of others in the workplace, you must report this violation to your immediate supervisor who will take immediate and confidential action to ensure that other employees are safe and secure from potential harm.

If the employee who is violating this policy is your immediate supervisor, you must go to the next level supervisor in confidence and report the illegal or improper conduct.

**Acts of Violence or Vandalism**

If you are involved in, witness or are a victim of acts of violence and/or vandalism you must report this act to your immediate supervisor who will then take action.

**Student Abuse of Alcohol or Drugs**

All employees have a mandatory, nondiscretionary duty to report known or suspected alcohol or drug use or abuse of the district.

New Mexico law (NMSA 22-5-4.4) requires that if you know or in good faith suspect any student of using or abusing alcohol or drugs you must report this to a supervisor or an administrator. As long as your report is made in good faith, you will be immune from civil damages for your action.

It is not your duty to conduct an investigation to determine whether the student identified has in fact used or abused drugs or alcohol. The duty to investigate is upon the principal, provided that you cooperate with responsible school officials during the course of any investigation.

**Child Abuse and Neglect**

All employees have a mandatory, non-discretionary duty to report known or suspected abuse or neglect of a child. It is not your duty to conduct an investigation to determine whether the
child identified has in fact been abused or neglected. The state is responsible for investigations however; employees must take the following steps.

1. Notify the New Mexico Department of Children, Youth and Families immediately at 1(800) 797-3260 or 841-6100.

2. After or during such notification you may, but are not required to, notify your supervisor with the information.

**Employee Injuries**

You are responsible for reporting immediately to your supervisors all injuries sustained on the job regardless of their severity. This notice will be documented with the Notice of Accident form available at your job site.

Accident reports are to be submitted to the Office of Human Resources within 3 days of the injury.

Bernalillo Public Schools DOES NOT DIRECT the initial medical care for work-related injuries. Employees are allowed to seek medical care following the work-related incident with a health care provider of their choice.

The injured employee should confirm with the health care provider of their initial selection that they accept New Mexico Workers’ Compensation benefits.

Employees should not use their personal health insurance for a work-related injury. Workers’ Compensation does not charge a deductible payment from the employee. Workers’ Compensation does pay health care providers in accordance with a fee schedule and negotiated rates.

BPS retains the right to change the health care provider after the 60-day period has elapsed from the date of the initial treatment.

The injured employee is to provide BPS with the name and contact information of the health care provider.

The injured employee is not allowed to return to work without written notice from the health care provider that documents any work restrictions.

**Purchasing Supplies, Materials and Services**

All district purchases must be submitted as a requisition, pending approval as a purchase order by the Superintendent. The employee should check with supervisor regarding specific school or departmental procedures. **In all cases, the preparation and execution of a duly authorized purchase order must precede the placement of any order for goods, services, or construction.** Emergency purchases require authorization of the Superintendent.

**Avoiding Conflict of Interest**

You and every other employee should refrain from activities, employment, and business transactions which constitute a conflict of interest or any behavior or
actions that would present the appearance of a conflict of interest.

**Supervising Relatives**

No employee of the Bernalillo Public Schools shall be assigned a position or job classification in which the immediate supervisor is the spouse, father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, step-father, step-mother of the assigned employee.

**Doing Business with the School District.**

The District makes every attempt to follow the State of New Mexico procurement code and Public School code that prohibits a school employee or member of an employee’s immediate family from selling or becoming a part of a business transaction to the school.

**Soliciting and Selling by Employees**

Employees are prohibited from using the school premises during school hours to solicit from or sell to children or other employees, conducting personal business transactions, campaigning for political campaigns or candidates or for personal profit or gain. You are allowed to engage in the sale of raffle tickets, bake sales or other activity for support of student-related organizations as long as it does not interfere with the proper conduct of any school functions or interfere with your effective performance of duties.

**Gift and Gratuities**

To maintain the integrity of the District, employees are not allowed to solicit or accept personal gratuities, favors or anything of monetary value from contractors as merchants with whom the Bernalillo Public Schools is doing business or who are attempting to sell goods or services to the schools. This policy does not preclude acceptance of food or drinks of a social nature or participation in a social event.

**Political Activities**

Employees seeking political office, as well as other candidates, are prohibited from conducting campaign activities during regular working hours on school premises. Candidates and employees are prohibited from using school machines or materials to produce campaign literature.

If you are seeking to promote yourself or another candidate for election you must observe the following rules:

1. Candidates or their supporters may not place campaign materials in schools.

2. Candidates, if invited by the faculty, will be permitted to address the group after school hours. Attendance of faculty members will not be mandatory. Otherwise, no campaigning will be allowed in the buildings. No visits to classrooms or lounges for campaigning purpose will be permitted.

3. Students are not to be asked to take
campaign literature home for individual candidates.

4. School phones will be left free for school business.

5. Sale of tickets for campaign fundraisers will not be permitted on school premises.

No school-sponsored group may provide entertainment as a school-connected entity or appear at any political campaign function for any office.

Tutoring of Students

The Board believes that by maintaining an instructional staff of high quality and providing for a rich and varied curriculum the need for individual tutoring is minimized.

When paid tutoring of a student by an employee is deemed necessary, such tutoring will be conducted outside the employee’s regular work hours. Paid tutoring is to be arranged between families or other agencies and the employee, and the school district assumes no responsibility for the arrangements or the performance of tutoring.

Employees are not to enter into a paid tutoring arrangement with their own students.

Academic Freedom

Teachers can have tremendous influence on the political and social beliefs of children and youth. Although we encourage freedom of expression and creativity and would like to instill these behaviors on students, teachers must serve as impartial moderators and shall not impose their own personal political or social beliefs on students. Teachers are encouraged to foster the study of issues rather than teach particular viewpoints with regard to them. Teachers should also create a dispassionate atmosphere free from bias.

Communicable Disease and Health

It is in our best interest to provide an environment free of disease without violating the rights of the students or employees with communicable disease or carriers of communicable diseases.

As an applicant with a communicable disease or a carrier of a disease, you are obligated to disclose this information before being employed. If you are an employee you must disclose this information as soon as you are aware of the condition.

No individual will be denied employment in the District, nor will any employee be suspended, terminated, segregated, discharged or have his or her assignment changed as a result of the individual being a carrier or having a communicable disease, unless proper procedures have been followed.

In determining the employment situation for any employee who has been or is a carrier of any communicable disease, the following factors will be evaluated: (a) the nature of the communicable disease, (b) the expected type of interaction the employee will have with students and other employees, (c) the risk of transmission of the disease from the
infected employee to students and other employees, (d) the physical condition of the employee, (e) the hygienic practices of the employee, and (f) any other pertinent factor reasonably related to the decision.

The following is a list of communicable diseases, but the list is not intended a complete list of possible communicable diseases.

1. Measles
2. Acquired Immune Deficiency Syndrome (HTLV-III)
3. Hepatitis B Virus
4. Chicken Pox
5. Whooping Cough
6. Diphtheria
7. Typhoid Fever
8. Rubella
9. Salmonella
10. Herpes Simplex

The District will not require mandatory testing or screening for communicable disease as a condition of your employment, either initially or annually. However, if school authorities have reasonable cause to believe that you have or are a carrier of a communicable disease, you may be required to submit to an appropriate examination at the expense of the District.

EMPLOYEE BENEFITS AND PRIVILEGES

Employee Benefits Plan

The District provides eligible employees with group medical, dental, and vision insurance through the New Mexico Public Schools Insurance Authority (NMPSIA). If you elect to participate in the approved insurance plan, the District will contribute a percentage of the premium required by state law. The District also provides employees access to long-term and short-term disability and life insurance benefits available through NMPSIA.

If you enroll in these insurance programs you will have your premiums deducted through payroll and you will be provided a copy of the plan information as provided by NMPSIA.

The District shall continue to offer employees open employment periods as often as allowed by NMPSIA. Employees will be provided reasonable notice prior to any open enrollment periods.

If an employee experiences any change in employment or marital status creates a need for the employee to enroll or change enrollment in any of the approved plans, the employee may do so only if permitted by applicable law, NMPSIA regulations or provisions of the contract between NMPSIA and the respective insurance carrier.

The District also provides professional liability and Workers Compensation coverage for employees in accordance with state law and NMPSIA regulations.

Detailed information about the specific benefits and costs can be obtained by contacting the District Payroll Office at 867-2317.
Leaves from Duty

The District provides authorized types of leave from duty for a variety of reasons. All leave, except in emergency, whether with or without pay require advance approval from your supervisor.

Annual Leave for 12 Month Employees

First year 12-month contract employees are eligible for ten (10) days of annual leave. After the second year, 12-month contract employees are eligible for fifteen days of annual leave.

All leave is cumulative. New 12-month employees will accumulate leave at the rate of .833 days per month.

Employees who are in their second year of employment will accumulate leave at the rate of 1.25 days per month.

Bereavement Leave

An employee who suffers a death in the employee’s immediate family shall be granted up to three (3) paid leave days.

For the purposes of this provision, “immediate family” shall be defined as the employee’s spouse, child, grandchild, son-in-law, daughter-in-law, parent, grandparent, father-in-law, mother-in-law, brother, sister, brother-in-law and sister-in-law.

The superintendent may grant up to two (2) additional bereavement days upon request of the employee. Bereavement days shall not be deducted from sick leave and shall not be cumulative.

Employees are permitted one (1) day of leave to attend the funeral of a family member other than immediate personal friend

Funeral Leave

In the event of the death of an employee or student in the district, the Superintendent will grant to an appropriate number of certified employees, pending the availability of substitute teachers, sufficient time with pay to attend the funeral.

Sick Leave

You are eligible to receive sick leave with pay for a specified maximum number of days depending on your employment status. The following schedule describes the number of days per year allowed.

Nine (9) and Ten (10) month employees shall be credited with sick leave in the following manner:

<table>
<thead>
<tr>
<th>Date</th>
<th>Sick Days Accrued</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 25</td>
<td>two (2) days</td>
</tr>
<tr>
<td>September 10</td>
<td>four (4) cumulative days</td>
</tr>
<tr>
<td>September 25</td>
<td>six (6) cumulative sick days</td>
</tr>
<tr>
<td>October 10</td>
<td>eight (8) cumulative sick days</td>
</tr>
</tbody>
</table>

Employees other than nine (9) and ten (10) month employees shall be credited with sick leave in the following manner:

.50 of a day per pay period for twenty-two (24) checks for eleven (11) month employees, and

.50 of a day per pay period for twenty-four (24) checks for twelve (12) month employees

Extended sick leave of up to ten (10) days can be granted after all regular sick leave days are used. You will need to
get a written statement from your doctor and approval from your immediate supervisor before taking additional sick leave.

**Sick Leave Bank**

The District and NEA – Bernalillo have established a Sick Leave Bank to assist eligible employees who are experiencing unusual or catastrophic illness or injury.

Employees who have completed a minimum of one contract may enroll in the sick leave bank by contributing one day of accrued sick leave to the bank.

Requests for assistance from the Sick Leave Bank should be submitted to the Office of Human Resources. The Sick Leave Bank Committee reviews all requests.

Sick bank days are only provided for serious or catastrophic illnesses. A bank member is entitled to a maximum amount of twenty sick days from the bank after the employee has exhausted all accumulated sick leave.

The bank does not provide assistance for absence caused by chronic illness. Employees must enroll annually to be an eligible member.

The Bank has proven to be a valuable resource for many employees and you are highly encouraged to participate as a member.

**Sick Leave Incentives**

The District has implemented a sick leave program to improve employee attendance for the purpose of ensuring continuity in the educational program, and improve morale.

The program will compensate employees taking three days or less from sick, personal, or emergency leave in a given contract year. A one-time payment in the sum of $50.00 as determined by the Board of Education will be distributed on orientation day of the following school year.

**Sabbatical Leave**

If you are interested in pursuing further professional and educational development, the District allows sabbatical leave for up to one year without pay. To be eligible you must be employed by the district for five continuous years as a certified employee. Your request must be timely submitted to the Superintendent for approval and it must state how your leave will benefit the District and further your career goals within the District.

Your position in the District will be protected and reserved until your return; however, you must certify that you will remain in the District for two years after completion.

**Professional Leave**

Professional leave without pay deduction may be granted to you for professional visitation and attendance at job-related meetings, conferences and training sessions or other activities, which in the superintendent’s judgment would be beneficial to the work of the employee or to the District as a whole.
Holiday Leave

The observance of holidays in the District can change from one year to the next due to employee input from any preceding year. Holidays to be observed in a school year will be indicated on the school calendar. You will be given a copy of the calendar at the end of the previous school year or the beginning of the next school year.

Personal Leave

At the beginning of each school term you will be credited with four (4) days of personal leave with pay to be used for your personal business that cannot be scheduled during non-working hours. A personal leave day may be used for any purpose at your discretion.

If you are planning to use a personal leave day you must submit a request for leave to your supervisor at least forty-eight hours in advance, except in case of an emergency. You will not be required to give reasons for your leave, except that the leave is for “Personal Reasons”.

Personal leave cannot be taken the day before or after a holiday or during the first or last week of school unless your supervisor is notified five days in advance and the supervisor and Director of Human Resources has approved the leave.

Family Medical Leave

The District allows you under the Family and Medical Leave Act of 1993 up to twelve weeks of unpaid leave per year. To be eligible you must have worked for the District for a total of twelve months or have worked 1250 hours during the 12 months prior to the start of the leave. Pursuant to the Family and Medical Leave Act, employees are permitted up to twelve (12) work weeks of unpaid leave per year during any 12-month period. Family and Medical Leave can be requested for the following reasons:

1. childbirth and infant care;
2. placement of a child with the employee for adoption or placement of a child with the employee by a state agency for foster care (entitlement to leave for birth or placement of a child expires 12 months after the birth or placement of the child);
3. care of the employee’s spouse, son or daughter or parent with a serious health condition; and
4. the inability of the employee to perform his or her job duties due to his or her own serious health condition, or the necessary absence from work of an employee to receive medically necessary treatment

A request for leave should be submitted at least thirty days prior to your intended leave.

Military Leave

If you are a member of an organized unit of the National Guard or a reserve unit of any of the military branches, you are allowed up to fifteen days annually with pay to serve on active duty. You should notify your supervisor or administrator as soon as you find out about any military duty assignments.

Voting Time Leave

On election days, you are authorized two hours leave to vote. If your workday
begins after 10:00 a.m. or your workday ends no later than 4:00 p.m. you are not eligible for voting time.

**Court Ordered Leave**

You are allowed, with pay, to appear in court as a witness, to serve on jury, or to respond to an official order from a government jurisdiction so long as the appearance is not regarding your misconduct as a District employee or for personal affairs. You shall notify your immediate supervisor as soon as possible. Any payment for court appearance must be turned over to the District or can be used to offset your daily pay from the District.

**Maternity Leave**

Requests for maternity leave should be submitted to the Director of Human Resources.

A female employee is allowed to remain on duty as long as she is fully able to perform all her assigned duties. The employee must present a written statement from a licensed physician to her supervisor at the end of the six-month pregnancy, which says that she is able to perform her duties.

Disabilities caused by the pregnancy, childbirth, and recovery will be treated as sick leave. When the employee notifies the Superintendent of her desire to return to active employment, she shall present a certificate from a duly licensed physician, which states that she is physically able to resume her full time normal duties.

The employee will be assigned to the same position which she held at the time the leave commenced, or if that position is no longer in existence, to a substantially equivalent position.

**Child Rearing Leave**

An employee who has been employed by the District for three or more continuous years is eligible for child rearing leave without pay for the birth, or the adoption, or the assumption of guardianship of a child under one year of age. The employee must notify the Superintendent at least thirty days prior to the date the leave is expected to begin, with the expected length of leave. This leave may be given for a period of up to one year.
APPENDIX
Bernalillo Public Schools

Computer Use Policy

Definitions

“User” shall mean all persons who are granted access to the Bernalillo School District’s computer resources.

“Computer Resources” shall mean all computer hardware, software, communications devices, facilities, equipment, networks, passwords, licensing and attendant policies, manuals and guides.

NO EXPECTATION OF PRIVACY

The computers and computer accounts given to Users are to assist them in performance of their jobs. Users do not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the Bernalillo Public School District and may be used only for business or educational purposes.

Waiver of Privacy Rights

Users expressly waive any right of privacy in anything they create, store, send, or receive on the computer or through the Internet or any other computer network. Users consent to allowing personnel of the Bernalillo School District to access and review all materials Users create, store, send, or receive on the computer or through the Internet or any other computer network. Users understand that the Bernalillo School District may use human or automated means to monitor use of its computer resources.

Prohibited Activities

Inappropriate or unlawful material(s). Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, threatening or potentially violent, defamatory, racially offensive, inappropriate proselytizing, or otherwise unlawful, or in violation of the Bernalillo Public Schools Board of Education’s policy may not be sent by email or any other form(s) of electronic communications (i.e. bulletin board systems, newsgroups, chat groups, list-servers) or be displayed on or stored in the District’s computers. Users encountering or receiving this kind of material should immediately report the incident to their principal(s) or supervisor(s).

Prohibited uses. Without prior written permission from the Superintendent or his/her designee, computer resources may not be used for dissemination or storage of commercial or personal advertisements, promotions, destructive programs (including but not limited to self-replicating codes or viruses), political or religious materials, or any use which is unauthorized or in violation of the Bernalillo Public Schools Board of Education’s policy.

Waste of computer resources. Users may not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending or forwarding mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, sending or forwarding jokes, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic.

Misuse of software. Without prior written authorization from the Superintendent or his/her designee, Users may not do any of the following:
1. Copy software for use on their home computers;
2. Provide copies of software to any third person;
3. Install software on any District workstation or server;
4. Download any software or run executable files from the Internet, email or other online services to any Bernalillo School District’s workstations or servers;
5. Modify, revise, transform, recast, or adapt any software; or
6. Reverse-engineer, disassemble, or decompile any software. Users who become aware of any misuse of software or violation of copyright law must immediately report the incident to their principal or supervisor.

Communication of confidential information. Unless expressly authorized by the Superintendent or his/her designee, sending, transmitting, or otherwise disseminating confidential information is strictly prohibited.

Passwords

Responsibility for passwords. Users are responsible for safe-guarding their passwords for access to the computer system. Individual passwords should not be printed, stored online, or given to others. Users are responsible for all transactions made using their passwords. No User may access the computer system with another User’s password or account.

Passwords do not imply privacy. Use of passwords to gain access to the computer system or to encode particular files or messages does not imply that Users have an expectation of privacy in the material they create or receive on the computer system.

Security

Computer security. Each User is responsible for ensuring that use of outside computers and networks, such as the Internet, does not compromise the security of the Bernalillo Public School District’s Computer Resources. This duty includes taking reasonable precautions to prevent intruders from accessing the District’s network via Internet connections or by leaving systems on and logged into the network without authorization and to prevent the introduction and spread of viruses.

Viruses

Virus detection. As viruses can cause substantial damage to computer systems, each User is responsible for taking reasonable precautions to ensure he or she does not introduce viruses into the District’s network. To that end, all material received on floppy disk or other magnetic or optical medium and all material downloaded from the Internet or from computers or networks that do not belong to the Bernalillo School District must be scanned for viruses and other destructive programs before being placed onto the computer system or network. Users should understand that their home computers and laptops may contain viruses; therefore, one should be extremely cautious in transferring from these computers to the District’s network.

Miscellaneous

Compliance with applicable laws and licenses. In their use of Computer Resources, Users must comply with all software licenses, copyrights, and all other state, federal and international laws governing intellectual property and online activities.
Other policies applicable. In their use of Computer Resources, Users must observe and comply with all other policies and guidelines of the Bernalillo Public School District. Sending, receiving, downloading, displaying, printing, or otherwise disseminating material that is sexually explicit, profane, obscene, harassing, fraudulent, intimidating, threatening or potentially violent, racially offensive, defamatory, proselytizing, inappropriate or otherwise unlawful or in violation of the Bernalillo Public Schools Board of Education’s policy is strictly prohibited.

Unacceptable Use

The Bernalillo Public School District has the right to take disciplinary action, remove computer and networking privileges, take legal action, or report to proper authorities any activity characterized as unethical, unacceptable or unlawful. Unacceptable use activities constitute, but are not limited to the following:

- Any activity through which the user seeks to gain unauthorized access to information resources, obtains copies of, or modifies files or other data, or gains and utilizes passwords belonging to other Users;
- Destroys, alters, dismantles, disfigures, prevents rightful access to or otherwise interferes with the integrity of computer-based information resources, whether on stand alone or networked computers;
- Invades the privacy of individuals or entities; or
- Submits, publishes or displays any defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually oriented or threatening materials or messages either for public or private use.

Violations/Consequences

Students

Students who violate this policy shall be subject to revocation of District Computer access up to and including permanent loss of privileges and discipline up to and including expulsion. Violations of law will be reported to law enforcement officials. Disciplinary action may be appealed by parents and/or students in accordance with existing District procedures for suspension or revocation of student privileges.

Staff

Staff members who violate this policy shall be subject to discipline up to and including suspension, termination or discharge in accordance with Board Policy, negotiated agreements and applicable law. Violations of law will be reported to law enforcement officials.
Sexual Harassment Policy

The policies of the Board of Education of the Bernalillo Public Schools forbid discrimination against any employee or applicant for employment on the basis of sex. The Board of Education will not tolerate sexual harassment activity by any of its employees. This policy similarly applies to non-employee volunteers, and to any other persons who work subject to the control of school authorities.

A. Definitions

1. Conduct of a Sexual Nature

Conduct of a sexual nature may include, but is not limited to, any unwanted physical, verbal or visual sexual advances, including subtle pressure for sexual activity; touching, pinching, patting or brushing against; requests for sexual favors and any other sexually-oriented conduct which is offensive or objectionable to the recipient; comments regarding physical or personality characteristics of a sexual nature; other sexually-oriented conduct such as epithets, derogatory or suggestive comments, slurs or gestures, “kidding”, “teasing”, double entendres and jokes; use of offensive cartoons, posters, pictures or drawings, and objects; and any harassing conduct to which an employee would not be subjected but for the employee’s gender.

2. Unwelcome Conduct of a Sexual Nature

a. Verbal or physical conduct of a sexual nature may constitute sexual harassment even if the allegedly harassed employee has not indicated that it is unwelcome.

b. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any subsequent conduct to be deemed unwelcome.

B. Sexual Harassment Prohibited

1. For the purposes of this policy, unwelcome sexual advances or requests for sexual favors, and other unwelcome conduct of a sexual nature, constitute prohibited sexual harassment if:

a. submission to the conduct is made either an explicit or implicit condition of employment; or

b. submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or

c. the conduct substantially interferes with an employee’s work performance, or creates an intimidating, hostile, or offensive work environment.

2. Specific Prohibitions

a. Administrators and Supervisors
1) It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors when the subordinate’s failure to submit will result in adverse treatment, or when the subordinate’s acquiescence will result in preferential treatment.

2) Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.

b. Non-administrative and Non-supervisory Employees

1) It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

C. It is the express policy of the Board of Education to encourage victims of sexual harassment to come forward with such claims.

1. Employees who feel that administrators or supervisors are conditioning promotions, increases in wages, or continuation of employment upon agreement to unwelcome conduct of a sexual nature, are encouraged to report these conditions to the appropriate administrator, including members of the Board of Education. If the employee’s direct administrator or supervisor is the offending person, the report shall be made to the next higher level of administration or supervision.

2. Employees are also urged to report any unwelcome conduct of a sexual nature by supervisors or fellow employees if such conduct interferes with the individual’s work performance, or creates a hostile or offensive working environment.

3. Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

D. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent or other appropriate official has the responsibility of investigating and resolving complaints of sexual harassment.

E. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension or termination, subject to applicable procedural requirements.
Notice of Non-Discrimination

Bernalillo Public Schools (BPS) does not discriminate on the basis of sex in the education programs or activities it operates. BPS does not discriminate on the basis of sex in admission to or employment in its education programs or activities. Inquiries concerning the application of Title IX and its implementing regulations may be referred to the Bernalillo Public Schools Title IX Coordinator or to the Office of Civil Rights (see contact information below).

Bernalillo Public Schools Title IX Coordinator
Director of Human Resources - Eric W. James
560 S. Camino Del Pueblo
Bernalillo, NM  87004
505-404-5717 Office  505-867-7850 Fax
ejames@bps.k12.nm.us
https://www.bernalillo-schools.org/domain/4795

Office of Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Facsimile: (303) 844-4303
Email: OCR.Denver@ed.gov
http://www.ed.gov/about/offices/list/ocr/complaintintro.html.

Notice of Non-Discrimination - 504

Bernalillo Public Schools does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Inquiries concerning the application of Section 504 and its implementing regulations may be referred to the Bernalillo Public Schools 504 Coordinator or to the Office of Civil Rights (see contact information below).

Bernalillo Public Schools 504 Coordinator
Shauna Branch
100 Highway 22; PO Box 459
Santo Domingo, NM  87052
505-867-4441 Office
sbranch@bps.k12.nm.us

Office of Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Facsimile: (303) 844-4303
Email: OCR.Denver@ed.gov
http://www.ed.gov/about/offices/list/ocr/complaintintro.html.