



STEPHEN F. AUSTIN STATE UNIVERSITY CHARTER SCHOOL

600: Human Resources SFA Charter Board Policy

Module 600: Human Resources

The Human Resources Module 600, is the sixth and final module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules currently available include:

Module 100: Financial Operations

Module 200: Charter School Governance & Organization

Module 300: General School Operations

Module 400: Students

Module 500: Open Government

Legal Abbreviations Used in the TCSA Model Board Policy Series

Atty. Gen. Op.	Attorney General Opinion
C.F.R.	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Educ. Code	Texas Education Code
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A.	United States Code Annotated

600.020. EQUAL OPPORTUNITY

SECTION 1. Anti-Discrimination Policy

SFA CHARTER SCHOOL employees shall not engage in discrimination or harassment motivated by race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, citizenship, or veteran status directed toward other SFA CHARTER SCHOOL employees or students. Unlawful discrimination based on sex includes discrimination defined as sexual harassment. A substantiated charge of discrimination and/or harassment shall result in disciplinary action. Retaliation against employees or students who report discrimination and/or harassment is strictly prohibited. Acts of retaliation may result in disciplinary action up to and including termination.

http://www.sfasu.edu/policies/2.11_discrimination-complaints.pdf

Equal employment opportunity – The SFA Charter School does not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, disability, genetic information, citizenship, veteran status, or on any other basis prohibited by law. Additionally, SFA CHARTER SCHOOL policy prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

<http://www.sfasu.edu/policies/affirmative-action.pdf>

SECTION 2. Investigation

Any allegations of discrimination or harassment of students or employees shall be investigated and addressed in accordance with University policy and procedures (policy 2.11 and 2.13).

SECTION 3. Coordinator

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

Name: Michael Walker
Position: Title IX Coordinator
Address: P.O. Box 13021 SFA Station, Nacogdoches, TX 75962
Telephone: 936.468.8292

Name: Tiffany B. Rivers
Position: 504 Director / ADA Coordinator
Address: P.O. Box 6130 SFA Station, Nacogdoches, TX 75962
Telephone: 936.468.3004

Name: Loretta Doty
Position: HR Director / Age Discrimination
Address: P.O. Box 13039 SFA Station, Nacogdoches, TX 75962
Phone: 936.468.2304

SECTION 4. Complaints

Complaints regarding any type of alleged discrimination, other than sex discrimination, shall be made in accordance with University policy at http://www.sfasu.edu/policies/2.11_discrimination-complaints.pdf. Complaints regarding sex discrimination shall be made in accordance with University policy at http://www.sfasu.edu/policies/2.13_sexual-misconduct.pdf.

600.40. DRUG-FREE WORKPLACE

SECTION 1. Drug-Free Policy

SFA CHARTER SCHOOL is committed to maintaining a drug-free workplace and will follow University policy and procedures (policy 13.11)

SECTION 2. Drug-Free Awareness Program

The CEO/Principal, or designee, shall establish a drug-free awareness program in accordance with federal law.

SECTION 3. Notification.

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

SECTION 4. Alcohol & Drug Testing

Section 4.1. Establishment of Testing Program & Procedures. In an effort to promote safety and help prevent accidents resulting from alcohol and/or drug misuse, the SFA CHARTER SCHOOL will follow University policy (Policy 11.6)

Section 4.2. Required Procedures. The procedures established under Section 4.1 require appropriate disciplinary action, including termination of an employee's employment, for refusal to submit to a required test for alcohol or controlled substances.

600.060. HIRING PRACTICES & CRIMINAL BACKGROUND CHECKS

SECTION 1. New Hires

Section 1.1. Compliance.

The CEO/Principal, or designee, shall ensure compliance with applicable laws and regulations regarding hiring practices of new employees, following University policy and procedures.

Section 1.2. Posting Job Vacancies.

The CEO/Principal, or designee, shall ensure that job vacancies are posted with ample time and in various venues so that a broad pool of potentially strong applicants may apply for available position, following University policy and procedures.

SECTION 2. Criminal Background Checks

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

600.080. COMPENSATION

SECTION 1. Fair Labor Standards Act (FLSA) Compliance

Section 1.1. Designation of Work Week. For purposes of the FLSA, the board generally designates the 40-hour work-week for employees as Monday at 7:40 am through Friday at 3:40 pm. The Board authorizes the CEO/Principal to designate separate work weeks for specific school personnel such as, but not limited to, the school maintenance staff.

Section 1.2. Classification of Employees. SFA Human Resources shall determine the classification of employees as “exempt” or “nonexempt” for purposes of FLSA compliance.

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

SECTION 2. COMPENSATION PLANS FOR SCHOOL EMPLOYEES

The CEO/Principal shall recommend for Board approval compensation plans for all categories of charter school employees including salary schedules, stipends, benefits, incentives or other components determined appropriate by the CEO/Principal. The CEO/Principal shall administer the compensation plan in a manner consistent with the annual budget adopted by the Board, following University policy regarding compensation plans for exempt and nonexempt employees. (Policy 12.2)

600.100. TRAINING: CAMPUS ADMINISTRATIVE OFFICERS & BUSINESS

MANAGERS

Each campus administrative officer and business manager shall comply with and keep accurate records concerning his or her compliance with the commissioner of education rules governing training requirements, as well as, training required by University policy.

600.140. RETIREMENT AND HEALTH BENEFITS

SECTION 1. Compliance

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

SECTION 2. Health Benefits

SFA CHARTER SCHOOL elects to provide health benefits through United Healthcare. All health claims and coverage decisions are final as determined by the school's selected carrier.

SECTION 3. COBRA Notification

COBRA notification will be made following Texas procedures in conjunction with University Policies and procedures.

SECTION 4. Local Benefits

SFA Charter School employees are eligible for additional local benefits available to university employees.

SECTION 5. Workers Compensation Benefits

The CEO/Principal shall notify employees of the availability for workers compensation in accordance with University policy and state law. (policy 12.23)

600.160. TEACHER CREDENTIALS & QUALIFICATIONS

SECTION 1. Compliance.

The CEO/Principal shall ensure that each teacher employed by the SFA CHARTER SCHOOL is properly credentialed and qualified as required by state and federal law. Further, the CEO/Principal shall ensure that the appropriate notices are sent to parents concerning the credentials and qualifications of the student's teachers.

600. 180. EMPLOYEE LEAVES AND ABSENCES

The governing body (“Board”) of SFA CHARTER SCHOOL follows University policy and SFA Charter School Employee Handbook, which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Definition

For purposes of this policy, “instructional staff” includes full time employees who work as campus principals, classroom teachers, teacher aides, counselors, and providers of special education services.

SECTION 2. Administration and Compliance

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

SECTION 3. Family Medical Leave

Section 3.1. 12-Month Period. For purposes of FMLA leave, the 12-month period for leave is determined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

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

SECTION 4. Local Leaves and Absences

Section 4.1. Local Vacation Leave. Paid vacation leave shall be earned by 12 month employees on the accrual schedule set by University policy. An employee shall not be able to earn local vacation leave while using unpaid extended leave such as FMLA leave. (policy 12.21)

Section 4.1.1. Limit on Vacation Leave Accrual and Use. All vacation days must be used in accordance with University policy. Vacation leave does not accumulate beyond these limits. (policy 12.21)

Section 4.1.2. Pre-Approval Required. Use of earned vacation leave must be pre-approved by the employee’s supervisor following University policy. (policy 12.21)

Section 4.2. Local Sick Leave. Each employee will accrue five (5) days of sick leave at the beginning of each year. A day of earned sick leave is equivalent to an assigned workday. There is no limit on the accumulation of sick leave. Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee’s performance of duty or when a member of the employee’s immediate family is actually ill. For these purposes, immediate family is defined as those individuals related by kinship, adoption or marriage, which are living in the same household or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis. An employee who is the legal guardian of a child by court appointment may use sick leave to care for the child. Sick leave may be used for the adoption of a child under the age of three.

Sick leave can be used only in whole day, half-day or one (1) hour increments except when coordinated with family and medical leave taken on an intermittent or reduced-schedule basis or when coordinated with workers’ compensation benefits. (policy 12.9) An employee who must be absent from duty because of illness shall notify their supervisor or cause the supervisor to be notified of that fact at the earliest practical time.

If an employee uses more sick leave than has been earned, the cost (at daily rate) of unearned sick

leave will be deducted from the employee's next paycheck. In the event an employee suffers a catastrophic injury or illness, application may be made for an award from the sick leave pool. (policy 12.18)

Section 4.3. Local Personal Leave. Each employee will accrue two (2) days of personal leave per year. This is leave that is taken at an employee's discretion and that can be scheduled in advance. An employee wishing to take personal leave must submit a notice of the request five days in advance of the anticipated absence to their supervisor. Personal leave will be granted on a first-come, first-served basis. The effect of the employee's absence on the educational program and the availability of substitutes will be considered by the supervisor. Any personal leave hours remaining at the end of a school year will be credited to the employee's sick leave balance.

Section 4.4 Other Leave. Employees are also eligible for emergency leave which is described as either bereavement leave or administrative leave and is described in detail under University Policy. (policy 12.11)

SECTION 5. Extended Absences from Duty

Section 5.1. Abandoning Work. An employee who misses three days of work without directly notifying the employee's supervisor may be considered to have abandoned the employee's position and may be terminated from employment upon consultation with the Director of Human Resource of the University.

Section 5.2. Returning to Work from Extended Leave. SFA Charter School will follow applicable Texas law in accordance to University Policies and Procedures.

Section 5.3. Pay Increases. Employees returning to their prior employment positions from extended leave such as family medical leave or workers' compensation leave are entitled to any equity increases that were awarded during the employee's absence from duty.

Unless legally required otherwise, returning employees will be entitled to any pay increases that were awarded based on seniority, length of service or work performance as required under applicable law.

The governing body (“Board”) of SFA CHARTER SCHOOL will follow University policy and procedure, SFA Charter School Employee Handbook, and this policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Process for Employee Complaints

In an effort to hear and resolve employee complaints in a timely manner and at the lowest administrative level possible, a policy has been developed which allows employees to bring formal complaints and grievances. Employees are encouraged to discuss problems or complaints with their supervisor at any time. The “Grievance and Appeals” policy at <http://www.sfasu.edu/policies/grievance-and-appeals.pdf> should be followed in the event the issue cannot be satisfactorily resolved at the supervisor level.

SECTION 2. Exception for Discrimination and Sexual Misconduct Complaints

All formal complaints by charter employees must be pursued in accordance with the process set forth unless the complaint is a sexual misconduct complaint filed by an employee against the employee’s supervisor. Under these circumstances, employees are encouraged to promptly report such incidents to the CEO/Principal, Stephen F. Austin State University Director of Human Resources, or Title IX Coordinator as described in University policy 2.13. Complaints regarding other forms of discrimination must be filed in accordance with University policy 2.11