



# Employee Handbook



**2009-2010**

**2000 North 23<sup>rd</sup> Street  
McAllen, Texas 78501**

# •Introduction•

The purpose of this handbook is to provide information that will help answer questions and pave the way for a successful year. It is also our goal to facilitate and provide support for the process of educating and preparing our students and staff to be successful in their endeavors. Not all district policies and procedures are included. Those that are have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to the Human Resources Office.

This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of noncontract employees in any way. Rather, it is a guide to and a brief explanation of specific district policies. District policies and procedures can change at any time. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor or call the appropriate district office. M.I.S.D. Board Policies can be accessed at the following web site: <http://www.tasb.org/policy/pol/private/108906>.

This document contains legal information to facilitate a general understanding of the law. Nothing herein should be relied upon as legal advice in general or in reference to any specific fact situation.

The McAllen Independent School District is an equal opportunity employer and does not discriminate against any individual on the basis of race, color, religion, gender, national origin, age or disability.

Revised July 2009

# TABLE OF CONTENTS

	Page
<b>Board of Trustees .....</b>	<b>6</b>
<b>Administration .....</b>	<b>7</b>
<b>District Goals.....</b>	<b>8</b>
<b>MISD Vision, Mission Statement and Critical Success Factor .....</b>	<b>9</b>
<b>School Calendar .....</b>	<b>10</b>
<b>Central Office Directory .....</b>	<b>11</b>
<b>Helpful Contacts .....</b>	<b>12</b>
<b>School Directory .....</b>	<b>13</b>
<b>Employment.....</b>	<b>16</b>
Equal Employment Opportunity .....	16
Applications for Employment .....	16
Background Checks .....	16
Vacancy Announcements .....	17
Contract and Noncontract Employment .....	17
Credentials .....	17
Terms of Employment .....	17
School Volunteer Program .....	18
Nepotism .....	18
New Employee Orientation .....	18
Transfers .....	19
Reassignments .....	19
Performance Appraisal .....	19
Workload and Work Schedules .....	20
Employee ID Badges .....	20
District – Issued Uniforms & Safety Equipment.....	20
<b>Compensation and Benefits .....</b>	<b>21</b>
Paychecks .....	21
Automatic Payroll Deposit .....	21
Payroll Deductions .....	22
Overtime Compensation.....	22
Travel Expense Reimbursement .....	22
Health, Dental, and Life Insurance .....	22
Voluntary Insurance Programs .....	23
IRC 125 Cafeteria Plan Benefits .....	23
Payment for Unused Sick Leave .....	23
Workers' Compensation Insurance .....	23
Unemployment Compensation Insurance .....	23
Teacher Retirement System .....	23

<b>Table of Contents, cont'd.</b>	<b>Page</b>
Retire/Rehire Procedures.....	24
Payroll Check .....	24
Employment After Retirement .....	24
<b>Leaves and Absences .....</b>	<b>25</b>
SmartFind Express System .....	25
Local Sick Leave .....	30
Family and Medical Leave Act .....	30
Extended Sick Leave .....	31
Sick Leave Pool .....	31
Workers' Compensation Benefits .....	31
State/Personal Leave .....	31
Procedures for Reporting and Recording Absences .....	32
Temporary Disability .....	32
Assault Leave .....	33
Military Leave .....	33
Jury Duty .....	34
Religious Observances .....	34
<b>Employee Relations.....</b>	<b>35</b>
Performance Evaluation .....	35
Employee Involvement .....	35
Staff Development .....	36
District Communications .....	36
Working with the Media .....	37
Information Archives .....	38
Employee Recognition .....	38
<b>Complaints and Grievances .....</b>	<b>39</b>
<b>Employee Conduct and Welfare .....</b>	<b>50</b>
Standards of Conduct .....	50
General Guidelines for Employee Conduct.....	50
Fraud Hotline.....	51
Dressing and Grooming.....	51
Violations and Code of Ethics .....	51
Tobacco Free Workplace .....	54
Possession of Firearms .....	54
Alcohol and Drug Testing .....	54
Drug Abuse Prevention .....	55
Notification of Federal Agencies.....	56
Arrests and Convictions .....	56
Moral Turpitude .....	56
Dietary Supplements .....	56
Reporting Suspected Child Abuse .....	56
Sexual Harassment .....	57
Attestation Regarding Abuse, Harassment, Molestation.....	60
Sexual Harassment (Employee-to-Student) .....	61
Sexual Abuse of Students .....	62

<b>Table of Contents, cont'd.</b>	<b>Page</b>
Fund Raising Activities or Sales .....	62
Associations and Political Activities .....	62
Asbestos Management Plan .....	62
Pest Control .....	63
Work-Related Injuries .....	63
Visitors in the Workplace .....	63
Copyrighted Materials .....	64
Building Use .....	64
TB Testing.....	64
<b>Student Conduct and Welfare .....</b>	<b>65</b>
Student Records .....	65
Administering Medication to Students .....	65
Student Discipline .....	65
<b>General Procedures .....</b>	<b>66</b>
Bad Weather Closing .....	66
Emergencies .....	66
Purchasing Procedures .....	66
Name and Address Change .....	66
Personnel Records .....	66
<b>Termination of Employment .....</b>	<b>67</b>
Termination .....	67
Nonrenewal of Contract .....	67
Resignations .....	69
Reduction in Force .....	69
Exit Interview .....	70
Suspension .....	70
Hearings .....	70
<b>Employee Handbook Receipt .....</b>	<b>71</b>
<b>Board Policies/Codes .....</b>	
<a href="#">Policy Code A</a> Basic District Foundations.....	
<a href="#">Policy Code B</a> Local Governance .....	
<a href="#">Policy Code C</a> Business and Support Services.....	
<a href="#">Policy Code D</a> Personnel.....	
<a href="#">Policy Code E</a> Instruction.....	
<a href="#">Policy Code F</a> Students .....	
<a href="#">Policy Code G</a> Community and Governmental Relations.....	
<b>Selected Policies of Interest .....</b>	
<a href="#">CQ (LEGAL)</a> Electronic Communication and Data Management.....	
<a href="#">CQ (LOCAL)</a> Electronic Communication and Data Management .....	
<a href="#">DAA (LEGAL)</a> Employment Objectives: Equal Employment Opportunity .....	
<a href="#">DAA (LEGAL)</a> Employment Objectives: Equal Employment Opportunity .....	
<a href="#">DBA (LEGAL)</a> Employment Requirements and Restrictions: Credentials and Records .....	

**Table of Contents, cont'd.**

**Page**

[DBB \(LEGAL\)](#) Employment Requirements and Restrictions:  
Medical Examinations and Communicable Diseases .....

[DC \(LEGAL\)](#) Employment Practices .....

[DC \(LOCAL\)](#) Employment Practices.....

[DCA \(LEGAL\)](#) Employment Practices: Probationary Contracts .....

[DCD \(LEGAL\)](#) Employment Practices: At-Will Employment.....

[DCD \(LOCAL\)](#) Employment Practices: At-Will Employment.....

[DEA \(LEGAL\)](#) Compensation and Benefits: Salaries and Wages.....

[DEA \(LOCAL\)](#) Compensation and Benefits: Salaries and Wages.....

[DEC \(LEGAL\)](#) Compensation and Benefits: Leaves and Absences.....

[DEC \(LOCAL\)](#) Compensation and Benefits: Leaves and Absences.....

[DFAA \(LEGAL\)](#) Probationary Contracts: Suspension/Termination During Contract .....

[DFAA \(LOCAL\)](#) Probationary Contracts: Suspension/Termination During Contract .....

[DFAB \(LEGAL\)](#) Probationary Contracts: Termination At End Of Year.....

[DFBB \(LOCAL\)](#) Term Contracts: Nonrenewal .....

[DFE \(LOCAL\)](#) Termination of Contract-Resignation .....

[DG \(LEGAL\)](#) Employee Rights and Privileges .....

[DGBA \(LEGAL\)](#) Personnel-Management Relations: Employee Complaints/Grievances .....

[DGBA \(LOCAL\)](#) Personnel-Management Relations: Employee Complaints/Grievances .....

[DGBA \(EXHIBIT\)](#) Personnel-Management Relations: Employee Complaints/Grievances.....

[DH \(LEGAL\)](#) Employee Standards of Conduct.....

[DH \(LOCAL\)](#) Employee Standards of Conduct.....

[DH \(EXHIBIT\)](#) Employee Standards of Conduct.....

[DI \(LEGAL\)](#) Employee Welfare .....

[DI \(LOCAL\)](#) Employee Welfare .....

[DI \(EXHIBIT\)](#) Employee Welfare .....

[DIA \(LEGAL\)](#) Employee Welfare - Freedom from Harassment .....

[DIA \(LOCAL\)](#) Employee Welfare - Freedom from Harassment.....

[FFAC \(LEGAL\)](#) Wellness and Health Services - Medical Treatment .....

[FFAC \(LOCAL\)](#) Wellness and Health Services - Medical Treatment.....

[FFH \(LOCAL\)](#) Student Welfare – Freedom from Harassment .....

# **BOARD OF TRUSTEES**

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*Policy Reference: BA, BAA, BBA, BBB, BE, BEC, BED*

The Board of Trustees is elected by the citizens of the McAllen Independent School District (MISD) to be legally responsible for educating the children in the District. Trustees are elected at-large by position.

Texas law grants the Board of Trustees the power to govern and oversee the management of the district's schools. The Board is the policy-making body within the district and has overall responsibility for curriculum, school taxes, annual budget, employment of the superintendent and other professional staff, facilities and expansions. The Board has complete and final control over school matters within limits established by law and State Board of Education rules.

Board of Trustees meet on the second and fourth Monday at 5:30 p.m. but are subject to change. School Board meetings are held in the Board Room of the Administration Building, 2000 North 23rd Street. Written notices of regular and special meetings are always posted in public view at the Administration Building. The notice indicates date, time, place and subjects of each meeting.

All meetings are open to the public. Texas law permits the Board of Trustees to convene in closed session for discussion of property acquisition, personnel issues, security matters or consultation with attorneys. Board of Trustee meetings are telecast on MITV - Channel 17, or one of the other public access channels on the cable system serving the McAllen area.

Board of Trustees encourage public involvement and comments from constituents. To be included in this part of the meeting, citizens must register with the superintendent's secretary by 5:00 p.m. on the day of the scheduled meeting. Those registering will be asked to indicate the topic about which they wish to speak.

Voters elect board members the first Saturday in May. The seven trustees serve staggered three-year terms without pay. To run for a position on the Board, a candidate must be a qualified voter, a resident of the state for 12 months and a resident of the district for at least six months.

## **2009 - 2010 BOARD OF TRUSTEES**

Mr. Richard Moore - President

Mr. Daniel Vela- Vice President

Ms. Myrna Garcia - Secretary

Mr. Mark Kent – Assistant Secretary

Mr. Javier Farias- Parliamentarian

Dr. Joseph Caporusso – Member

Mr. Sam Saldivar - Member

# **ADMINISTRATION**

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## **Superintendent**

Dr. James J. Ponce

## **Assistant Superintendent for General Operations**

Dr. Mike Barrera

## **Assistant Superintendent for Business Operations**

Concepcion Lopez

## **Executive Director Technology Information/Instructional Systems**

Jorge Herrera

## **Assistant Superintendent for Instructional Services**

Rachel Arcaute

## **Executive Director of Schools**

Melba Fuentes

## **Human Resources**

Director for Human Resources

John J. Cavazos

Director for Human Resources

Ramiro Vela

Director for Human Resources

Aurora V. Zamora

## **DISTRICT GOALS**

- Goal 1: MISD students demonstrate academic success through a relevant and well-balanced curriculum that includes and is supported by technology.
- Goal 2: MISD students demonstrate knowledge, skills and attitudes, at each grade level that predict success in post-secondary education and the workplace within an ever-changing global society.
- Goal 3: MISD students demonstrate behaviors that support academic success in a safe, challenging and nurturing environment.
- Goal 4: MISD, as a learning organization engages in the education of students by providing highly qualified personnel, facilities and a financial management system, which supports student learning.
- Goal 5: The MISD, as a learning organization of students, parents, community members and District staff, utilizes various methods of communication in order to ensure student success.

**McALLEN INDEPENDENT SCHOOL DISTRICT**

**Vision Statement**

McAllen ISD, a diverse community, promotes and encourages educational excellence in a safe, nurturing environment to empower successful, independent, and goal-oriented individuals who strive for life-long learning.

**McALLEN INDEPENDENT SCHOOL DISTRICT**

**Mission**

- To develop, implement, coordinate, and monitor a dynamic, developmentally appropriate curriculum;
- To create a positive and challenging atmosphere with high standards and measurable goals for all staff and students;
- To provide quality staff development; and
- To ensure student academic, social, physical, and emotional development.

**Critical Success Factors**

1. Effective Leadership
2. Highly Qualified Staff
3. High Academic Standards/Goals
4. Comprehensive Research-Based Curriculum
5. Parental and Community Involvement
6. Effective Utilization of Resources
7. Effective Communication
8. Innovative Technology
9. State-of-the-Art Facilities
10. Positive School Climate
11. Staff Development

[School Calendar](#)

# CENTRAL OFFICE DIRECTORY

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<b>Accounting</b> - Cynthia Richards .....	618-6032
<b>Applications</b> – John Cavazos/Ramiro Vela/Aurora Zamora.....	618-6005
<b>Athletics</b> – Poppy Rodriguez .....	618-6089
<b>Attendance</b> –John Wilde .....	618-6031
<b>Textbooks</b> – Nora Tijerina .....	618-6083
<b>Bilingual/ESL Education</b> – Angel Torres.....	618-7338
<b>Board Policies</b> – TBD .....	618-6025
<b>Business/Budget</b> – Concepcion Lopez .....	632-6016
<b>Computer Information Services</b> – Jorge Herrera .....	632-3633
<b>Curriculum and Instruction</b> – Rachel Arcaute .....	618-6048
<b>Drug Education</b> – Adalia del Bosque .....	632-3275
<b>Federal Programs</b> – Anjanette Gonzalez .....	632-3232
<b>Food Services</b> – Carmen Ocañas .....	632-3226
<b>Advanced Academic Learners</b> – Karen Nitsch .....	618-6059
<b>Complaints and Grievances</b> – John Cavazos .....	618-6005
<b>Health Services</b> – Adalia del Bosque .....	632-3275
<b>Insurance/Employee Benefits</b> - Andres Silva .....	618-6007
<b>Internal Auditor</b> – David Garcia .....	632-8442
<b>Leaves and Absences</b> – John Cavazos/Jo Ann Perez/Alicia Peña .....	618-6005
<b>Library Services</b> – Brenda Huston .....	618-6067
<b>Migrant Services</b> – Cynthia Bebon .....	928-8970
<b>Music/Fine Arts</b> – Karen Herrera .....	618-6085
<b>Payroll</b> - Deborah Prukop .....	632-8849
<b>Human Resources</b> – John Cavazos/Ramiro Vela/Aurora Zamora .....	618-6005

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<b>Police Department - Cris Esquivel</b> .....	632-3671
<b>Postal Services – Uriel Gonzalez</b> .....	632-3216
<b>Staff Development – Cynthia Saldivar</b> .....	618-8414
<b>Community Information - Norma Zamora-Guerra</b> .....	618-6023
<b>Purchasing Services – Lorena Pequeño</b> .....	632-3241
<b>Sexual Harassment – John Cavazos</b> .....	618-6005
<b>Site-Based, Shared Decision Making – Rachel Arcaute</b> .....	618-6048
<b>Special Education – Sherry Mayes</b> .....	632-3285
<b>Student Discipline Management – John Wilde</b> .....	618-6031
<b>Student Transfers –Student Intake Center</b> .....	618-6031
<b>Student Enrollment and Attendance –John Wilde</b> .....	618-6031
<b>Substitute Calling System – Noelia Navarro</b> .....	632-8490
<b>Teacher Certification – Hilda Perales/Josie Tamez</b> .....	618-6005
<b>Testing – Thelma Rosel</b> .....	632-3240
<b>Transportation – Rene Paredez</b> .....	632-3211
<b>Career and Technology – Lilly Sandoval</b> .....	632-5181

### **HELPFUL CONTACTS**

<b>Administration Building Receptionist – Rosa Gonzalez</b> .....	618-6000
<b>Insurance/Employee Benefits – Andres Silva</b> .....	618-6007
<b>Safety Specialist – Joseph Vorbach</b> .....	632-3203
<b>Student Support Services and Attendance – John Wilde</b> .....	618-6031
<b>Workers' Compensation - Elvira Solis</b> .....	632-8430
<b>Human Resources Receptionist –</b> .....	618-6005
<b>MISD Fraud Hotline (English)</b> .....	1-800-398-1496
<b>MISD Fraud Hotline (Español)</b> .....	1-800-216-1288

# SCHOOL DIRECTORY

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## HIGH SCHOOLS

McAllen High School  
2021 La Vista  
Christine Beck, Principal  
632-3100

Memorial High School  
101 E. Hackberry  
Rosie Larson, Principal  
632-5201

Rowe High School  
2101 N. Ware Rd.  
Esther Tijerina, Principal  
632-5100

## MIDDLE SCHOOLS

Brown Middle School  
2700 S. Ware Rd.  
Carlos Hernandez, Principal  
632-8700

De Leon Middle School  
4201 N. 29th St.  
Philip Grossweiler, Principal  
632-8800

Travis Middle School  
600 Houston  
Trecia Munal, Principal  
971-4242

Cathey Middle School  
1800 N. Cynthia  
Jose A. Gonzalez, Principal  
971-4300

Lincoln Middle School  
1601 N. 27th St.  
Rosalinda Martinez, Principal  
971-4200

Morris Middle School  
1400 Trenton  
Dr. Matt Weber, Principal  
618-7300

Fossum Middle School  
7800 N. Ware Rd.  
Albert Canales, Principal  
971-1105

## ELEMENTARY SCHOOLS

Alvarez Elementary  
2606 Gumwood  
Cynthia Rodriguez, Principal  
971-4471

Bonham Elementary  
2400 Jordan  
Lorena Saenz, Principal  
971-4440

Castañeda Elementary  
4100 N. 34<sup>th</sup> St.  
Eulalia Tijerina, Principal  
632-8882

Crockett Elementary  
2112 N. Main  
Mariselda Morales, Principal  
971-4414

Escandon Elementary  
2901 Colbath  
Gloria Corpus, Principal  
971-4511

Fields Elementary  
500 Dallas  
Cindy Hatzold, Principal  
971-4344

Garza Elementary  
6300 N. 29th St.  
Katie Shults, Principal  
971-4554

Gonzalez Elementary  
201 E. Martin  
Christina Hernandez, Principal  
971-4577

Houston Elementary  
3201 Olga St.  
Sonia Casas, Principal  
971-4484

Jackson Elementary  
500 Highland  
Jose A. Garza, Principal  
971-4277

McAuliffe Elementary  
3000 Daffodil  
Sandra Pitchford, Principal  
971-4400

Milam Elementary  
3800 N. Main  
Linda McGurk, Principal  
971-4333

Navarro Elementary  
2100 Hackberry  
Leticia Infante, Principal  
971-4455

Rayburn Elementary  
7000 N. Main  
Nancy Dillard, Principal  
971-4363

Roosevelt Elementary  
4801 S. 26th St.  
Yolanda Ramirez, Principal  
971-4424

Seguin Elementary  
2200 N. 29th St.  
Diana Cortez, Principal  
971-4565

Thigpen/Zavala Elementary  
520 S. 23rd St.  
Elva De Leon, Principal  
971-4353

Wilson Elementary  
1200 Hackberry  
Mariella Gorena, Principal  
971-4525

Perez Elementary  
7801 N. Main  
Louann Sarachene, Principal  
971-1125

Sanchez Elementary  
2901 Incarnate Ave  
Hector Guerra, Principal  
971-1100

Hendricks Elementary  
3900 Goldcrest  
Sandra Salinas, Principal  
971-1145

**ALTERNATIVE SCHOOLS**

Instruction & Guidance Center  
(I&G)  
1619 Galveston  
Luis Longoria, Principal  
971-4393

Lamar Academy  
1009 N. 10<sup>th</sup>  
Cindy Peña, Principal  
632-3222

Achieve Early College High School  
South Texas College Pecan Campus  
Yvette Cavazos, Principal  
872-1653

<b>Secondary Assistant Principals/Deans</b>		<b>Elementary Assistant Principals/ Lead Teacher Strategists (LTS)</b>	
Brown Middle School	Rudy Acosta Maria A. Chapa	Alvarez Elementary	Jennifer Saenz
De Leon Middle School	Margaret Ramirez Dina Moreno	Bonham Elementary	Michelle Cardoza
Cathey Middle School	Brian McClenny	Crockett Elementary	Maria C. Boyd
Fossum Middle School	Roland Garza	Escandon Elementary	Sandra Saenz
Lincoln Middle School	Rosey Guerra-Solis Alfredo Gutierrez	Fields Elementary	Dolores Ueckert
Morris Middle School	Debra Loya Thomas Linda Westfield	Garza Elementary	Kristine Garza
Travis Middle School	Guadalupe Villarreal Thomas O'Cana	Gonzalez Elementary	Ana Reyna (LTS)
McAllen High School	Renee Pugh - Dean Leticia Cazares Jose Puente Socorro Espinoza Rodrigo Pena	Hendricks Elementary	Carlos Mora
Memorial High School	TBD - Dean Olga Snelling Melvin Benford Rita Caceres Kyle Pugh	Houston Elementary	Elizabeth Reynoso
Rowe High School	Brigitte Vieh - Dean Maria L. Aleman Doyle Todd Pedro Alvarez Lionel Garza	Jackson Elementary	Sandra Richardson
Options High School	Ken McClellan	McAuliffe Elementary	Katherine Leal
I & G Center	Alicia Acuña	Milam Elementary	Sylvia Ramos
		Navarro Elementary	Elida Jazinski
		Rayburn Elementary	Norma Barreda
		Roosevelt Elementary	Maru Falletich
		Seguin Elementary	Gerardo Gonzalez
		Thigpen/Zavala	Jacqueline Escobedo
		Wilson Elementary	Oralia Cantu

# EMPLOYMENT

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*Policy Reference: DAA, DBA, DBE, DC, DCA, DCB, DCC, DCD, DCE, DD, DDA, DEA, DH, DHC, DK*

## **EQUAL EMPLOYMENT OPPORTUNITY**

The McAllen Independent School District (MISD) does not discriminate against any employee or applicant for employment because of race, religion, sex, marital status, age, national origin, disability, military status, or any other basis prohibited by law. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

As an exception to the policy stated above, the Board of Trustees may employ an individual on the basis of the individual's religion, sex, national origin, or age in certain instances where religion, sex, national origin, or age is a bona fide occupational qualification reasonably necessary to the normal operation of the District.

Employees with questions or concerns relating to discrimination on any basis listed above may contact Human Resources, 2000 N. 23rd St., McAllen, 78501 (956) 618-6005.

## **APPLICATIONS FOR EMPLOYMENT**

Anyone seeking employment with the District should contact the Human Resources Office for an application form and instructions. Applications are active for one year from September through August. Supportive information, such as new recommendations, updated transcripts, information related to certification, and additional experience should also be submitted. Qualified applicants selected for final interviews will be contacted by a principal where a teaching vacancy may exist.

## **BACKGROUND CHECKS**

As per Senate Bill 9, the District shall obtain criminal history record information that relates to all certified and non-certified employees. This Bill, which became effective January 1, 2008, is a comprehensive statute requiring various levels of criminal history review for different types of public school employees including:

- All certified educators working in public schools who have not been previously fingerprinted
- All non-certified public school employees
- All substitute teachers
- School contractor employees who have direct contact with students
- Student teachers and volunteers, with certain exceptions

Senate Bill 9 requires all certified employees through the State Board for Educator Certification (SBEC) to be fingerprinted and subject to a national and state criminal background check before September 1, 2011. The Texas Education Agency (TEA) will notify the District and employee as to when they will be required to be fingerprinted and will be given a deadline. At that time, the certified employee will be given information as to their responsibility in scheduling a fingerprinting appointment with the appropriate entity designated by the Department of Public Safety (DPS). Also, all non-certified employees will be subject to this same requirement prior to the District approving their employment.

All employees hired prior to January 1, 2008 are subject to a name-based criminal background through DPS at the discretion of the District. Criminal history record information obtained by the District shall

not be released or disclosed to any person other than the individual who is the subject of the information and/or the Texas Education Agency.

## **VACANCY ANNOUNCEMENTS**

Announcement of non-teaching vacancies by position and location are posted on the bulletin board in the Human Resources Building. Current employees must submit an application at the time of vacancy. Current employees will be considered along with all other qualified applicants.

## **CONTRACT AND NONCONTRACT EMPLOYMENT**

State law requires the district to employ all full time professional employees in positions requiring a certificate from State Board for Educator Certification (SBEC) and nurses under probationary, term, or continuing contracts. Employees in all other positions are employed at will or by a contract that is not subject to the procedures for nonrenewal or termination under Chapter 21 of the Texas Education Code. The paragraphs that follow provide a general description of the employment arrangements used by the district.

## **CREDENTIALS**

**Professional Employees.** To be eligible for consideration for employment in any professional position, applicants must have at least a bachelor's degree, a valid certificate or license for the position, or be eligible for a permit. Administrators and instructional supervisors must hold at least a master's degree with a major in the appropriate field. Instructional personnel are responsible for obtaining and keeping proof of valid certification on file in the Human Resources Office. Contracts are not binding until all credentials are on file. The Texas Education Agency requires that all professional personnel files contain service records with certified experience, current certificate, complete college transcripts, copy of the current employment contract and certificates for any necessary medical examinations.

Professional employees who earn certificates, endorsements, or degrees of higher rank should submit an official college transcript and valid certificate or endorsement to the Human Resources Office before the beginning of the next school year.

Employees not exempt under the Fair Labor Standards Act shall be paid at least minimum wage and receive compensation or time off for overtime under the conditions specified in the Act.

## **TERMS OF EMPLOYMENT**

Professional and administrative employees who hold positions requiring a certificate or license will be employed under a probationary or a term contract with the Board of Trustees. No other positions will be employed by a contract.

**Probationary Contracts.** All new contracted employees will be given a probationary contract during their first year of employment. Those who have been employed in public schools for at least five of the eight years preceding employment with the district will have a probationary contract for only one year. For persons with less experience, probationary contracts may be renewed for up to three years, with an optional fourth year if the district has doubts about continued employment. All employees with less than five years of experience will serve at least a one year probationary period. At the end of the probationary period, the employee will either be offered a term contract or be given notice that their employment contract will not be renewed. Written notice of the nonrenewal of a probationary contract will be given at least 45 days before the last day of instruction.

**Term Contracts.** Teachers and other certified professionals will be employed under one year term contracts. Campus principals and central office administrators generally will be employed under one year term contracts. Employees will receive notice of whether or not their employment contract will be renewed at least 45 days before the last day of instruction at the end of the contract term.

Each term contract is subject to the approval of the Board. There is no property interest in a term contract beyond its term (Education Code, 21.204e). For more information see DCB (LEGAL).

**Supplemental Duties.** Extracurricular assignments such as coaching or sponsoring teams or clubs are not a part of the employment contract with the district. The employee may resign or these duties may be discontinued or reassigned by the district at any time.

**Paraprofessional and Auxiliary Employees.** All paraprofessional and auxiliary employees, regardless of certification, are employed at-will. Employment is not for any specified term and may be ended at any time by either the employee or the district with or without good cause.

**Noncertified Professional and Administrative Employees.** Employees in professional and administrative positions that do not require certification such as accountants, directors of operations, systems analysts, etc., are employed at-will. Employment is not for any specified term and may be ended at any time by either the employee or the district with or without good cause.

#### **SCHOOL VOLUNTEER PROGRAM**

As per Policy GKG, volunteers may be used in the schools to relieve teachers of routine and clerical matters so they may increase their effectiveness in instruction. Volunteers in the school shall work under the supervision of the principal in whose building they are assigned, in accordance with approved procedures. The district may obtain criminal history record information that relates to a person intends to serve as a volunteer.

#### **NEPOTISM**

The district cannot employ anyone who is related to a member of the Board by blood or marriage, except in the capacity of substitute teacher. A supervisor cannot recommend for hiring any relative whom he or she would be supervising. To ensure that board policy relating to nepotism is followed, each new employee in the district signs a declaration of kinship.

If an employee's relative is elected to the board, the employee's position will not be affected as long as he or she has been continuously employed for six months immediately prior to the board member's election. If an employee's relative is appointed to the board, the employee must have been employed for at least 30 days prior to the appointment. Board members who have relatives working for the district must not participate in any employment decision that applies directly to the employee as an individual (DC LOCAL).

#### **NEW EMPLOYEE ORIENTATION**

**Teachers.** Each campus has a support system for new teachers, based on the idea that new teachers need extra support to ensure a positive and successful employment experience with MISD. New teachers are matched with an experienced teacher or mentor who is familiar with district procedures and the community. Each teacher who volunteers to be a mentor for a new teacher (mentee) provides information and guidance regarding the MISD Instructional Delivery System, lesson plans, guidelines, policies, and the evaluation and appraisal system. For additional information on the new teacher support system, contact Brenda Huston at 618-6067.

**Paraprofessional and Auxiliary Employees.** The employee orientation program for paraprofessional and auxiliary staff is conducted by the employee's immediate supervisor. Supervisors provide staff development activities throughout the year. The orientation program addresses job responsibilities; employee benefits; and, local, state and federal guidelines as they pertain to assigned jobs. Sign in-sheets shall be maintained at the different sites that indicate that each new employee has attended an orientation session with their supervisor.

## **TRANSFERS**

**Professional Employees.** Teachers who are considering transferring to another campus should contact Human Resources to complete and file an official transfer request form. Human Resources will provide campus principals with a list of teachers requesting transfers for the upcoming school year. An optional interview may be scheduled by the principal before a request is approved. Personnel administrators will determine appropriate placements in the best interest of all campuses when teachers are accepted for transfer at more than one campus.

## **REASSIGNMENTS**

All employees are subject to assignment or reassignment by the Superintendent or designee. Principals shall work cooperatively with Central Office staff to ensure the efficient operation of the District. When reassignments are due to enrollment shifts or program changes, however, the Superintendent has final placement authority. When emergency conditions require, a teacher may be reassigned in accordance with standards for emergency teaching permits, special assignment permits, and temporary classroom assignment permits. Extracurricular or supplemental duty assignments may be discontinued or reassigned by the District at any time. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA. For more information on assignments and schedules see DK (LOCAL).

## **PERFORMANCE APPRAISAL**

The District shall appraise teachers using the state appraisal process and performance criteria developed by the Commissioner of Education. The results of teacher appraisals shall be used for professional staff development and shall be used as one component for contract renewal considerations. The teacher appraisal process requires at least one appraisal. The District shall provide a teacher with an orientation to the teacher appraisal system before the teacher's first observation. The State Board shall provide materials for additional training that may be used as part of the District's staff development program. The District shall establish a calendar for appraisal during the required days of instruction for students during one school year.

First year teachers, new to the profession, shall have two evaluations/appraisals.

An appraisal may consist of at least one 45-minute observation and/or multiple visits of fifteen minutes or more by an appraiser. An appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified whenever possible. Observations shall be scheduled by date and time. The District shall adopt procedures for implementing these provisions. Before a teacher's first observation, the length of observation may be waived by mutual consent at the request of the teacher or the appraiser. For more information see DNA (LEGAL) and DNA (LOCAL).

Term teachers with at least ten years of approved teaching experience may qualify for less frequent evaluations. See Policy DNA (LOCAL).

## **WORKLOAD AND WORK SCHEDULES**

Professional and administrative employees are exempt from overtime pay and are employed on a ten, eleven or twelve-month basis, according to the work schedules set by the district. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules including required days of service and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation and conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes. Teachers and librarians are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers to supervise students when no other personnel are available.

## **EMPLOYEE ID BADGES**

Each full-time employee shall be provided an ID badge indicating their name, title and campus/department following the employment process. The ID badge must be worn at all times while on MISD premises. The use of the ID badge by any other person is prohibited. ID badges must be surrendered to the immediate supervisor upon termination of employment.

## **DISTRICT – ISSUED UNIFORMS & SAFETY EQUIPMENT**

Certain staff are provided district-issued uniforms. These employees shall be required to wear the uniform while on duty. Personal use of district-issued uniforms may result a tax liability accruing to the employee; therefore, employees are prohibited from wearing district-issued uniforms when off duty except for commuting to and from work. Uniforms shall include work shirts, pants, shoes, glasses, and/or any other item/protective item of clothing, or logoed clothing sponsored by the District.

# COMPENSATION AND BENEFITS

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Policy Reference: DEA, DEB DEE, DEG, CRD, CFEA, CRG, CR, CRB, CRE, CRF,

## PAYCHECKS

Paraprofessional, professional, and administrative employees are paid monthly in 12 equal payments on or about the 25<sup>th</sup> of each month. Auxiliary employees are paid biweekly in 26 equal payments. During the school year, paychecks are delivered to each campus. Paychecks will not be released to any person other than the employee without written authorization. During summer breaks, paychecks will either be mailed to the employee's current home address or deposited electronically.

The schedule of monthly pay dates for the 2009-2010 school year are:

August 25	April 23
September 25	May 25
October 23	June 23
November 23	July 22
December 17	
January 22	
February 25	
March 25	

The schedule of biweekly pay dates for the 2009-2010 school year are:

September 4	March 5
September 18	March 19
October 2	April 1
October 16	April 13
October 30	April 30
November 13	May 14
November 27	May 28
December 11	June 11
December 22	June 25
January 8	July 9
January 22	July 23
February 5	August 6
February 19	August 20

## AUTOMATIC PAYROLL DEPOSIT

All District employees should participate in automatic payroll deposit. McAllen ISD can electronically direct deposit monthly employee payroll checks to employee accounts at any Federal Reserve banking institution. Interested employees must complete an Authorization Agreement to the payroll office with a voided personal check. With automatic deposit service, an employee's money is immediately available on the pay date. Authorization Agreements remain in effect unless an employee completes a Cancellation of Authorization Agreement for Direct Deposit form. Employees utilizing electronic direct deposit will receive a voided payroll check with a check stub detailing itemized deductions from gross pay to net pay at their pay location on pay day or via U.S. mail at the address shown on the payroll check during the summer months.

## **PAYROLL DEDUCTIONS**

Automatic payroll deductions for the Texas Teacher Retirement System (TRS) and federal income tax are required for all full-time employees. Medicare tax deductions are required for all employees hired after March 31, 1986. Employees who are not members of TRS are required to have Social Security contributions deducted.

Other payroll deductions employees may include: the employee's share of premiums for health insurance, dental insurance, supplemental insurance, or savings and loan payments through the South Texas Federal Credit Union. Employees may also request a payroll deduction for payment of membership dues to professional organizations and the United Way.

Deductions will be automatically made for unauthorized or excessive use of personal or sick leave.

## **OVERTIME COMPENSATION**

The district administers overtime compensation in accordance with federal wage and hour laws. All employees are classified as exempt or nonexempt for purposes of overtime compensation. Professional and administrative employees are exempt, or ineligible, for overtime compensation. Professional and administrative employees are paid on a salary basis rather than an hourly basis and are not entitled to compensation for working overtime. Only nonexempt employees (hourly employees and some paraprofessional employees) are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor.

Overtime is legally defined as all hours worked in excess of 40 hours weekly. Overtime is not measured by the day or by the employee's regular work schedule. Employees must have worked more than 40 total hours in a week to earn overtime. Employees shall be compensated for overtime with time-and-a-half rates. Weekly time sheets will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## **TRAVEL EXPENSE REIMBURSEMENT**

The employee's supervisor must give prior approval before any travel expenses are incurred by the employee. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current schedule of rates authorized by the Board of Trustees and the IRS. Employees are encouraged to provide receipts for anticipated reimbursements. Please refer to the Accounting Procedures Manual as provided by the Business Department.

## **HEALTH, DENTAL, AND LIFE INSURANCE**

McAllen ISD provides health, dental, and life insurance to all full-time, regular employees through a self-funded insurance plan. Employees who work less than 20 hours or are on a substitute or temporary basis are not eligible for benefits. This handbook provides only a general description of the benefit options and coverage available. Detailed descriptions of insurance coverage, premiums, and eligibility requirements are available from the Employee Benefits Office.

The insurance plan year is from October 1 through September 30. New employees must complete enrollment forms within the first 30 days of employment. Continuing employees can make changes in their insurance coverage with a qualifying event or during the open enrollment period. On a monthly basis, an insurance representative may be available to assist employees with insurance claims in a designated area. Submit all medical provider bills to the third party administrator in accordance with the plan's filing timeline requirements. Call the Employee Benefits Office if you have any questions.

## **VOLUNTARY INSURANCE PROGRAMS**

At their expense, employees may enroll in supplemental insurance programs, which may include, but not limited to cancer/specified disease, disability, legal and life/AD&D programs.

## **IRC 125 CAFETERIA PLAN BENEFITS**

An employee may reallocate a specified amount per month of the gross salary for the purchase of fringe benefits, as part of a cafeteria plan, authorized by Section 125 of the Internal Revenue Code. Employees enjoy two important advantages under the McAllen ISD Cafeteria Plan:

- (1) Premium Conversion – Employees have the opportunity to pay their share of insurance premiums on a before tax basis. This means employees pay no federal taxes on these insurance premiums.
- (2) Flexible Spending Accounts – Employees also have the opportunity to pay for many typical health care or dependent care expenses with tax-free money. The maximum allowable amount for Dependent Care is \$400 a month.

## **PAYMENT FOR UNUSED SICK LEAVE**

Employees who retire from MISD at the end of the 2002-2003 school year, with at least 10 years of service to the District and under the criteria established by the Texas Teacher Retirement System, will be eligible to be reimbursed for up to 30 unused local sick leave days.

## **WORKERS' COMPENSATION INSURANCE**

An employee receiving workers' compensation wage benefits shall be assigned to family and medical leave, if applicable.

The employee shall inform the appropriate administrator whether he or she chooses to use available paid leave. Any paid leave used shall be offset against workers' compensation wage benefits. The combination of benefits shall not exceed the employee's pre-injury weekly wages.

## **UNEMPLOYMENT COMPENSATION INSURANCE**

The District extends unemployment compensation benefits under the Texas Unemployment Compensation Act to employees who have been laid off or terminated through no fault of their own. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year and summer months if they have contracts or reasonable assurance of returning to service.

## **TEACHER RETIREMENT SYSTEM**

All full-time personnel employed on a regular basis are members of the Teacher Retirement System of Texas (TRS). Degreed and certified substitutes who work at least 90 days a year have optional membership.

Members are provided an annual statement of their account from TRS indicating all deposits and the total account balance for the year ending August 31, as well as an estimate of their eligible retirement benefits.

## **RETIRE-REHIRE PROCEDURES**

McAllen ISD employees who retire under TRS guidelines may elect to pursue/participate in the rehire process in either a part-time or full-time capacity. TRS guidelines must be followed.

## **PAYROLL CHECK**

Starting with the 1997-98 school year, employees are encouraged to utilize direct deposit for efficiency and expediency. For assistance in signing up for direct deposit, contact the Payroll Office. Questions regarding checks and/or pay periods should be directed to the Payroll department.

## **EMPLOYMENT AFTER RETIREMENT**

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed in certain positions or on a part-time basis without affecting their benefits, according to TRS rules and state law. Service retirees who retire before May 31 may return to work in a Texas public school without reduction in benefits one full calendar month after the retirement date provided they meet certain strict conditions. Retirees may work in the following capacities without a loss of retirement benefits.

- As a principal or assistant principal on a full-time basis, if certified as a principal and following a 12-month break in service. Retirees that retired under early age or disability provisions are excluded.
- As a full-time bus driver (early age and disability retirees excluded).
- As a substitute at no more than the established daily substitute pay rate (Individuals receiving disability retirement benefits may not work for more than 90 days in a school year.)
- On a half-time or less basis during any month, provided they are not also employed as a substitute in that month. Half-time employment cannot exceed the lesser of 50 percent of the position's full-time load or 92 hours in a month.
- On a full-time basis during a six-month period during a school year, provided that this is their only employment in a Texas public school. Individuals who retire in August may begin employment in October of the school year following their retirement.

Under this last provision, retirees must submit annual written notice to TRS by the last day of the first month of full employment to avoid a disruption of benefits. Working any part of a month counts as a full month.

Other restrictions apply when a person has retired because of a disability. Individuals retiring because of a disability should contact TRS for details about employment restrictions.

Shortage areas. Certain retirees may return to work on a full-time basis as a principal or assistant principal or teacher in an acute shortage area without a reduction in their annuities. Acute teaching short areas are determined by the Board based on Commissioner of Education guidelines. When filling acute shortage area positions, the district must give hiring preference to certified applicants who are not retirees. To be eligible for full TRS benefits a retiree must meet the following criteria:

- Have not been subject to a reduction in benefits for retirement at any early age or retired under disability provisions
- Have a 12-month continuous break in public school service since retirement
- Be appropriately certified for the position in the applicable school year.

Employees can contact TRS by calling 1-800-223-8778 or 512-542-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

# LEAVES AND ABSENCES

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*Policy Reference: DEC*

The District offers employees, who are eligible for benefits, paid and unpaid leaves of absence to provide income and job protection in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who have personal needs that will require long leaves of absence should call the Employee Benefits Office for counseling about available leave options, continuation of benefits, and communication requirements with the district. Employees who take an unpaid leave of absence may continue their insurance benefits at their own expense for up to 24 months. The District does not pay any benefit contributions to eligible employees who are not on active payroll status.

## **SMARTFIND EXPRESS SYSTEM**

Employees are to document absences by reporting absences to the automated SmartFind Express System (SFE). Reporting procedures are established by each department. Contact your supervisor regarding procedure.

## Employee Quick Reference Card

System Phone Number **632-8480**

Help Desk Phone Number **632-8490**

Access ID:     **Social Security No.**    

PIN: \_\_\_\_\_

### Absence Reasons

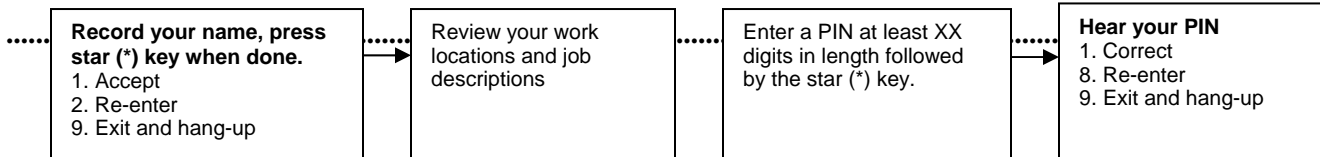
Number	Description	Number	Description
1.	Personal Illness	8.	Mandatory Court Appearance
2.	Illness in Immediate Family	9.	Teacher Vacancy
3.	Death in Immediate Family	10.	Military Leave
4.	Family Emergency	11.	Vacation
5.	Personal Business Leave	12.	Recuperative Leave
6.	Authorized School Business	13.	Worker's Compensation
7.	Jury Duty		

### Employee Registration

Enter your Access ID, followed by the star (\*) key. Enter your PIN followed by the star (\*) key.  
If you do not have a PIN, enter your Access ID followed by the star (\*) key.

#### Name does not exist

#### PIN is not valid

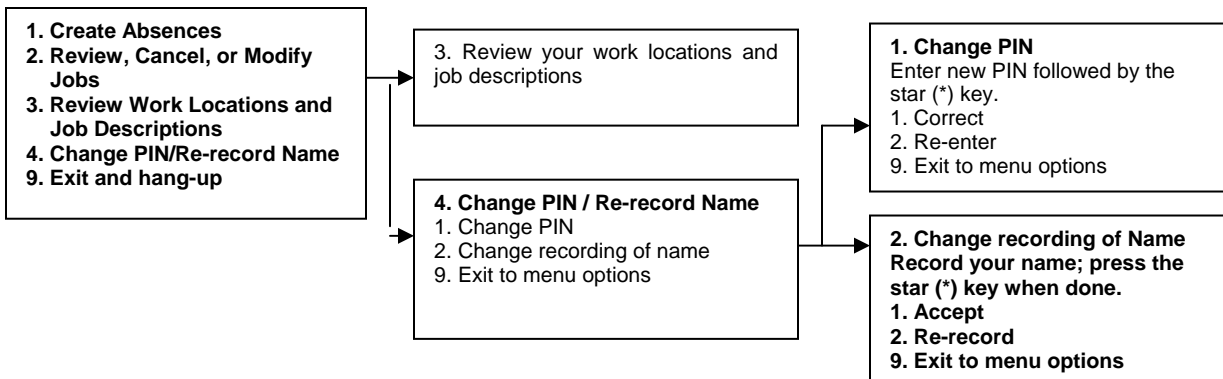


### Employee Menu

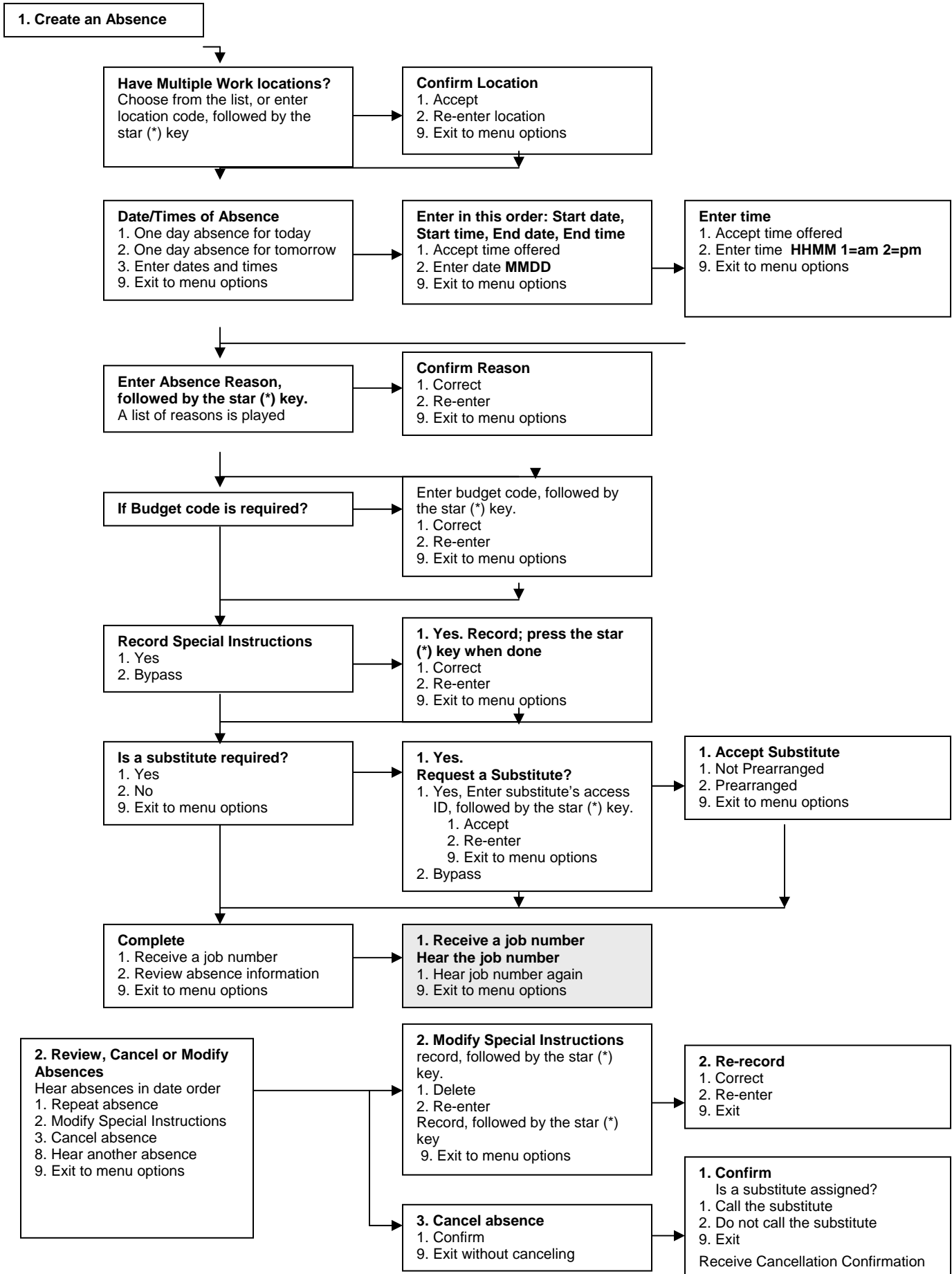
Enter Access ID, followed by star (\*) key.  
Enter PIN, followed by star (\*) key, listen to announcements.

#### Menu Options

For Options 1 and 2, see next page.



## Employee Menu



## Web Browser Access Instructions

Web Browser URL <https://sfe.mcallenisd.net> Help Desk Phone Number **632-8490**

### Sign In

Open your web browser and access the SmartFindExpress Sign In page. Review the messages above the Sign In. Enter your Access ID and PIN. Review additional announcements on your home page, if any.

### Create Absence

**Important Note: Items in Bold are required to complete an Absence and receive a Job Number.**

- **Select the Location**
- **Select the Classification**
  - Choose from the drop-down menu
- **Select the Reason for this absence from the drop-down menu**
- Enter Budget Code, if applicable.
- **Indicate if a substitute is required for this absence.**
  - **Choose Yes or No**
- **Select Start and End Dates for your absence**
  - Enter the dates with forward slashes (MM/DD/YYYY) or use the calendar icon
- **Select Start and End Times for your absence. Default times are listed**
  - To change defaults, enter time in HH:MM am or pm format
  - Ensure that the correct time is entered. If the times for the substitute are different than the absence times, please enter the adjusted times
- Multiple Day (Recurring) Absence. Select the *Modify Schedule* button.
  - Your default work schedule is shown. Remove the checkmark(s) from the Work Days boxes that do not apply to this absence
  - Modify daily schedule and/or times for absence and substitute
  - Select the *Continue* button
- Request a particular substitute
  - Enter the substitute's access ID number or use the Search feature to find the substitute by name
- Indicate if the requested substitute has accepted this job
  - Yes = substitute is prearranged and will not be called and offered the job
  - No = call will be placed and the substitute will be offered the job
- Enter special instructions for the substitute to view
- **Select the Continue button**
- **Select the Create Absence button to receive a Job Number. Please record this Job Number.**

## Review/ Cancel Absences

Review past, present and future absences or to cancel an absence.

Follow these steps

- Select the format for absence display: List or Calendar view
- Search for Jobs: Enter specific date range (MM/DD/YYYY) or Calendar icon, or enter job number or leave blank to return all your absences
- Select the *Search* Button
- Select the *Job Number* link to view job details on future jobs

From the Job Details screen

- Special instructions can be updated on future jobs. Modify the special instructions and select the *Save* button
- To cancel your job, select the *Cancel Job* button
- If a substitute is assigned to your absence and you want the system to notify them of the job cancellation (by calling them), place a checkmark in the box prior to the question “Notify the Substitute of Cancellation?”
- Select *Return to List* button to return to the job listing.

## **LOCAL SICK LEAVE**

The purpose of sick leave is to provide employees with income protection during brief illnesses. All employees receive up to five days of paid sick leave per year. One half day of local sick leave is earned for each 18 days of employment. Local sick leave does not transfer between districts.

Sick leave can only be used in half and whole days except when coordinated with family and medical leave and workers' compensation benefits. If employees use more sick leave than they have earned, the cost of unearned sick leave shall be deducted from the employee's paycheck.

Sick leave may be used only for:

- Illness of the employee;
- Illness in the employee's immediate family (i.e., spouse, children, parents, siblings, grandparents, or any person residing in the employee's household);
- Family emergency (i.e., natural disasters or life-threatening situations);
- Death in the immediate family.

In addition, local sick leave may also be used for first-year care following the birth, adoption, or foster placement of a child.

Employees who are absent for more than five consecutive workdays must submit medical certification.

## **FAMILY AND MEDICAL LEAVE ACT**

The Family and Medical Leave Act (FMLA), a federal law, grants to all full-time employees 12 calendar weeks (or 60 work days) of unpaid family and medical leave in any one 12-month period. The FMLA year in McAllen I.S.D. begins on the first duty day of the school year. Employees eligible for FMLA must have been employed the previous school year for at least 12 months and have worked at least 1,250 hours during that time.

Husbands and wives who are both employed by the district will have a combined total of 12 weeks for the birth, adoption or placement of a child. FMLA leave may be taken intermittently for the birth of the employee's child or the adoption or placement of a child with the employee.

Upon eligibility for family and medical leave for the employee's serious health condition or that of a spouse, parent, or child and, at 30-day intervals thereafter, the employee shall provide medical certification of the illness or disability. The employee's request for reinstatement shall be accompanied by medical certification of the employee's ability to perform essential job functions.

During FMLA leave, the district will continue to pay its share of the employee's insurance. If, at the expiration of the FMLA leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursement of the employee benefits contribution made by the District during the period in which such leave was taken as unpaid leave.

As per H.R. 4986, the National Defense Authorization Act for FY 2008 which amended the FMLA for the first time since its passage in 1993. The NDAA amends the FMLA to expand the protections afforded to eligible employees for up to twenty-six (26) weeks: (1) to care for covered service members; or (2) because of any qualifying exigency arising out of a covered family member's active duty status or notification of an impending call to active duty status in support of a contingency operations.

## **EXTENDED SICK LEAVE**

To help employees who suffer serious illness or injury and have used all of their accumulated sick leave, the District offers extensions of sick leave at reduced pay rates. Employees may extend their sick leave at reduced pay up to the amount of local sick leave accumulated before their illness or injury. Employees who need extensions of sick leave should contact Human Resources for details on eligibility, limitations, and reductions in pay. The number of days used for extended sick leave counts in the total number of days available under FMLA.

## **SICK LEAVE POOL**

An employee with a catastrophic illness may request the establishment of a sick leave pool. A sick leave pool may be created with voluntary contributions by District staff.

Pooling may be requested when an employee has satisfied both of the following pre-requisites: (1) exhausted his or her local sick leave, non-discretionary state sick leave, discretionary state/personal days, extended local sick leave and (2) five days of full pay deductions. Any and all donated days shall be applied only to absences beyond the five full pay deductions.

Contact Human Resources at 618-6005 for additional information.

## **WORKERS' COMPENSATION BENEFITS**

The District carries Workers' Compensation coverage to protect you in the event of a work related injury or illness. Workers' Compensation in Texas is a form of protection under which the school district, through a self-funded program, provides money for lost income, medical bills and related expenses to the employee injured at work. Workers' Compensation covers any injury or death that occurs because of or while in the course and scope of your employment.

It covers occupational diseases if they are employment-related, as well. An "occupational disease" means a disease arising out of and in the course of employment that causes damage or harm to the physical structure of the body. The term includes other diseases or infections that naturally result from the work-related disease. The term does not include an ordinary disease of life to which the general public is exposed outside employment, unless that disease is an incident to a compensable injury or occupational disease. The term includes repetitive trauma injuries.

## **STATE/PERSONAL LEAVE**

Beginning with the 1995-96 school year all employees receive up to five days of paid personal leave. One half day of personal leave is earned for each 18 days of employment. There is no limit on the accumulation of unused state personal leave, and state personal leave can be transferred to other school districts in Texas. There are two types of personal leave: nondiscretionary and discretionary.

**Nondiscretionary.** Leave taken for personal or family illness, emergency or death in the family is nondiscretionary leave. This type of leave allows very little or no advance planning and will be granted in the same manner as local sick leave.

**Discretionary.** Leave taken at an employee's discretion and preference and that can be scheduled in advance is considered discretionary leave. Discretionary personal leave will be subject to the following limitations:

- discretionary leave of more than five consecutive days, will need to be requested in writing, at least three school days in advance of the anticipated absence
- a maximum of twenty percent of campus employees in each job category will be permitted to be absent at the same time for discretionary personal leave/based on the needs of the District
- discretionary leave of five days or less will be utilized/reported in the same manner as for reporting sick leave
- discretionary leave will not be allowed on days scheduled for end-of-semester or end-of-year exams (for employees responsible for administering or monitoring tests), on days scheduled for TAKS tests (for employees responsible for administering or monitoring TAKS), or on professional or staff development days

## **PROCEDURES FOR REPORTING AND RECORDING ABSENCES**

All employees shall report/record absences with the SmartFind Express System (SFE) prior to an absence and shall be charged leave as used. Employees not requiring a substitute to be employed when absent, shall report all absences to their immediate supervisor.

## **TEMPORARY DISABILITY**

The purpose of temporary disability leave is to provide job protection to employees who cannot work for an extended period of time because of mental or physical disability of a temporary nature. Any full-time employee is eligible for temporary disability leave. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability. A full-time employee may voluntarily request to be placed on temporary disability leave or be placed on leave involuntarily.

Employees must request approval for temporary disability leave. The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 days. If disability leave is not approved, the employee must return to work or be subject to termination procedures.

If an employee is placed on temporary disability leave involuntarily, he or she has the right to request a hearing before the board of trustees. The employee may protest the action and present additional evidence of fitness to work.

When an employee is ready to return to work, Human Resources should be notified at least five days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to do the job. Professional employees returning from leave will be reinstated to the school to which they were previously assigned as soon as an appropriate position is available. If a position is not available before the end of the school year, professional employees will be reinstated at the beginning of the following school year.

## ASSAULT LEAVE

In addition to all state and local days of leave provided, an employee who is physically assaulted during the performance of regular duties is entitled to the number of days of leave necessary to recuperate from the physical injuries sustained as a result of the assault. Days of leave granted under the assault leave provision will not be deducted from personal leave and will not be counted against family and medical leave entitlement. However, if further investigation warrants it, the District may change the assault leave status and charge the leave against the employee's accrued sick leave or against the employee's pay if insufficient accrued sick leave is available.

The purpose of assault leave is to provide extended job protection to anyone who is seriously injured as a result of a physical assault suffered during the performance of their job. Assault leave benefits shall be coordinated with temporary income benefits due from workers' compensation to equal his or her weekly rate of pay.

## MILITARY LEAVE

**Paid Leave for Military Service.** Any employee who is a member of the Texas National Guard, Texas State Guard, or reserves component of the armed forces will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. Paid military leave will not exceed 15 days per year.

**State Military Leave – Short term.** All employees of the District who are members of the state military forces or of the reserve components of the United States Armed Forces shall be granted a leave of absence from their duties without loss of time, efficiency rating, vacation time, or salary on all days during which they are engaged in authorized training or duty ordered or authorized by proper authority, not to exceed 15 days in a federal fiscal year.

Such employees who are ordered to duty by proper authority shall be restored, when relieved from duty, to the position held by them when ordered to duty.

**Federal Military Leave – Long term.** Any employee, other than a temporary employee, who leaves a position with the District to enter active state military service is entitled to be reemployed by the District in the same position held at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active state military service under honorable conditions not later than the fifth anniversary date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position. An employee who cannot perform the duties of the position because of a disability sustained during state military service is entitled to reemployment in the District in a position that the employee can perform and that has like seniority, status, and pay as the former position or the nearest possible seniority, status, and pay.

To be reemployed, a veteran of the state military must apply for employment not later than the 90<sup>th</sup> day after the date the veteran is discharged or released from active state military service. Application must be made in writing to the Superintendent and have attached to it evidence of the veteran's discharge, separation, or release from state military service under honorable conditions.

A person reemployed after active state military service shall not be discharged without cause before the first anniversary of the date of the reemployment.

“Military service” means service as a member of the Texas National Guard or the Texas State Guard.

## **JURY DUTY**

The District may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, the District shall pay the employee the employee's normal daily compensation. An employee's accumulated personal leave may not be reduced because of the employee's service in compliance with a summons to appear as a juror.

## **RELIGIOUS OBSERVANCES**

The District shall reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not cause undue hardship on the conduct of District business. Such absence shall be without pay unless applicable paid local leave is available.

# EMPLOYEE RELATIONS

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*Policy References: BED, DGB, DMA, DN, DNA, DNB, EA*

## PERFORMANCE EVALUATION

Evaluation of an employee's job performance is a continual process that is focused on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will have a written evaluation by the assigned supervisor at least annually. Written evaluations will be completed on forms approved by the District. Reports, correspondence, and memoranda may also be used to document a record of performance. All employees will be given a copy of their written evaluation, a performance conference with their supervisor, and an opportunity to respond to the evaluation.

**Professional Employees.** All professional employees are evaluated annually. Each employee will have at least one appraisal conference each year and may have as many as the supervisor deems necessary. Supervisors will complete a written evaluation, which identifies how well the employee is performing job duties and any areas needing improvement.

All certified teachers will be appraised in a number of ways deemed appropriate by the principal at each campus. One required component of the annual appraisal is the use of the Professional Development and Appraisal System (PDAS). This evaluation, along with reports, records of conferences, correspondence, and memoranda, which have been shared with the employee to document performance, will also be used for contract decisions and the development of the "Intervention Plan for Teacher In Need of Assistance".

**Paraprofessional and Auxiliary Employees.** All support personnel will be evaluated annually or as often as the supervisor deems necessary. Evaluations may be used as a basis for decisions about promotions, transfers, or termination. Supervisors will complete a written evaluation, which identifies how well the employee is performing job duties and any areas needing improvement.

## EMPLOYEE INVOLVEMENT

At both the campus and district level, MISD offers several opportunities for involvement in matters that concern or affect employees. As part of the District's site based shared decision-making initiative, campus-based personnel may either be asked to serve or be elected to serve on various advisory or improvement committees.

The Intra-District Educational Assembly (IDEA) exists to involve the professional staff in matters relating to the District's educational goals, objectives, and major instructional initiatives. Additionally, the Joint Professional Consultation Committee (JPCC) offers an avenue for professional employees to address job related matters in a systematic way at the district level.

The JPCC is an organization comprised of representatives from TCTA, ATPE, TSTA, and MASDA. The purpose of JPCC is to improve the channels of communication among the teaching staff, the administrative staff, the Superintendent and the Board of Trustees. Any teacher may submit a concern either through his or her organization or as an individual using an agenda item form. This form may be requested from any principal, JPCC representative, or teacher organization representative. JPCC meets monthly. Dates and times of meetings can be obtained by calling 618-6025. A summary of the minutes for each meeting is posted at each campus.

Hourly employees have a similar opportunity through the Hourly Employees Council (HEC). Information about HEC can be obtained from the hourly employee's immediate supervisor at the workplace.

## **STAFF DEVELOPMENT**

Staff development activities are organized to meet the needs of employees and the needs of the District. Staff development is predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee. Priorities for staff development are determined through needs assessments conducted at each campus and information gathered from the employee appraisal system. Professional and paraprofessional personnel who work with students in an instructional setting are required to participate in the District staff development-training program each year. For information regarding staff development, contact the Staff Development Coordinator at 632-8414 or refer to The Professional Staff Developer at <http://mws.mcallen.isd.tenet.edu/profdev/>. The staff development facility is located at the Lamar Academy.

## **DISTRICT COMMUNICATIONS**

Throughout the school year, the Community Information Office publishes newsletters, brochures, flyers, calendars, news releases, and a number of other items. These publications are designed to offer employees and the community information pertaining to school activities and achievements. Some of the publications are listed below.

**Academic Excellence Indicator System (AEIS) Report** is a TEA-mandated publication produced by the Community Information Office and the Division of Curriculum and Instruction. The report offers test scores and comparison analysis and features student, staff, school and district recognition. Copies of the report are made available at campuses and at a subsequent public hearing.

**Superintendent's Memo** is a publication coordinated and compiled by the Community Information Office to keep the Board of Trustees informed of department activities.

**Honor Roll**, the District newsletter, is published several times throughout the year. This includes a special "Back-to-School" edition, which provides information on registration, immunization requirements, bus routes, etc. The August edition is also included in promotional packets distributed by the District's Community Information and Personnel Services, local realtors and the McAllen Economic Development Council. A year-end edition in June features a list of student scholarship winners. Newsletters are made available to members of the community via bulk mail and distributed at the school campuses.

**Honor Roll** is also the name of a video newsletter, a thirty-minute news program which features issues and achievements impacting McAllen Schools. The newscast is produced several times a year and broadcast on the District's cable access television channel. Also, the program is featured on the local PBS channel through a Valley-wide communication initiative spearheaded by McAllen ISD. The show includes reports by professional staff and the television production students.

**Communications Magazine** is a brochure that offers a quick demographic overview of the District. It includes information on employee make-up, enrollment figures, etc.

**Partners in Excellence Booklet** includes an invitation and step-by-step instructions for local businesses, churches, and organizations that may wish to join the successful school partner program.

**Staff Newsletter** “Excellence Update” is a publication for all employees of the District. Content includes workplace related topics such as insurance changes and worker safety. The newsletter also spotlights staff members who have won awards and honors. Reminders of upcoming events and important dates are also a part of the publication, along with a monthly message from the Superintendent.

**Texas Public Schools Week Packet** includes lesson plans, special event ideas, invitations and other items for staff to use during this special week in March. Besides disseminating these packets, the Community Information Office coordinates the purchase of special items such as stickers, pencils, balloons, etc. for use in the celebration. The Community Information Office also produces an extensive list of events scheduled at various campuses. This information is forwarded to parents and the media.

**TV 17** is a cable-access television channel, which is provided at no charge to the district by the local cable company. Community Information staff oversee the channel to produce and transmit a variety of programming including:

**MITV District Productions** – “*Platicas Escolares*” is a Spanish talk show, which delves into a variety of issues, which interest parents. “Tuned In” is an English language talk show, which explores a variety of school-related topics.

**KMAC Student Productions** - “*KMAC Profiles*” offers spotlights on school personalities. “*KMAC News Casts*” is a program, which keeps the students and parents up to date on what is happening in the District. “*All About Sports*” shows include interviews and sports highlights.

Additionally, staff members explore programming which is available through satellite and other sources.

Community Information staff provide television schedules to the local newspaper for publication in The Monitor's weekly TV guide and for dissemination to all campuses.

**Flyer Ads** are produced to notify staff and community members about upcoming events such as PTA meetings, public hearings, and other events.

**Informational Packets** are compiled by the Community Information Office for distribution to new homeowners, new businesses, and realtors. Tours are available.

**PTA Communications** are promoted through the Community Information Office. This assistance includes the development of flyers, brochures, and television promotional videos.

## **WORKING WITH THE MEDIA**

The Community Information Office is the District’s contact for the news media. Ideas for feature photographs and stories are always welcomed and are shared with the news media through a weekly telefaxed “rundown of events.” Ideas are also used in the scheduling of radio and television talk shows with local media representatives, in the scheduling of “profile pieces” for newspaper writers and editors, in the scheduling of televised special events for the District's own TV Channel 17, and in the preparation of news releases and District newsletters. To make suggestions, staff members are encouraged to contact

their principal or school's public relations representative who serve as liaisons with the Community Information Office. Ideas should be written out on Community Information forms, which are available at the campus principal's office. The completed forms should be forwarded to the Community Information Office so that photograph sessions and stories may be scheduled. The news request form should be forwarded at least three days before the event.

## **INFORMATION ARCHIVES**

On a daily basis, Community Information Office staff peruses local newspapers to locate published articles which feature the District. The clippings are compiled to form an information file bank that is available for use by interested staff members.

**MISD Spotlight Boards** are “bragging boards” coordinated by the Community Information Office. Campuses and departments are scheduled to display photographs and other materials to promote the great things happening in the district. The two bulletin boards are located in the hallway of the Central Administration Building.

## **EMPLOYEE RECOGNITION**

Continuous efforts are made throughout the year to recognize students and staff members who have excelled in their fields. Board of Trustee sponsored events are held in the Spring. Employees are also recognized through the District newsletter, suggested profile reports by the local media, and promotion of the TEA Teacher of the Year Campaign. Recognition campaigns also include staff appreciation efforts during Texas Public School Week.

**Teacher of the Year** is an annual competition, which is spearheaded by the Community Information Office. Teachers may apply or be nominated by a colleague. Campus Teachers of the Year are honored at a special luncheon in May. A committee of teachers and administrators review application forms and essays to select the two District Teachers of the Year. The Community Information Office then assists the District designee in compiling contest entries, which are forwarded to the regional and state offices. The success of this effort is evidenced by the fact that McAllen teachers have consistently won the Regional Teacher of the Year competition. One was selected for State Teacher of the Year and another as a state finalist. In fact, in 1996 both McAllen representatives captured the regional elementary and secondary titles.

**McAllen Education Foundation** is a non-profit organization, which provides innovative teaching grants to McAllen ISD teachers. Funds are raised by a Board of Directors made up of Community leaders along with the Superintendent and a member of the Board of Trustees. District staff assists the Board with “calls for proposals”, fund raising, grant selection, grant presentations, and other promotional and informational efforts. The Community Information Office also coordinates the Foundation’s “Cornerstone Club”.

# COMPLAINTS AND GRIEVANCES

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*Policy Reference: DGBA*

In an effort to hear and resolve employee complaints in a timely manner and at the lowest administrative level possible, the Board of Trustees has adopted an orderly process that all employees must follow when presenting formal complaints and grievances. Employees may always discuss problems or complaints with their supervisor or other appropriate administrator. The formal grievance process provides all employees an opportunity for recourse if they are dissatisfied with an administrative response and an opportunity to be heard up to the highest level of management. For ease of reference, District policy concerning the process for complaints and grievances is as follows:

## **PERSONNEL-MANAGEMENT RELATIONS: EMPLOYEE COMPLAINTS (DGBA)**

Purpose	The purpose of this policy is to provide a timely and orderly process for the resolution of employee complaints. The Board intends that, whenever feasible, complaints be resolved at the lowest possible administrative level.
Informal Process	<p>The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor, principal, or other appropriate administrator.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p>
Direct Communication with Board Members	Employees shall not be prohibited from communicating with Board members regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.
Notice To Employees	The principal of each campus and other supervisory personnel shall ensure that all employees under their supervision are informed of this policy. Employees shall be provided a copy of the policy at the time of employment and whenever it is revised.
Definition	A complaint under this policy shall include grievances concerning an employee's wages, hours, or conditions of work and specific allegations of unlawful discrimination in employment on the basis of sex, race, religion, national origin, age, or disability, or on the basis of the employee's exercise of constitutional rights. [See also DIA] A complaint must specify the individual harm alleged.
Consolidation	When the Superintendent or designee determines that two or more individual complaints are sufficiently similar in nature and remedy to permit their resolution through one proceeding, the Superintendent or designee may consolidate the complaints.
Specific Complaints	For more information on how to proceed with complaints regarding:

1. Alleged discrimination, including violations of Title IX or Section 504, see DAA.
2. Instructional materials, see EFA.
3. A commissioned peace officer who is an employee of the District, see CKE.

Other Review Processes

Complaints alleging certain forms of harassment, including harassment by a supervisor, shall be processed in accordance with DIA.

Complaints arising from any of the following must be addressed through the local and statutory processes indicated below:

1. The proposed nonrenewal of a term contract issued under Chapter 21 of the Texas Education Code, in accordance with DFBB.
2. The proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Texas Education Code during the contract term, in accordance with DFAA, DFBA, or DFCA, respectively.

This policy shall apply to all other employee complaints.

Representation

The employee filing a complaint or any employee who is the subject of a complaint may be represented at his or her own expense by a fellow employee, attorney, person, or an organization that does not claim the right to strike. The District may be assisted in processing complaints as it deems appropriate. If the employee designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel.

Freedom From Retaliation

Neither the Board nor the administration shall retaliate against any employee for bringing a complaint under this policy.

Whistleblower Complaints

Employees who allege adverse employment action in retaliation in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this policy within the time specified by law. [See DG(LEGAL)]

The complaint shall first be filed in accordance with LEVEL TWO, below. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint.

General Provisions

The following shall be general provisions for processing complaints:

1. Complaints shall be heard in administrative conferences or hearings.
2. All time limits shall be strictly complied with, except if extended by mutual consent. Time is of the essence.

3. In the event scheduled school holidays (or a vacation) exceeding several days duration occur after a grievance is filed that prevent either the grievant or any party that may be required to participate in a conference or hearing from either conducting or attending a required conference or hearing within the time deadlines set forth in this policy, either the grievant or any such party may be permitted to seek and obtain a postponement of the required conference or hearing. In such event, the time deadlines set forth in this policy for conducting the required conference or hearing shall be extended for a period of time equal to the number of calendar days in the scheduled holidays (or vacation) that prevented the required conference or hearing from taking place.
4. Costs of any complaint shall be paid by the party incurring them.
5. All complaints arising out of an event or series of events must be addressed in one complaint. An employee is precluded from bringing separate or serial complaints arising from an event or series of events previously complained of.

A written grievance may be filed only after the informal process has been used as provided in this policy.

6. Announcing a decision in the employee's presence constitutes communication of the decision.
7. "*Day*" shall mean a District business day according to the calendar adopted for full time employees. In calculating time-lines under this policy, the day a document is filed "day zero", and all deadlines shall be determined by counting the following day as "day one."

"*Employee*" shall be defined as an employee of the District performing work under regular continuous employment.

"*Response*" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline.

## Filing

If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form. Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate principal or immediate supervisor and the Human Resources Department on or before 5:00 p.m. on the deadline day. Fax filings shall be timely filed if they are received on or before 5:00 p.m. on the deadline day, as indicated by the date/time shown on the fax copy.

Complaints against Supervisors

Complaints alleging a supervisor's violation of law may be made to the Superintendent beginning at Level Two. A complaint alleging a violation of law by the Superintendent may be made directly to the Board beginning at Level Three.

Level One

Written grievances at Level One shall be processed in accordance with the following steps:

1. The employee initiating a grievance shall complete Exhibit A in writing and shall file the complaint form with the principal or immediate supervisor and the Human Resources Department, within ten (10) days of the time when the grievant first knew or should have known of the event or the first of the series of events causing the complaint, decision, or action occasioning the grievance.

The complaint form (Exhibit A) shall contain all of the following information to be accepted at Level One:

- a. The date of the decision or event or series of events occasioning the grievance.
  - b. A statement of the nature of the grievance including the individual harm that is alleged.
  - c. A statement of the facts that may support the grievance. The attachment of any documentation deemed relevant to the complaint is encouraged.
  - d. A statement of the specific remedy sought by the grievant.
  - e. If applicable, the name, address, and telephone number of the grievant's representative.
  - f. The filing date for the formal written grievance and the signature of the grievant or representative.
2. Within five (5) days after receipt of the written grievance, the principal or immediate supervisor shall notify the grievant in writing of the date, time, and place of the Level One grievance conference.
  3. The principal or immediate supervisor shall hold the grievance conference with the grievant within ten (10) days after receipt of the written grievance.

The written grievance (Exhibit A) previously filed by the grievant, any additional written information, and information presented orally at the conference shall form the basis for the Level One grievance conference.

Failure of the grievant or representative to attend in person the Level One grievance conference shall constitute acceptance by the grievant of the oral decision rendered by the principal or immediate supervisor at the informal level.

4. The principal or immediate supervisor shall render a decision in writing to the grievant within five (5) days after the Level One grievance conference. The decision must be one of the following:
  - a. Sustain the grievance.

- b. Deny the grievance on the basis of merit.
  - c. Render “no decision” if the authority for remedy or resolution lies at a higher level.
5. The formal decision rendered by the principal or immediate supervisor at Level One shall be deemed to be accepted by the grievant unless the grievant requests a grievance conference with the Superintendent’s designee in accordance with the requirements of Level Two.

Level Two

Written grievances at Level Two shall be processed in accordance with the following steps:

1. If the grievant is not satisfied with the written decision rendered by the principal or immediate supervisor at Level One, or if the time for a response has expired, or if the principal or immediate supervisor renders a ruling of “no decision,” the grievant may appeal that decision to the Superintendent. Notice of such appeal must be filed by the grievant in writing with the Human Resources Department within ten (10) days after receipt by the grievant of the Level One decision. The notice of appeal must be submitted on a form provided by the District. [See Exhibit B]
2. Upon receipt of the Level Two grievance, the Superintendent's designee shall schedule a hearing with the grievant within ten (10) days following the receipt of the written appeal from Level One. The grievant shall be notified in writing of the date, time, and place of the conference or hearing.
3. The Superintendent's designee shall hold the conference or hearing with the grievant within ten (10) days after receipt of the written notice of appeal from Level One. The grievant shall be entitled to have a representative present and participate at the conference or hearing.
4. The written grievance, written information filed or considered at Level One, the correspondence related to the appeal, and information presented at the Level Two conference shall form the basis for the decision by the Superintendent. Written information not introduced at Level One may be introduced at Level Two. The conference or hearing shall be tape recorded so a transcript of the proceedings can be prepared in the event of an appeal to Level Three.
5. Failure of the grievant or representative to attend the Level Two grievance conference or hearing in person shall constitute acceptance by the grievant of the written decision rendered by the principal or immediate supervisor at Level One.
6. The Superintendent's designee shall render a decision in writing to the grievant within ten (10) days after the Level Two grievance conference or hearing has been concluded.
7. The decision rendered at Level Two shall be deemed to be accepted by the grievant unless the grievant requests a hearing before the Board in accordance with the requirements of Level Three.

## Level Three

Written grievances at Level Three shall be processed in accordance with the following steps:

1. If the grievant is not satisfied with the written decision rendered at Level Two or if the time for a response has expired the grievant may appeal that decision to the Board. Notice of such appeal must be filed by the grievant in writing with the Human Resources Department within ten (10) days after receipt by the grievant of the Level Two decision. The notice of appeal must be filed on a form provided by the District. [See Exhibit C]
2. A grievant's failure to request an opportunity to orally address the Board within ten (10) days after receipt of the written decision rendered at Level Two, shall constitute a waiver and foreclose the grievant's right to orally address the Board regarding the grievance or any matter related thereto. In the event the grievant requests a hearing before the Board, the hearing shall be conducted in accordance with the provisions and procedures set forth in Level Three of this policy.
3. The person designated to hear the Level Two appeal shall provide a copy of the tape recording of the Level Two conference to the grievant and the person being grieved against after receipt of the notice of appeal at Level Three. Based on the tape recording, a transcript of the Level Two conference or hearing shall be produced in a timely manner after receipt of the notice of appeal at Level Three.
4. Within ten (10) days after receipt of the written transcript of the Level Two conference or hearing, the Human Resources Department shall notify the grievant in writing of the date, time, and place of the Level Three grievance hearing before the Board.

A copy of the tape recording and transcript shall be provided to the grievant and to the person being grieved against with this notice.

The Superintendent or designee shall place the matter on the agenda of a Board meeting to allow the grievant to address the Board in the manner provided herein.

5. Upon receipt of the transcript by the grievant and the person being grieved against, the grievant and the person being grieved against shall have five (5) days to review the transcript and to suggest any corrections that may be required to ensure that an accurate record is presented to the Board. Final decisions relative to the accuracy of the transcript shall be made by the person hearing the Level Two grievance and any differences of opinion shall be brought to the attention of the Board by the Level Two hearing officer.
6. The Superintendent shall place the matter on the agenda of a Board meeting that will occur within thirty (30) days of receipt of the transcript. The grievant shall be allowed to address the Board in the manner provided herein.
7. The hearing before the Board shall be based upon the record (transcript, written grievance, documents, and the decision) resulting from the Level Two conference or hearing; no new evidence shall be presented. The grievant and the District shall be entitled to make uninterrupted oral

argument based on the record, within the time restrictions set by the Board.

8. In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.
9. The Board shall make its determination based solely upon the record made before the Superintendent's designee and the oral arguments of the grievant and the District, if any.
10. It shall be the intention of the Board to formulate and announce its decision at the conclusion of the grievance hearing, whenever possible. In any event, the Board shall render a decision in writing to the grievant no later than three (3) days after the next Board meeting following the Level Three grievance hearing.

Closed Meeting

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

Adherence To Requirements

The levels, deadlines, and procedural requirements of this policy are established for the purpose of ensuring that grievances are processed in a timely and orderly manner. Deviation from those requirements shall not be permitted, except that deadlines may be extended by mutual consent.

Failure by the grievant to adhere to the deadline requirements or to appear in person as required shall result in the grievance being considered resolved.

Failure by the grievant to provide required information, dates, or signature, or to file the grievance, notice of appeal, and all supporting information in writing shall result in the grievance being considered resolved. To be accepted, the grievance or notice of appeal must be refiled in full compliance with procedural and deadline requirements.

Normally, grievances may not originate at Levels Two or Three but must be filed with the principal or immediate supervisor and the Human Resources Department, except in circumstances as defined in COMPLAINTS AGAINST SUPERVISORS. In the event, however, the principal or immediate supervisor or the Superintendent's designee fails to act within the deadlines specified for Levels One or Two, the grievant shall be entitled to file the grievance or the appeal at the next level. Additionally, grievances that are filed as a result of whistleblower complaints shall originate at Level Two. [See WHISTLEBLOWER COMPLAINTS, above] Otherwise, grievances filed or appealed out of the required sequence of levels shall not be accepted and refiled at the appropriate level must comply with the deadline requirements for that level.

EXHIBIT A

Employee Complaint Form: Level One

Any employee who wishes to file a Level One grievance must fill out this form completely and submit it to the employee's principal or immediate supervisor and with the human resources department. DGBA (LOCAL) requires that the complaint form be filed within ten business days of the time the grievant first knew or should have known of the event or the first of a series of events causing the complaint, decision, or action occasioning the grievance. All grievances will be processed in accordance with DGBA (LEGAL) and DGBA (LOCAL). This form will not be placed in the grievant's personnel file unless requested by the employee.

1. Name \_\_\_\_\_

Address \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

2. Assignment/Campus \_\_\_\_\_

3. Provide the following information:

a. The date and a description of the event or series of events causing the grievance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Nature of the grievance including the individual harm alleged:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Specific facts to support your grievance. You are also encouraged to attach any documentation you believe may be relevant to the grievance.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Specific remedy sought by the grievant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e. Name, address, and telephone number of representative, if applicable:

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Signature of Grievant or Representative \_\_\_\_\_ Date Submitted \_\_\_\_\_

Received By \_\_\_\_\_ Date Received \_\_\_\_\_

Complainant, please note:

A complaint form that is incomplete in any material way may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.

Attach to this form any documents you believe will support the complaint; if unavailable when you submit this form, they may be presented no later than the Level One conference. Please keep a copy of the completed form and any supporting documentation for your records.

EXHIBIT B

Notice of Appeal To The Superintendent: Level Two

In accordance with District policies DGBA (LEGAL) and DGBA (LOCAL), this form must be completed and appropriately filed by an employee appealing a Level One grievance to the Superintendent and with the human resources department. DGBA (LOCAL) requires that notice of appeal to Level Two be filed within ten (10) business days of receipt by the grievant of the Level One decision. This form may be amended subsequently if new issues are submitted at Level Two.

1. Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_
2. Assignment/Campus \_\_\_\_\_
3. Date of the Level One grievance conference \_\_\_\_\_
4. Attach the following items:
  - a. A copy of the completed employee complaint form/Level One and any attachments submitted for the Level One grievance conference.
  - b. A copy of the Level One decision.
5. Name, address, and telephone number of representative, if applicable.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

Signature of Grievant or Representative \_\_\_\_\_

Date Submitted \_\_\_\_\_

Received By \_\_\_\_\_

Date Received \_\_\_\_\_

EXHIBIT C

Notice of Appeal To The Board: Level Three

Dear Superintendent:

This form is to furnish you with written notice of my desire to appeal the decision arising from my Level Two grievance conference. Pursuant to the provisions of Board policy DGBA (LOCAL), please advise me of the date, time, and place of the Level Three grievance hearing before the Board. DGBA (LOCAL) requires that notice of appeal be filed in writing with the Superintendent and with the human resources department within ten (10) business days of receipt by the grievant of the Level Two decision.

The name, address, and telephone number of my representative, if applicable, are herein provided.

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Respectfully,

Signature of Grievant or Representative \_\_\_\_\_

Date Submitted \_\_\_\_\_

Received By \_\_\_\_\_

Date Received \_\_\_\_\_

# EMPLOYEE CONDUCT AND WELFARE

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*Policy Reference: CAA, CKA, CKD, DBBA, DGA, DH, DHA, DHC, DI, DIA, FNCJ, GKA*

## STANDARDS OF CONDUCT

The District expects employees to conduct themselves in a courteous manner to one another and the public. All employees are expected to work together in a cooperative spirit to serve the best interests of the district. Employees have certain responsibilities to the District, their supervisor and fellow employees.

- A. All Trustees, employees, vendors, contractors, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.
- B. The District prohibits fraud and financial impropriety in the actions of its Trustees, employees, vendors, contractors, consultants, volunteers, and others seeking or maintaining a business relationship with the District.
- C. Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.
- D. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

## GENERAL GUIDELINES FOR EMPLOYEE CONDUCT

### **District Code of Conduct:**

- 1. Employees must comply with the laws, rules and regulations of federal, state, and local government, and other appropriate public regulatory agencies.
- 2. The district will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes payments for illegal acts, indirect contributions, rebates and bribery.
- 3. Employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws and regulations governing the district's operations.
- 4. Employees must respect the confidentiality of information acquired in the course of one's work except when authorized or otherwise legally obligated to disclose.

### **Conflicts of Interest:**

- 1. The district expects that employees will perform their duties conscientiously, honestly and in accordance with the best interests of the district.
- 2. When dealing on the district's behalf, personal and professional relationships must be kept separately to ensure employees avoid actual or apparent conflicts of interest.

### **Gifts, Entertainment and Favors:**

- 1. Employees must not accept entertainment, gifts or personal favors that could in any way, influence, or appear to influence, business decisions in favor of any person or organization with whom or with which the district has, or is likely to have, business dealings.

**Kickbacks and Secret Commissions:**

1. Employees may not receive payment or compensation of any kind.
2. The district strictly prohibits the acceptance of kickbacks and secret commissions from suppliers or others.

**District Funds and Other Assets:**

1. Employees who have access to district funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in the district's procedural manuals or other explanatory materials, or both.
2. If employees become aware of any evidence of fraud and dishonesty, they should immediately advise their supervisor or the Police Department so that the district can promptly investigate further.
3. When an employee's position requires spending district funds or incurring any reimbursable personal expenses, that individual must use good judgment on the district's behalf to ensure that good value is received for every expenditure.

**District Records and Communications:**

1. Employees must retain information for as long as necessary or as required by law.
2. Employees must not make or engage in any false record or communication of any kind, whether internal or external, including but not limited to: false expenses, attendance, production, financial or similar reports and statements.

**MISD FRAUD HOTLINE**

McAllen ISD is providing a reporting hotline to employees, citizens, and the general public who wish to report any of the following incidents anonymously: ethical violations, unsafe working conditions, discrimination, alcohol and substance abuse, conflict of interest, embezzlement, violation of the law and/or company policy, misuse of company property, fraud, internal controls, vandalism and sabotage, theft, threats, bribery and kickbacks, and falsification of contracts, reports, or records.

Its aim is to provide an avenue for employees, citizens, and the general public to raise concerns about actions that could have a major impact on MISD. All calls are confidential and the anonymity of the caller will remain confidential. For English please call 1-800-398-1496. For Spanish (español), please call 1-800-216-1288.

**Professional Employees.** Professional employees, as members of the teaching profession, should know and follow the State's Code of Ethics and Standard Practices for Texas Educators which is outlined below.

**DRESSING AND GROOMING**

The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments and in accordance with any additional standards established by their supervisors and approved by the Superintendent.

**VIOLATIONS**

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations and guidelines that impose duties, requirements or standards attendant to their status as District employees. Violation of any policies, regulations and guidelines may result in disciplinary action, including termination of employment (See policy series DF and DH).

## **CODE OF ETHICS AND STANDARD PRACTICES FOR TEXAS EDUCATORS**

The Texas educator should strive to create an atmosphere that will nurture to fulfillment the potential of each student.

The educator is responsible for standard practices and ethical conduct toward students, professional colleagues, school officials, parents and the community.

The Code is intended to govern the profession, and interpretations of the Code shall be determined by the Professional Practices Commission.

The educator who conducts his affairs with conscientious concern will exemplify the highest standards of professional commitment.

### **PRINCIPLE I:** Professional Ethical Conduct

The Texas educator should endeavor to maintain the dignity of the profession by respecting and obeying the law, demonstrating personal integrity and exemplifying honesty.

1. The educator shall not intentionally misrepresent official policies of the school district or educational institution and shall clearly distinguish those views from personal attitudes and opinions.
2. The educator shall honestly account for all funds committed to his charge and shall conduct his financial business with integrity.
3. The educator shall not use institutional or professional privileges for personal or partisan advantage.
4. The educator shall accept no gratuities, gifts or favors that impair or appear to impair professional judgment.
5. The educator shall not offer any favor, service or thing of value to obtain special advantage.
6. The educator shall not falsify records or direct or coerce others to do so.

### **PRINCIPLE II:** Professional Practices and Performance

The Texas educator, after qualifying in a manner established by law or regulation, shall assume responsibilities for professional teaching practices and professional performance and shall continually strive to demonstrate competence.

1. The educator shall apply for, accept, offer or assign a position or a responsibility on the basis of professional qualifications and shall adhere to the terms of a contract or appointment.
2. The educator shall not deliberately or recklessly impair his or her physical or mental health, or ignore social prudence, thereby affecting his or her ability necessary to perform the duties of his or her professional assignment.

3. The educator shall organize instruction that seeks to accomplish objectives related to learning.
4. The educator shall continue professional growth.
5. The educator shall comply with written local school board policies, Texas Education Agency regulations and applicable state laws.

**PRINCIPLE III:** Ethical Conduct Toward Professional Colleagues

The Texas educator, in exemplifying ethical relations with colleagues, shall accord just and equitable treatment to all members of the profession.

1. The educator shall not reveal confidential information concerning colleagues, unless disclosure serves professional purposes or is required by law.
2. The educator shall not willfully make false statements about a colleague or the school system.
3. The educator shall adhere to written local school board policies and legal statutes regarding dismissal, evaluation and employment practices.
4. The educator shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
5. The educator shall not discriminate against, coerce or harass a colleague on the basis of race, color, creed, national origin, age, sex, disability or family status.
6. The educator shall not intentionally deny or impede a colleague in the exercise or enjoyment of any professional right or privilege.
7. The educator shall not use coercive means or promise special treatment in order to influence professional decisions or colleagues.
8. The educator shall have the academic freedom to teach as a professional privilege, and no educator shall interfere with such privilege except as required by state and/or federal laws.

**PRINCIPLE IV:** Ethical Conduct Toward Students

The Texas educator, in accepting a position of public trust, should measure success by the progress of each student toward realization of his potential as an effective citizen.

1. The educator shall deal considerately and justly with each student and shall seek to resolve problems including discipline according to law and school board policy.
2. The educator shall not intentionally expose the student to disparagement.
3. The educator shall not reveal confidential information concerning students unless disclosure serves professional purposes or is required by law.

4. The educator shall make reasonable effort to protect the student from conditions detrimental to learning, physical health, mental health or safety.
5. The educator shall not deliberately distort facts.
6. The educator shall not unfairly exclude a student from participation in a program, deny benefits to a student or grant an advantage to a student on the basis of race, color, sex, disability, national origin, religion or family status.
7. The educator shall not unreasonably restrain the student from independent action in the pursuit of learning or deny the student access to varying points of view.

**PRINCIPLE V: Ethical Conduct Toward Parents and Community**

The Texas educator, in fulfilling citizenship responsibilities in the community, should cooperate with parents and others to improve the public schools of the community.

1. The educator shall make reasonable effort to communicate to parents information which should be revealed in the interest of the student.
2. The educator shall endeavor to understand community cultures and relate the home environment of students to the school.
3. The educator shall manifest a positive role in school public relations.

**TOBACCO FREE WORKPLACE**

The use of any form of tobacco by an employee or student inside of or on any District-owned property is strictly forbidden. Employees and students who violate this policy will be disciplined appropriately.

**POSSESSION OF FIREARMS**

Employees, visitors and students are prohibited from bringing firearms, illegal knives or other weapons onto school premises or any grounds or building where a school-sponsored activity takes place. To ensure the safety of all persons, employees who observe or suspect a violation of the District's weapons policy should report it to their supervisors or call the MISD Police Department.

**ALCOHOL AND DRUG TESTING**

The purpose of the alcohol and drug testing program is to help prevent accidents and injuries resulting from the misuse of alcohol and drugs by drivers of commercial motor vehicles. Any employee who is required to have a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people, counting the driver; drivers of large vehicles; or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches or other employees who primarily perform duties other than driving are subject to testing requirements when they are driving.

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when reasonable suspicion exists, at random, when an employee returns to duty after engaging in prohibited conduct, and as a follow-up measure. Testing may be conducted following accidents. Return-to-duty and follow-up testing will be conducted when an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs returns to duty.

All employees subject to alcohol and drug testing will receive a copy of the district's policy, the testing requirements and detailed information on alcohol and drug abuse and the availability of assistance programs. Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact either Rene Paredez, Director of Transportation, at 632-3211 or Adalia del Bosque, 632-3275.

## **DRUG ABUSE PREVENTION**

McAllen ISD is committed to maintaining a drug-free environment and will not tolerate the use of illegal drugs in the work place. The District has adopted a drug-free awareness program to inform employees about the dangers of drug use and abuse in the work place. Employees who use or are under the influence of alcohol or illegal drugs, as defined by the Texas Controlled Substances Act, during working hours may be dismissed. The District's policy on drug abuse and drug-free schools follows:

### ***Drug-Free Schools and Drug-Free Workplace***

Employees shall not unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering or behavior-altering drugs.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

An employee who uses a drug authorized by a licensed physician through a prescription specifically for that employee's use shall not be considered to have violated this policy.

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to employee assistance programs, termination from employment with the District and referral to appropriate law enforcement officials for prosecution. Information on the employee assistance program and contact shall be posted throughout the workplace.

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the Superintendent of any criminal drug conviction the employee incurs for a violation in a workplace no later than five days after such conviction.

Within 30 calendar days of the Superintendent's receiving notice from any source of a conviction for any drug violation occurring in the workplace, the Superintendent or designee shall either (1) take appropriate personnel action against the employee, up to and including termination of employment or (2) require the employee to participate satisfactorily in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health agency, law enforcement agency or other appropriate agency. The cost of any such program shall be borne by the employee.

[This notice complies with notice requirements imposed by the Federal Drug-Free Workplace Act [20 U.S.C. 3471, 1221-3(a)(1) and 34 CFR 85.630]; notice requirements imposed by the federal Drug-Free Schools and Communities Act Amendments of 1989 [20 U.S.C. 3224a and 34 CFR 86.201]; and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC 169.2]

## **NOTIFICATION OF FEDERAL AGENCIES**

Federal law requires that entities/individuals receiving federal grants shall report employee violations of the Drug-Free Workplace requirements of this policy to the federal agency funding the grant. Within ten days after receiving notice of an employee conviction for a violation at the workplace, a District shall notify the Department of Education.

## **ARRESTS AND CONVICTIONS**

In addition to the requirements for reporting violations mentioned above, an employee who is arrested for any felony or any offense involving moral turpitude must report the arrest to the principal or immediate supervisor within three calendar days of the arrest. An employee who is convicted of or received deferred adjudication for such an offense must also report that event to the principal or immediate supervisor within three calendar days of the event.

## **MORAL TURPITUDE**

Moral turpitude includes but is not limited to dishonesty; fraud; deceit; theft; misrepresentation; deliberate violence; base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor; drug-or alcohol-related offenses; or acts constituting abuse under the Texas Family Code.

## **DIETARY SUPPLEMENTS**

District employees are prohibited by state law from knowingly selling, marketing or distributing a dietary supplement that contains performance-enhancing compounds to a student with whom the employee has contact as part of his or her school district duties. In addition, employees may not knowingly endorse or suggest the ingestion, intranasal application or inhalation of a performance-enhancing dietary supplement to any student.

## **REPORTING SUSPECTED CHILD ABUSE**

All employees are required by state law to report any suspected child abuse or neglect to a law enforcement agency, Child Protective Services or appropriate state agency (e.g.: state agency operating, licensing, certifying or registering a facility) within 48 hours of the event that led to the suspicion. Reports to Child Protective Services can be made to a local office or to the Texas Abuse Hotline (800-252-5400). Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent.

Please note: a certified employee's failure to report suspected child abuse may result in disciplinary procedures by SBEC for a violation of the Educators Code of Ethics and prosecution for the commission of a Class B misdemeanor.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. Employees are not required to report their concern to the principal before making a report to the appropriate agencies. In addition, employees must cooperate with child abuse and neglect investigators. Reporting the concern to the principal does not relieve the employee of the requirement to report to the appropriate state agency. Interference with a child abuse investigation by denying an interviewer’s request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the investigator is prohibited.

**SEXUAL HARASSMENT – Board Policy DIA (LOCAL)**

*Note:* This policy addresses discrimination, harassment and retaliation involving District employees. In this policy, the term “employees” includes former employees and applicants for employment. For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG

STATEMENT OF  
NONDISCRIMINATION

The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy.

DISCRIMINATION

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee’s employment.

HARASSMENT

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee’s performance, environment or employment opportunities.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

**SEXUAL HARASSMENT** Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

**EXAMPLE** Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

**RETALIATION** The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

**EXAMPLES** Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

**PROHIBITED CONDUCT** In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**REPORTING PROCEDURES** An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal.

Alternatively, the employee may report the alleged acts to one of the District officials below.

**DEFINITION OF DISTRICT OFFICIALS TITLE IX COORDINATOR** For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent. Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: John J. Cavazos  
 Position: Director for Human Resources  
 Address: 2000 North 23<sup>rd</sup> Street, McAllen, TX 78501  
 Telephone: (956) 618-6005

**ADA / SECTION 504 COORDINATOR** Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to

coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973:

Name: John J. Cavazos  
Position: Director for Human Resources  
Address: 2000 North 23<sup>rd</sup> Street, McAllen, TX 78501  
Telephone: (956) 618-6005

**SUPERINTENDENT**

The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

**ALTERNATIVE REPORTING PROCEDURES**

An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

**TIMELY REPORTING**

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.

**NOTICE OF REPORT**

Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.

**INVESTIGATION OF THE REPORT**

The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

**CONCLUDING THE INVESTIGATION**

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report

	shall be filed with the District official overseeing the investigation.
DISTRICT ACTION	<p>If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.</p> <p>The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.</p>
CONFIDENTIALITY	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
APPEAL	<p>A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA (LOCAL), beginning at the appropriate level.</p> <p>The complainant may have a right to file a complaint with appropriate state or federal agencies.</p>
RECORDS RETENTION	Copies of reports alleging prohibited conduct, investigation reports, and related records shall be maintained by the District for a period of at least three years. [See CPC]
ACCESS TO POLICY	This policy shall be distributed annually to District employees. Copies of the policy shall be readily available at each campus and the District administrative offices.

## **ATTESTATION REGARDING ABUSE, HARASSMENT, MOLESTATION**

Abuse, harassment, and molestation of any kind is strictly prohibited at McAllen ISD. This includes harassment of an employee to another employee, an employee to a student, a student to an employee, and a student to another student. It is not strictly limited to physical contact and includes, but is not limited to, sexual touching and fondling, exposing children to adult sexual activity or pornographic movies and photographs, have children pose or undress or perform sexual fashion in film, peeping in bathrooms on children, rape or attempted rape of a child.

A copy of the District's entire policy on abuse, harassment, and molestation is available on-line. A copy of this policy is included in the Student/Parent Handbook and Employee Handbook. Another copy will be provided to any parent, student, or employee when requested in writing. Forms to file a sexual harassment complaint can be obtained by accessing the McAllen ISD [website](#).

This policy outlines to whom the reporting of suspected abuse, harassment, and molestation should be made. No person is required to directly confront the person who is the source of the report, or complaint before notifying those listed in the policy and procedures. If all other actions fail, you may report potential abuse, harassment, or molestation directly to the School Board.

The policy also specifies that retaliation against any employee, student, or parent who has filed a complaint is strictly prohibited. Any person acting in such a manner will be subject to disciplinary action.

This attestation does not incorporate all facets of the District's policies and procedures regarding abuse, molestation, or harassment, but is intended to be a compilation of each.

**SEXUAL HARASSMENT {Employee-to-Student}  
See FFH (LOCAL)**

**SEXUAL  
HARASSMENT  
BY AN EMPLOYEE**

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
  - a). Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
  - b). Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

Furthermore, sexual harassment of students by employees is a form of discrimination and is strictly prohibited. Sexual harassment of students includes any welcome or unwelcome sexual advances, requests for sexual favors and other oral, written, physical or visual conduct of a sexual nature. Romantic relationships between District employees and students are strictly prohibited. Other prohibited conduct includes the following:

- engaging in sexually oriented conversations for the purpose of personal sexual gratification;
- telephoning students at home or elsewhere for inappropriate social relationships;
- enticing or threatening students to engage in sexual behavior in exchange for grades or other school-related benefit

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a District employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include, but is not limited to, fondling, sexual assault or sexual intercourse.

All allegations of sexual harassment or sexual abuse of students will be reported to parents and promptly investigated. Conduct that may be characterized as known or suspected child abuse will also be reported to appropriate authorities, as required by law. Employees with questions or concerns relating to alleged sexual harassment of a student should contact the Principal, immediate supervisor or Human Resources.

**PROHIBITED HARASSMENT: See FNC (LOCAL)**

**PROHIBITED HARASSMENT**

Students shall not engage in prohibited harassment, including sexual harassment, or:

1. Other students, as defined at FFH.
2. District employees, as defined at DIA.

While subject to the disciplinary control of the District, students shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

Students who violate this prohibition are subject to appropriate discipline in accordance with the Student Code of Conduct.

**SEXUAL ABUSE OF STUDENTS**

Sexual abuse of a student by an employee, where there is a connection between the physical sexual activity and the employee's duties and obligations as a District employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include, but is not limited to, fondling, sexual assault, or sexual intercourse.

**FUND-RAISING ACTIVITIES OR SALES**

Employees are given the opportunity to support the United Way and other charitable organizations and are not required to participate in or support any projects. Employees and students are not permitted to participate in fund-raising activities or sales that are not school related. Solicitation for school-related projects must be approved by the Superintendent and the building principal.

**ASSOCIATIONS AND POLITICAL ACTIVITIES**

The District will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization or association. Employees may join or refuse to join any professional association or organization.

An individual's employment will not be affected by membership or non membership in any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

**ASBESTOS MANAGEMENT PLAN**

The District is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for every MISD property.

McAllen ISD has performed inspections and prepared management plans for asbestos containing building materials (ACBM) in facilities throughout the district. This is done in compliance with 40 CFR Part 763 Asbestos Hazard Emergency Response Act (AHERA).

On October 10, 1988 at a regular meeting of the McAllen Board of Trustees, the asbestos management plan for the district was approved by the Board. Minutes of the meeting are available at the district office. These plans were submitted to the Texas Department of Health and are on file at each school's administrative office.

An AHERA (Asbestos Hazard Emergency Response Act) mandated two hour Asbestos Awareness Program is presented to custodial and maintenance personnel, as necessary. The program covers a wide range of topics including Asbestos: Background and Uses; Health Effects; Definition; Location of ACBM in buildings; and Recognition of damage.

A sampling of suspect building materials was performed in general accordance with AHERA guidelines. Samples were analyzed in Environmental Protection Agency (EPA) accredited laboratories. Management plans and response actions are available for review by parents, teachers and employee organizations. These documents are located at each campus office as well as the central administrative offices. For further information, please contact the Plant Operations Department at 632-3200.

## **PEST CONTROL**

State law requires that written notice be posted in the building at least 48 hours prior to an indoor treatment. Applications of pesticides can be made only in areas where students are not expected to be present for at least 12 hours after the application.

## **WORK-RELATED INJURIES**

Employees who experience a work-related accident, injury or illness should report the incident to the immediate supervisor within 24 hours. An Employee's Report of Accident form should be completed and filed with the principal or immediate supervisor. To facilitate the process for receiving medical benefits under workers' compensation, employees should obtain an Employee Eligibility form from the Employee Benefits Office, which is located in the Human Resource Building.

**Workers' Compensation.** An employee receiving workers' compensation wage benefits shall be assigned to family and medical leave, if applicable.

**Paid Leave Offset.** The employee shall inform the appropriate administrator whether he or she chooses to use available paid leave. Any paid leave used shall be offset against workers' compensation wage benefits. The combination of benefits shall not exceed the employee's pre-injury weekly basis.

## **VISITORS IN THE WORKPLACE**

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge.

## **COPYRIGHTED MATERIALS**

Employees are expected to comply with the provisions of copyright law relating to the unauthorized use, reproduction, distribution, performance or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Rented videotapes are to be used in the classroom for educational purposes only. Duplication or back-ups of computer programs and data must be made within the provisions of the purchase agreement.

## **BUILDING USE**

The Supervisor for Auxiliary Services is responsible for scheduling the use of facilities after school hours. Refer to the Division of Business Services Administrative Procedures Handbook for guidelines.

## **TB TESTING**

The Board shall require the following new employees to furnish a negative tuberculin test result or chest x-ray report administered within the last year as a condition for employment: teachers, instructional aides, school health staff, and bus drivers.

# STUDENT CONDUCT AND WELFARE

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*Policy References: FFAC, FL, FN, FO*

## **STUDENT RECORDS**

### *POLICY FL*

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records.

## **ADMINISTERING MEDICATION TO STUDENTS**

School employees designated by the campus principal and trained by the school nurse may administer prescription medication in accordance with legal requirements. [see FFAC (LEGAL) and FFAC (LOCAL)]. Authorized district employees may administer nonprescription medications provided by the parent, under the same provisions as for prescription medications. Schools shall not administer prescription medication dispensed outside the State of Texas or nonprescription medications dispensed outside the United States.

## **STUDENT DISCIPLINE**

Students are expected to follow the campus rules, classroom rules, and rules listed in the Student Code of Conduct and Student Handbook. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management procedures that have been adopted by the district. Other employees that have concerns about a particular student's conduct should contact the classroom teacher or campus principal.

Teachers must file a written report with the principal or another appropriate administrator when they have knowledge that a student has violated the Student Code of Conduct. A copy of this report will be sent by the principal or administrator to the student's parents within 24 hours.

# GENERAL PROCEDURES

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*Policy References: CHA, CKC, CKD, GBA*

## **BAD WEATHER CLOSING**

Closing of schools may occur when bad weather or emergency conditions exist. McAllen ISD may close for a full day or part of a day during inclement weather. When such conditions exist, the Superintendent will make the official decision concerning the closing of the District's facilities. The media will be contacted if schools will be closed or will open late. When it becomes necessary to dismiss classes, to open late, or to release students early, these radio and television stations will be notified by school officials:

KURV - 710 AM  
KIRT - 1580 AM  
KGBT - 1530 AM  
KIWW - 96.1 FM  
KBFM - 104.1 FM

KGBT-TV Channel 4  
KRGV-TV Channel 5  
MITV Channel 17  
KNVO Univision - Channel 48

## **EMERGENCIES**

All employees should become familiar with the evacuation diagrams posted in their area. Fire, tornado, and other emergency drills will be conducted to help familiarize employees and students with evacuation procedures. Fire extinguishers are located throughout all District buildings. Employees should be familiar with how to use them and the location of the extinguishers nearest their place of work.

## **PURCHASING PROCEDURES**

All requests for purchases must be submitted to the Purchasing Department through the Automated Purchase System after appropriate site approval. No purchases, charges or commitment to buy goods or services for the district can be made without a PO number. The district will not reimburse employees or assume responsibility for purchases made without authorization.

Employees are not permitted to purchase supplies or equipment for personal use through the District's business office.

## **NAME AND ADDRESS CHANGE**

It is important that employment records be kept up-to-date. Employees must come to Human Resources there are any changes or corrections to their name, home address, home telephone number, marital status, emergency contact or beneficiary.

## **PERSONNEL RECORDS**

Information in employee personnel records are considered confidential and available only to authorized administrative personnel and representatives of governmental agencies whose access is granted by law. A limited amount of personnel information may be made available to the public upon written request. Employees that choose to keep their address, phone number, social security number and other personal information confidential, must submit a written request to Human Resources.

# TERMINATION OF EMPLOYMENT

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*Policy References: DF, DCD, DEG, DFAA, DFAB, DFBA, DFE, DFBC, DFBB, DFD*

## TERMINATION OF EMPLOYMENT

### Reports to the Commissioner

The dismissal or resignation of a certified employee will be reported to the commissioner of education if there is reasonable evidence that the employee's conduct involves the following:

- Any form of sexual or physical abuse of a minor, or any other illegal conduct with a minor;
- Possession, transfer, sale, or distribution of a controlled substance or;
- Illegal transfer, appropriation, or expenditure of school property or funds;
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to a professional position or to receive additional compensation associated with a position;
- Commission of a crime occurring in whole or in part on school property or at a school-sponsored event.

### Termination

**Contract Employees.** Contractual employees who are recommended for termination during the term of the contract are entitled to written notice of the recommendation, an explanation of the charges against him or her and an opportunity for a hearing before the board. An employee may request a hearing before an independent hearing examiner appointed by the state. To request an independent hearing examiner the employee must file a written request with the state commissioner of education no later than 15 days after receiving notice of the proposed dismissal.

Employees may be terminated during the term of the contract for good cause as determined by the Board or for a reduction in force due to financial exigency. At a hearing before the Board or an independent hearing examiner, the employee has a right to be represented by a representative of their choice, hear the evidence supporting the reason for the dismissal, cross-examine witnesses and present evidence.

**Noncontract Employees.** Noncontract employees are employed at will and may be dismissed without notice of reasons and a due process hearing. No employee will be dismissed for reasons of unlawful discrimination or retaliation for the exercise of an employee's legal rights. Noncontract employees have the right to a grievance hearing before the Board of Trustees in the case of dismissal. To request a grievance hearing the employee must follow the district process for employee complaints outlined in this handbook.

### **Probationary Contracts; Termination at end of year. See DFAB (LEGAL)**

A probationary contract employee may be terminated at the end of the contract period if the Board determines that such termination will serve the best interests of the District.

### **NONRENEWAL OF CONTRACT See DFBB (LEGAL/LOCAL/EXHIBIT)**

The Superintendent may recommend nonrenewal of an employee's contract at the end of the contract term specified. Written notice of a recommendation for nonrenewal will be provided to the employee at least 45 days before the last day of instruction. Employees on probationary contracts have no right to a hearing or to appeal the District's decision. Term contract employees have the right to a hearing before the Board

of Trustees by filing a written request for a hearing within 15 days after receiving notice. At the hearing, the employee has a right to be represented by someone of their choice, hear the evidence supporting the recommendation to nonrenew the contract, cross-examine witnesses and present evidence. Following the hearing the Board of Trustees shall take action and notify the employee in writing within 15 days. An employee whose contract is nonrenewed by the Board of Trustees may appeal to the Commissioner for a review of the board's decision.

An employee's term contract may be nonrenewed for any of the following reasons:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of required or assigned duties.
4. Inability to maintain discipline in the classroom or at assigned school-related functions.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Conducting personal business during school hours when it results in neglect of duties.
8. Reduction in force because of financial exigency or program change. [See DFF]
9. Drunkenness or excessive use of alcoholic beverages; illegal use of drugs, hallucinogens, or other substances regulated by the Texas Controlled Substances Act.
10. The possession, use, or being under the influence of alcohol, alcoholic beverages, or drugs and narcotics, as defined by the Texas Controlled Substances Act, while on school property, working in the scope of the employee's duties, or attending any school or District sponsored activity.
11. Conviction of a felony or any crime involving moral turpitude. [See DH]
12. Failure to report any arrest, conviction, or deferred adjudication for any felony or any crime involving moral turpitude as required by policy. [See DH]
13. Failure to meet the District's standards of professional conduct.
14. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
15. Disability, not otherwise protected by law, that impairs performance of required duties.
16. Immorality, which is conduct the board determines is not in conformity with the accepted moral standards of the community encompassed by the District. Immorality is not confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency or depravity.
17. Any activity, school-connected or otherwise, that because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.
18. Reasons specified in individual employment contracts reflecting special conditions of employment.
19. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
20. A significant lack of student progress.
21. Assault on an employee or student.
22. Falsification of records or other documents related to the District's activities.
23. Falsification of required information on an employment application.
24. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.
25. Failure to fulfill requirements for certification, including passing the TECAT or ExCET.

26. Failure to fulfill requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.
27. Any attempt to encourage or coerce a child to withhold information from the child's parent.
28. Reasons constituting good cause for dismissing the employee during the contract term.

## **RESIGNATIONS**

**Contract Employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the Superintendent. Contract employees may resign at any other time only with prior approval of the Board of Trustees. Resignation without the consent of the Board of Trustees may result in disciplinary action by the State Board for Educator Certification.

The Superintendent will notify the Commissioner of Education when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in the section, "Reports to Commissioner".

**Noncontract employees.** Noncontract employees may resign their position at any time. A written notice of resignation including the reasons for leaving should be submitted to the employee's supervisor at least two weeks prior to the effective date.

**Sanctions.** Upon written concern of the District, the State Board for Educator Certification (SBEC) may impose sanctions against an employee who violates resignation procedures, especially without good cause.

**Retirement.** Employees who plan to retire under TRS should notify Employee Benefits as soon as possible. Additional inquiries should be addressed to: Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698 or call 1-800-223-8778 or (512) 397-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

Personnel who retire under TRS guidelines are responsible for following TRS guidelines when desiring to return to work with the school district.

## **REDUCTION IN FORCE**

**Contract Employees.** Employees may be terminated when a program change or financial exigency requires a reduction in force. Contract employees are entitled to notice and a due process hearing before the Board of Trustees. After January 1, 1996 any contract employee that is terminated during the contract period has a right to a hearing before a state-appointed hearing examiner (see DFBC LOCAL).

**Noncontract Employees.** Noncontract employees who are terminated for reduction in force have a right to a complaint hearing before the Board of Trustees as outlined in this handbook and in accordance with district policy DGBA.

## **EXIT INTERVIEW**

When an employee leaves the District because of resignation or retirement, an exit interview form shall be completed with Human Resources to convey "reasons for leaving" as well as to provide suggestions for improvement of conditions of work. Additionally, the exiting employee may contact the employee benefits specialist in the Employee Benefits Office to discuss the possibility of continuing insurance coverage under the provisions of C.O.B.R.A.

## **SUSPENSION**

**Contract Employees.** Contract employees may be suspended with or without pay. An employee may only be suspended without pay for good cause as determined by the Board of Trustees. An employee who is suspended without pay is entitled to notice of the reasons and a hearing before the Board of Trustees or an independent hearing examiner. Suspension without pay cannot extend beyond the end of the school year and may occur pending discharge or in lieu of discharge. An employee who is suspended without pay pending discharge and is not discharged is entitled to back pay for the suspension period.

**Noncontract employees.** Noncontract employees may be suspended with or without pay or placed on administrative leave during an investigation of alleged misconduct.

## **HEARINGS BEFORE A HEARING EXAMINER**

MISD's Board Policy allows for a hearing before a hearing examiner. This hearing process applies only if an employee requests a hearing after receiving notice of a proposed decision to:

1. Terminate a continuing contract at any time;
2. Terminate a probationary or term contract before the end of the contract period; or
3. Suspend without pay.

It *DOES NOT* apply to a decision to:

1. Terminate a probationary contract at the end of the contract term; or
2. Not renew a term contract, unless the Board has adopted this process for nonrenewals.

For more information, see DFD (LEGAL).

## Employee handbook acknowledgement

\_\_\_\_\_  
Name

\_\_\_\_\_  
Campus/Department

[http://mws.mcallen.isd.tenet.edu/employment/employee\\_handbook.pdf](http://mws.mcallen.isd.tenet.edu/employment/employee_handbook.pdf)

<http://www.mcallenisd.org/>

<http://www.tasb.org/policy/pol/private/108906/>

I hereby acknowledge that I have been informed/made aware of the McAllen ISD Employee Handbook, the McAllen ISD Website and MISD Board Policies. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in the document.

The information in the MISD handbook is subject to change. I understand that changes in district policies may supersede, modify, or eliminate the information summarized in the booklet. As the district provides updated policy information, I accept responsibility for reading and abiding by the changes.

I understand that no modifications to contractual relationships or alterations of at-will relationships are intended by this handbook.

I understand that I have an obligation to inform my supervisor or department head of any changes in personal information, such as phone number, address, etc. I also accept responsibility for contacting my supervisor or the Personnel Office if I have any questions, concerns, or need further explanation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Note: Please sign and date a copy and keep it for your records. Sign and date a second copy and return it to your immediate supervisor.