**NEW MEXICO CHARTER SCHOOL**

**EDUCATIONAL SERVICE ASSOCIATION**

**Doing Business as ACES**

**BOARD POLICIES**

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# FINANCE POLICIES

## **Fiscal Management Goals/Priority Objectives**

### EVALUATION OF FISCAL MANAGEMENT

## **Annual Budget**

### BUDGETING SYSTEM

#### I.B.1.a. Executive Committee Responsibility

The Executive Committee of ACES demands not only excellence in services provided but also proficiency in business management to ensure adequacy of fiscal requirements. Therefore, the Executive Committee shall assume its obligation in the provision of financial support for the program. (Amended 11.09.2018)

The Executive Committee shall hold the Executive Director accountable for the results produced. (Amended 11.09.2018)

**I.B.1.b. Staff Responsibility**

The administration of the business affairs of ACES shall be executed in accordance with statutory provisions and terms, ACES Bylaws and Policies, and prescribed administrative regulations and procedures.

### FISCAL YEAR

The fiscal year shall be July 1 to June 30.

### BUDGET PLANNING, PREPARATION, AND SCHEDULES

#### I.B.2.a. Preparation

The Executive Director shall complete preparation of the budget and submit it to the Executive Committee so it can be approved by the Executive Committee before the beginning of the fiscal year. (Amended 11.09.2018)

#### I.B.2.b Dissemination

After the Budget is adopted by the Executive Committee, one (1) copy shall be sent to each member of the approving committee. (Amended 11.09.2018)

A copy of the Budget document shall be entered into the official minutes and shall be available for inspection by the public.

### BUDGET IMPLEMENTATION

#### I.B.3.a. Implementation

The Executive Director shall implement, monitor and report quarterly on budget implementation. (Added 12.8.2017)

#### I.B.3.b Budget Adjustment Request

It is required that a Budget Adjustment Request shall be recorded in Executive Committee meeting minutes. (Added 12.8.2017)(Amended 11.09.2018)

### BUDGET TRANSFERS

The Executive Committee may amend the Budget if deemed necessary to meet unforeseen contingencies. (Amended 11.09.2018)

Budget transfers shall be made with the approval of the Executive Director. (Amended 11.09.2018)

## **Funding Proposals, Grants, and Special Projects**

Monies for all proposals, grants and special projects shall be accounted for by fund.

## **Revenues from Non-tax Sources**

### MEMBERSHIP

The Executive Committee shall determine annual contributions from participating members. An administrative fee as determined by the Executive Committee will be assessed for all services provided. (Amended 11.09.2018)

### FEDERAL, STATE, AND LOCAL FUNDING

The Executive Director shall pursue potential sources of funds, including grants. (Amended 11.09.2018)

### GIFTS

ACES may accept any contribution, gift, bequest, or device for any purpose of ACES upon approval of the Executive Director. (Amended 11.09.2018)

## **Banking Services**

### AUTHORIZED SIGNATURES

All checks, drafts, electronic payments, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of ACES shall be signed by two individuals for amounts over $20,000 for reimbursement of bid items and over $1000 for all other items, and in such a manner as shall from time to time be determined by Resolution of the Executive Committee. (Amended 11.09.2018)

Authorized signatures may be generated electronically through the financial management system. (Added 12.07.2020)

The Resolution of the Executive Committee shall identify the signors and shall include at least two staff and the Board President, Vice President and Treasurer. (Amended 11.09.2018)

No payment shall be authorized by the recipient. (Added 11.09.2018)

### DEPOSITORY BANK

The Executive Committee shall select a depository bank, according to the regulations provided for members in selecting depository banks. All funds of ACES shall be deposited within one business day of receipt to the credit of ACES in such banks, trust companies, or other depositories as the Executive Committee or its agent may select. (Amended 11.09.2018)

## **Bonded Employees and Officers**

All staff and officers that are signatories, and that handle checks as a part of their written job description shall be bonded.

## **Fiscal Accounting and Reporting**

### ACCOUNTING SYSTEM

The Executive Director shall establish a centralized and standard accounting system for ACES, keyed to and correlated with revenue and expenditure classifications in the budget. (Amended 11.09.2018)

### TYPES OF FUNDS/REVOLVING FUNDS

#### I.G.2.a. General Operational Fund

The ACES General Operational Fund will be a primary fund of ACES, designed to provide the basis of the day to day operations of ACES. Funding shall come from any prescribed membership assessments, sale of products and services and contributions.

#### I.G.2.b. Permanent Fund

I.G.2.b.i The ACES Permanent Fund will be a fund of ACES, designed to provide a long-term financial base.

I.G.2.b.ii Funds from the Permanent Fund can only be dispersed upon written agreement of the Executive Committee and the Executive Director. (Added 10.29.2016) (Amended 12.8.2017) (Amended 11.09.2018)

I.G.2.B.III The Permanent Fund shall be increased annually upon recommendation of the Executive Director and approval of the Executive Committee. (Added 10.29.2016)

### FINANCIAL REPORTS AND STATEMENTS

The Executive Director shall present a statement of financial condition of ACES at each regular Executive Committee meeting, or at any other time at the discretion of the President or upon the request of the Executive Committee. (Amended 11.09.2018)

### INVENTORIES

The Executive Director shall maintain a continuing inventory of all property, always have a report available, and file a summary annually with members.

Annual summaries of losses or damages to equipment shall be reported to the Executive Committee by the Executive Director. (Amended 11.09.2018)

Assets with a life of three (3) or more years and a value of Two Thousand Five Hundred Dollars ($2,500) or more shall be inventoried. (Amended 12.8.2017)

Capital assets valued at equal or greater than Five Thousand Dollars ($5,000) shall be capitalized and depreciated.

### INSURANCE PROGRAMS

Insurance shall be carried on ACES property to protect the investment and interest of the Executive Committee. (Amended 11.09.2018)

### SECURITY

The Executive Director shall establish a written plan for building security and technology.

### EQUIPMENT AND SUPPLIES MANAGEMENT

Any equipment assigned to an employee for extended use shall be accepted as the responsibility of the employee in writing. (Added 12.8.2017)

### AUDITS/FINANCIAL MONITORING

#### I.G.8.a. Audits

An annual audit of the fiscal accounts of ACES shall be made by an independent certified public accountant approved by both the Executive Committee and the Office of the State Auditor and filed with appropriate agencies as required. (Amended 11.09.2018)

#### I.G.8.b. Fiscal Review

The Executive Committee shall monitor that sufficient funds are made available for effective operation of the programs of ACES. (Amended 11.09.2018)

## **Purchasing**

### PURCHASING AUTHORITY

The Executive Director shall ensure that maximum value be obtained for each dollar expended, and that purchasing comply with all provisions of State Code.

### PURCHASING PROCEDURES

The Executive Director shall establish guidelines pertaining to: requisition and selection of goods and services; relations with vendors; specifications; Bids and price quotations; award of open-marked orders or contracts.

### PETTY CASH

Petty cash shall not exceed $200. Petty cash reimbursement shall be recorded by account.

## **Payroll**

Payday shall be determined by the Executive Director and approved by the Executive Committee. (Amended 11.09.2018)

## **Member Payments**

### PAYMENTS BY MEMBERS

(a) Payments shall be made by members to ACES within 15 days of receipt of invoice for services and personal tangible property that is delivered and acceptable.

(b) Payments not received in 30 days shall be delinquent. The Executive Director shall implement a process for collection of delinquent funds. (Amended 12.8.2017) (Amended 11.09.2018)

(c) A delinquent fee may be assessed. (Added 12.8.2017)

### MEMBER’S ACCRUED VALUE

Each member shall accrue value in ACES in proportion to the member’s use. The total of the accrued value shall be the increase in the retained earnings of the agency during that period.

For accounting purposes, members shall accrue earnings from July 1st of the year of their membership. No accrued value shall be paid to any member unless ACES is dissolved and totally liquidated.

## **Expense Authorization/Reimbursement**

### TRAVEL AND SUBSISTENCE

Travel and per diem rates shall follow state-authorized rates according to NMAC 2.42.2, as budget allows. (Amended 11.09.2018) (Amended 12.07.2020)

Staff may be reimbursed for expenses incurred only during authorized out-of-town trips at the ACES per diem rate.

Reimbursement may be made for actual expense of commercial carrier at less than first class rates unless reservations can be achieved only in first class accommodations.

Other necessary expenses incurred by ACES staff in connection with official ACES business, and approved by the Executive Director, are recoverable through reimbursement.

Such expense claims must be accompanied by a signed statement.

Staff whose travel reimbursement is regulated by the state or federal government are exempted from this policy, and reimbursement shall be made according to the directions of the agency concerned.

The Executive Committee shall approve expense reimbursements claimed by the Executive Director. (Amended 11.09.2018)

# PERSONNEL POLICIES

## **DEFINITIONS**

### AT-WILL EMPLOYMENT

The employee/employer relationship is “at-will” unless stated in a written contract. This means that at the sole discretion of either the employer or the employee, the relationship may be terminated with or without cause and with or without notice. Personnel practices, including the right to hire, assign, transfer, suspend or discharge, to relieve employees from duty and to maintain discipline and efficiency of employees, rest exclusively in the sole discretion of the employer. The employer may introduce new administrative methods and job requirements as changing needs indicate. The employer expressly reserves the right to terminate any employee at the sole discretion of the employer. Any representations that change the employee status from an at-will employment status must be in writing and must be signed by the Executive Director.

#### II.A.1.a. Full Time

At-will full-time employees work on a contract for an average of 35 hours or more per week for a fixed amount per year, or on time cards for an average of 35 hours or more per week, with averages calculated over a two-month period.

#### II.A.1.b. Part Time

At-will part time employees work for an average of less than 35 hours per week for a fixed amount per year, or on time cards for an average of less than 35 hours per week, with averages calculated over a two-month period.

#### II.A.1.c. Variable Event Cadre and Ancillary

At-will Cadre and Ancillary employees work on assigned ‘events’ with no expectation of continued employment. The charter schools that utilize their expertise have no obligation to continue the contract beyond specific events.

#### II.A.1.d. Occasional

#### At-will Occasional employees work on a temporary basis for specific tasks. The duration of their employment shall not exceed one year.

### JUST CAUSE EMPLOYMENT

The Just Cause Employment is for management and senior professional staff members and the employee/employer relationship is through a definite period as stated in a written contract. This means that neither the employer nor the employee may terminate the contract without meeting the stipulations of the Just Cause Employment Agreement. The relationship may be terminated with just cause and with appropriate notice by the employer.

#### I.A.2.a. Full Time

Just cause employees work on a contract for an average of 35 hours or more per week for a fixed amount per year, or on timecards for an average of 35 hours or more per week. Their contract is for a fixed length of time.

#### I.A.2.b. Part Time

Just cause employees work on a contract for an average of 35 hours or more per week for a fixed amount per year, or on timecards for an average of 35 hours or more per week. Their contract is for a fixed length of time.

### EXEMPT EMPLOYMENT

Management and senior professional staff members are expected to spend whatever time is required for ACES to meet its commitment, without additional or overtime pay. They are exempt from overtime qualifications by IRS rules.

### LEAVE

Leave is any authorized absence, with or without pay, during the regularly scheduled work hours, which is properly approved in advance.

### IMMEDIATE FAMILY

Immediate Family includes spouse, parent, parent-in-law, child, stepchild, grandparent, grandchild, sister/brother, sister-/brother-in-law, aunt/uncle, niece/nephew, and any individual with whom an employee has a personal relationship.

## **GENERAL PERSONNEL POLICIES**

### EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

ACES subscribes to a policy of equal employment opportunities and will maintain and conduct all practices relating to recruitment, hiring, discipline, and other terms and conditions of employment in a manner which does not discriminate on the basis of race, color, religion, national origin, age, gender, sexual orientation, disability, marital status, height, weight, or veteran status.

### ANTI-HARASSMENT POLICY

Harassment because of religion, race, color, national origin, sex, age, height, weight, handicap, disability, marital status, or other legally protected status is unlawful discrimination and is prohibited by federal law and the employer. The employer will not tolerate any form of harassment.

For the purposes of this Policy, “Harassment” means unwelcome verbal communication or physical contact because of religion, race, color, national origin, gender, sexual orientation, age, height, weight, handicap, disability, marital status, or other legally protected status, which unreasonably interferes with a person’s work performance or which creates an intimidating, hostile or offensive work environment.

“Harassment “includes “sexual harassment”

ACES is committed to providing a workplace that is free from sexual harassment. Sexual harassment in the workplace is against the law and will not be tolerated. When ACES determines that an allegation of sexual harassment is credible, it will take prompt and appropriate corrective action.

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: An employment decision affecting that individual is made because the individual submitted to or rejected the unwelcome conduct; or the unwelcome conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or abusive work environment.

Certain behaviors, such as conditioning promotions, awards, training, or other job benefits upon acceptance of unwelcome actions of a sexual nature, are always wrong.

Unwelcome actions such as the following are inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment: Sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or via e-mail; Verbal abuse of a sexual nature; Touching or grabbing of a sexual nature; Repeatedly standing too close to or brushing up against a person; Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should be careful not to pressure their employees to socialize); Giving gifts or leaving objects that are sexually suggestive; Repeatedly making sexually suggestive gestures; Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace; and Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

A victim of sexual harassment can be a man or a woman. The victim can be of the same sex as the harasser. The harasser can be a supervisor, co-worker, other ACES employee, or a non-employee who has a business relationship with the ACES.

**I.B.2.a. ACES Responsibilities Under This Policy**

If ACES receives an allegation of sexual harassment, or has reason to believe sexual harassment is occurring, it will take the necessary steps to ensure that the matter is promptly investigated and addressed. If the allegation is determined to be credible, ACES will take immediate and effective measures to end the unwelcome behavior. ACES is committed to act if it learns of possible sexual harassment, even if the individual does not wish to file a formal complaint.

ACES is committed to ensuring that all investigations of sexual harassment are conducted in a prompt, thorough, and impartial manner.

Supervisors and other responsible ACES employees who observe, are informed of, or reasonably suspect incidents of possible sexual harassment must immediately report such incidents to the Executive Director or Board President, which will either initiate or oversee a prompt investigation. Failure to report such incidents will be considered a violation of this policy and may result in disciplinary action. The Executive Director or Board President should take effective measures to ensure that no further apparent or alleged harassment occurs pending completion of an investigation.

ACES will seek to protect the identities of the alleged victim and harasser, except as reasonably necessary (for example, to complete an investigation successfully). ACES will also take the necessary steps to protect from retaliation those employees who in good faith report incidents of potential sexual harassment. It is a violation of both federal law and this policy to retaliate against someone who has reported possible sexual harassment. Violators may be subject to discipline.

Employees who have been found by ACES to have subjected another employee to unwelcome conduct of a sexual nature, whether such behavior meets the legal definition of sexual harassment or not, will be subject to discipline or other appropriate management action. Discipline will be appropriate to the circumstances, ranging from a letter of reprimand through suspensions without pay of varying lengths to separation for cause. A verbal or written admonishment, while not considered formal discipline, may also be considered.

**I.A.2.b. Employees' Rights and Responsibilities Under This Policy**

Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.

If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee has multiple avenues for reporting allegations of sexual harassment and/or pursuing resolution.

Employees are encouraged to report the unwelcome conduct as soon as possible to the ACES Executive Director. If the Executive Director is any involved in the unwelcome conduct the employee is encouraged to report the unwelcome conduct to the Board President.

In addition to reporting sexual harassment concerns to the Executive Director or Board President, employees who believe they have been subjected to sexual harassment may elect to pursue resolution in several ways, including mediation. Mediation is an informal way to resolve office problems using a trained mediator who facilitates communication between the parties to the dispute. If an employee chooses to attempt resolution through mediation, management is obligated by ACES policy to send a representative to the table. If a resolution is not reached, the parties may continue to pursue their rights in any other appropriate forum.

All ACES employees, including but not limited to staff, supervisors, and administration, are required to comply with this policy. Employees are also expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, or members of the public with whom they come into contact in the course of ACES duties. Further, all employees are expected to respond appropriately to prevent sexual harassment. Unwelcome behavior of a sexual nature should be stopped before it becomes severe or pervasive and rises to a violation of law

### BACKGROUND CHECKS

Any ACES employee who will have direct contract with students while performing services through an ACES Agreement, will be required to have on file with ACES a Background Check. All Background checks will be at the expense of the employee, unless otherwise agreed upon. (Added 10.29.2015)(Amended 12.01.2021)

### ACES SUBSTANCE ABUSE POLICY

ACES recognizes the problems associated with substance abuse in society and in the workplace. Substance abuse poses a serious threat to our employees and clients.

This policy seeks to balance our respect for individual privacy with our need to keep a safe, productive, work environment. ACES reserves the right to change this policy at any time upon notice to our employees.

ACES prohibits the possession, use, and distribution of a non-prescribed controlled substance (as defined in federal and state law in the workplace, while on ACES business, or while driving a vehicle on ACES business. (Amended 11.09.2018)

Alcohol consumption during work hours is prohibited, whether on company property or off. If it is reasonably suspected that you are impaired by alcohol or illegal drugs, or if you are involved in an accident in the workplace, you may be asked to immediately present yourself for drug testing at an authorized medical facility. Reasonable suspicion will be determined in the sole discretion of the authorized ACES supervisor.

Reasonable suspicion shall be based upon the observations of a supervisor or others that the employee is impaired. All determinations will be based upon verifiable suspicion that an employee is using or has used drugs or alcohol and shall be drawn from specific objective facts and reasonable inferences drawn from those facts in the light of experience. If you refuse to submit to drug testing, under these circumstances of reasonably suspected impairment, your employment will be terminated.

ACES will contract with an appropriate agency for conduct of drug and alcohol testing, which will be based upon a sample of urine submitted at the time of the test. Sufficient quantities of the sample will be obtained and segregated into two units. One unit will be tested for the presence of metabolites of illegal drugs or alcohol. If the test is positive, the employee may, if he or she wishes, have the second sample sent to another lab for testing, at his or her expense.

A positive test will result in disciplinary action up to and including termination of employment. It is a condition of your continued employment with ACES to authorize the release of test results to the employer of any tested sample.

As with other medical reports, all testing results will be maintained in a confidential medical file of the employee and will not be released absent authorization of the employee, or court order, or in compliance with state and federal law.

### GOOD MORAL CHARACTER/CRIMINAL HISTORY CHECKS/ DRIVING RECORDS

It is the policy of ACES to conduct a criminal history check upon condition of employment and every 5 years thereafter through the New Mexico State Police, Sex Offenders Registry, Abuse/Neglect, and other police agencies where appropriate. Since this information may not be available until after an applicant has been hired and assumed responsibilities, it may be necessary to conduct a post-hire good moral character assessment that includes information found in the criminal history report. If the employer substantiates that the employee provided dishonest or false answers on the job application or during employment interviews, the employee can be terminated immediately. (Amended 11.09.2018)

### OTHER EMPLOYMENT

Employees are not permitted, without approval, to perform any services or have any interest or involvement, either directly or indirectly, in any other business, which resembles or competes with ours. If an employee violates this policy, he or she may be terminated. If an employee already has or is considering an outside business involvement or employment which would appear to violate this rule, they shall advise your supervisor immediately. (Amended 11.09.2018)

### PUBLICITY

Only the Executive Director or a staff member specifically designated by the Executive Director shall make all official statements to the public of whatever nature.

### PROFESSIONAL DEVELOPMENT

ACES encourages professional development and staff education. The Executive Director shall encourage staff members to attend professional meetings, rotating attendance when possible. The Executive Director shall employ such recognized elements as staff meetings, evaluations and progress reports and in-service education sessions.

All training expenditures must be approved by the Executive Director.

### GIFTS, GRATUITIES, AND LOANS

An employee shall not be permitted to accept loans, gifts, money, goods, services or other preferred arrangements of personal benefit under any circumstances directly or indirectly involving possible interest, or appearance of influence upon the way they perform their work, make their decisions or otherwise discharge their duty as an ACES employee. Any gift of doubtful nature shall be cleared with the Executive Director.

### SOLICITATIONS AND FUND DRIVES

Contributions by employees to community organizations shall be totally voluntary. The Executive Director and/or Board shall at no time estimate or determine what amount such contributions shall be. No solicitations of any kind shall be allowed in ACES, with the exception of those approved by the Board.

### GRIEVANCES

An employee who is dissatisfied with any aspect of the employment relationship, other than termination, may file a written grievance with the employee’s supervisor. The supervisor shall, within 10 working days, discuss the grievance with the employee and attempt to resolve it. The proposed resolution suggested by the supervisor shall be final and binding, unless reviewed by the Executive Director.

If the employee is not satisfied with the decision of the supervisor, within five working days of the decision by the supervisor, the employee may request a review by the Executive Director. Such request shall be in writing. Such review shall be conducted within 10 working days, and a copy of the proposed resolution suggested by the Executive Director shall be final and binding, unless reviewed by the Executive Committee. (Amended 11.09.2018)

An employee who is not satisfied with the proposed resolution of the grievance by the Executive Director may file, within 10 working days, a written appeal with the Executive Committee. Final action shall be taken by the Executive Committee within two months of receiving appeal. Such action shall be reduced to writing, included in the minutes of the Board and a copy thereof shall be delivered to the employee. The proposed resolution of the Executive Committee will be final and binding. (Amended 11.09.2018)

### EMPLOYMENT OF IMMEDIATE FAMILY

The employment of immediate family of employees is permitted by ACES, as long as qualifications for the position are met and, in the opinion of ACES, employing the immediate family will not create an actual or perceived conflict of interest. Employees will not be permitted to work in positions where relatives will influence, or be influenced by, decisions affecting work assignments, responsibilities, salary, promotion, or other career matters. Managers who seek to hire, transfer, or promote their own immediate family must obtain prior approval from their supervisor.

ACES reserves the right to use its sole discretion in placing and transferring relatives of its current employees in a manner calculated to eliminate potential conflicts of interest or other employment complaints. To do this, ACES will take action that is fair and equitable and that will remove any direct reporting or management relationship between employees who are defined as ‘relatives.’

* + 1. **PERSONAL RELATIONSHIPS AMONG COWORKERS**

Personal relationships may create an actual or perceived conflict of interest, and/or create the risk of sexual harassment/hostile work environment related claims. Thus, supervisors may not hire, promote, or directly supervise any person with whom they have a personal relationship, nor may they engage in any personal relationships with their subordinates.

A personal relationship includes but is not limited to the following activities: dating, sharing the same household or living together.

An employee must notify ACES if his or her relationship to another employee changes to fit the definition of ‘immediate family’. If a personal relationship develops between a supervisor and subordinate, both employees are required to inform their supervisor.

Similarly, ACES reserves the right to use its sole discretion in the hiring or placement of new employees who have personal relationships with current employees. The employer further reserves the right to review and modify the placement of all current employees who have personal relationships with co-workers. ACES will take action that is fair and equitable to eliminate any direct reporting or management relationship between employees who are involved in a personal relationship. Finally, the employer may change the placement of individuals involved in a personal relationship regardless of whether there is a direct reporting or management relationship if the employer determines that the personal relationship interferes with the employee’s job performance.

### JOB DESCRIPTIONS

A written job description listing date of hire, salary, duties, qualification, and any conditions of employment shall be signed by the employee and maintained on file in their personnel file.

### PERSONNEL FILES

A personnel file will be maintained for each employee. For the purpose of maintaining complete and accurate personnel files, employees are required to report any changes in their personal status to the employer. The information needed is: change in address or phone number, any change affecting your tax withholding status, legal change of name, or change of persons designated to call in case of emergency. (Amended 12.01.2021)

Employees may see their personnel file by submitting a written request to the Human Resource Director or Executive Director. Employee access to their personnel file will be provided in compliance with all State and Federal laws. Copies will be provided and a reasonable per copy cost may be charged.

### EVALUATIONS

Staff evaluations are for the purpose of evaluating job performance, providing feedback to employees, and letters of recommendation. A written evaluation will be performed at the end of three months and at least annually thereafter. All staff evaluations are maintained in their personnel file. If there is disagreement, a written statement by the staff member may be attached to the evaluation and placed into their personnel file. The statement must specifically state what the disagreement is about, be signed and dated.

### RESIGNATION

Resignations are requested to be in writing, with two weeks’ notice for non-management At-Will staff.

If an employee decides to terminate your employment with ACES, they must notify their supervisor or the Executive Director.

### TERMINATION

The employment of any at-will employee may be terminated by the Executive Director/or designee, or Executive Committee of ACES, at any time, for any reason whatsoever, effective forthwith, and in such event written notice of said termination shall be delivered to the employee. Termination includes both voluntary and non-voluntary separation. (Amended 11.09.2018)

### POLICY FOR STAFF INJURIES

Any employee who is injured while at work must follow the following policy: Report the injury to supervisor or Executive Director immediately; and complete an Employee Report of Injury Form, making sure you complete the entire front page, sign it, date it, and leave it for your supervisor to review within 24 hours.

If employee requires medical attention, they must immediately notify supervisor or Executive Director.

Time off due to work injury may be counted towards your Family Medical Leave time.

### PERSONNEL POLICIES

These policies apply to all employees of ACES.

The development of policies shall be the responsibility of the Executive Director in collaboration with the Vice President of the Executive Committee. Such policies shall be subject to approval and review by the Board. All Personnel Policy statements shall be distributed to each employee.

Whenever there is a disagreement between a member of the staff and their supervisor over interpretation of a personnel policy, it is to be presented to the Executive Director.

These policies are only meant to serve as a reference guide. The Policies and Benefits described are not conditions of employment, and do not reflect a contract between the employer and the employee. The employer reserves the unilateral right to add, delete, or amend the policies and benefits provided for in these policies. Employees should contact their supervisor or any member of management with questions concerning the contents of these policies.

A copy of ACES Personnel Handbook will be provided to each new employee, either electronically or in paper format. Additional paper copies will be readily available to all employees. Revisions will be distributed to all employees after a revision is made. The Handbook contains and expands upon the policies.

## **EMPLOYEE CONDUCT**

### PERSONAL APPEARANCE AND CONDUCT

All employees should constantly be aware that they act as role models for the customers, and that their appearance and conduct reflect ACES. Staff are expected to maintain a high standard of neatness, cleanliness, and personal hygiene. All employees shall arrive for work in neat, clean clothing, appropriate for the working conditions. Clothing can be casual but should be in good repair and presentable. All staff must wear acceptable length shorts, shirts, and skirts. ACES staff serve as ACES representatives and should wear appropriate attire for planned activities. (Amended 11.09.2018)

### EMPLOYEE HONESTY AND INTEGRITY

Employee is hired by ACES with the fact in mind that their honesty and integrity are of the highest level. ACES expects these traits will greatly increase employees’ chances of success throughout their employment with the organization. It is every employee’s responsibility to enforce and/or report policy, rules, and procedure violations to their supervisor or Executive Director. (Amended 11.09.2018)

### SMOKING

Smoking shall not be allowed in ACES facilities. Smoking shall be prohibited in all ACES vehicles. Staff are not allowed to smoke in charter schools, off site work sites, or within 15 feet of entrances to buildings. The sale of smoking products at ACES is prohibited.

### ABSENCES AND TARDINESS

Absenteeism is a failure to meet a scheduled shift exclusive of approved leaves. Tardiness is defined as the failure to report to work at the time scheduled.

Employees are expected to inform their supervisor that they will be late or absent as soon as it becomes evident. Employee must call each day you are going to be late or absent. Failure to do so will result in the employee being recorded as “late” or “no-show.’ Asking a friend, another employee, or a relative to give notification does not relieve the employee of the notification responsibility.

Any employee who is absent three (3) consecutive scheduled workdays without reporting their absence to their supervisor will be considered to have voluntarily quit their job and will no longer be employed by ACES.

### BUILDING AND EQUIPMENT USE

Equipment and supplies belonging to ACES shall be used only for projects and activities which directly involve the operation of ACES.

Staff members are also instructed that the personal use of email and the Internet on company time is not permitted and may be grounds for corrective action up and to including discharge or termination. Internet sites, other than those used for business purposes, shall not be visited. All staff members are specifically prohibited from downloading programs and/or adding unauthorized software without the permission of the Executive Director. This policy shall be reviewed annually if changes are necessary. (Amended 11.09.2018)

Licensing - ACES will observe the terms of all copyrights, software licenses, and agreements. Unauthorized software will not be allowed.

## **BENEFITS**

### CADRE PROFESSIONAL PERSONNEL INSURANCE

Since Cadre Professional’s work is often sporadic and short term, ACES will not offer health, dental, or vision insurance to Cadre Professionals unless required by state or federal law. ACES is not a member of NMPSIA or ERB. (Added 10.29.2015) (Amended 11.09.2018) (Amended 12.07.2020)

### ABSENCES WITH PAY

With the approval of the Executive Director, absences for the following reasons may be permitted with no reduction of personal time.

Pre-Induction Physicals. Employees ordered to report to the Armed Services will be excused for the time needed for such examinations.

Illness caused by Immunizations and Tests. Absences caused by illnesses resulting from an immunization or test required as part of the physical examination requirement of ACES may be excused.

Professional Conferences-Attendance at professional conferences or related meetings, when authorized by the Executive Director, shall be treated as special work assignments.

Hearings. The employee will be excused to attend a hearing on a grievance which they have presented to the Board, and when requested to appear at the hearing of another employee. (Amended 11.09.2018)

Emergencies. At the Executive Director’s discretion, when employees are prevented from reporting to work due to Acts of God, the absence may be excused.

Jury Duty. Leave shall be granted to any employee who is called for jury duty. A statement shall be provided by the employee to indicate the total amount of compensation received for jury duty. Employees shall have the option of receiving their normal pay for jury duty or receiving the court rate. If an employee chooses to be paid by ACES for jury duty, then the court fee (excluding transportation) shall be turned over to ACES.

Service on Committees-An employee may serve on committees of a community or professional group. The Executive Director must approve such appointments and absences from work.

### LEAVE OF ABSENCE WITHOUT PAY

An absence without pay may be granted by the Executive Director (or designee) for not more than one (1) year after the careful consideration of the reasons provided in the written request for such leave.

A Leave of Absence Authorization form shall be completed for all leaves.

Leave of Absence approval by the Executive Director (or designee) will specify the duration of the leave, and effects on seniority, personal time, insurance and insurance payments, and other benefits will be detailed. Paid Time Off must be expended by the employee subject to prior approval by Executive Director (or designee). (Amended 11.09.2018)

Extension of the leave shall be requested in writing.

A return to work earlier than the scheduled termination of leave date may be arranged by the Executive Director or designee and the employee if a suitable position is available.

If the employer’s portion of medical insurance is paid during leave, and the employee does not return to work after leave is over (for a minimum of 30 days), the employee shall be responsible for reimbursing ACES for ACES portion of the health insurance premiums. Employees on leave are responsible to pay their portion of the health insurance premiums when due or coverage will be terminated.

### WORK SCHEDULES

Work will be scheduled as necessary to assure staffing of regularly scheduled agency programs.

It may become necessary on occasion that an employee will work beyond their normal weekly hours. This request will be made by the supervisor or the Executive Director and is to be used only to perform those functions which were unable to be carried out during the normal working period. Additional work time must be approved by the supervisor or the Executive Director. This time will be compensated for as described under Overtime and Compensatory Time.

### MATERNITY LEAVE

Not all Maternity Leaves meet the requirements of the Family Medical Leave Act.

If Family Medical Leave is applicable see ACES Family Medical Leave Policy.

If Family Medical Leave is not applicable ACES will grant 6 weeks Maternity Leave.

During the Maternity leave, ACES requires employees to first use all their personal time. Any leave not covered by personal time will be unpaid leave. (Amended 11.09.2018)

ACES will continue to pay the employer's portion of the health insurance premium during that time. If the employee does not return to work after leave is over (for a minimum of 30 days), the employee shall be responsible for reimbursing ACES for ACES portion of the health insurance premiums. Employees on leave are responsible to pay their portion of the health insurance premiums when due. If applicable Maternity Leave and Family Medical Leave will run at the same time. Maternity Leave is applicable to mother, father, or adoptive parents. Upon returning, employees will be reinstated to a similar position. (Amended 11.09.2018)

### MILITARY LEAVE

Employees inducted or enlist in the armed forces of the United States, must notify their supervisor so that arrangements can be made to authorize a leave. The leave shall be for a maximum period of four (4) years, except when the employee’s period of military service may be involuntarily extended due to an act of war or a declared state of national emergency. In that event the period of military leave shall be extended, in accordance with federal law, until the end of the involuntary extension of the employee’s military service. Employee must also apply for a reinstatement within ninety (90) days of their date of discharge or lose their seniority and forfeit their right to return. Members of the Armed Forces Reserve or National Guard Units who are required to participate in two (2) weeks of annual training will be granted a leave of absence provided proper documentation is provided. The employee may use personal time or may take leave without pay without penalty or disciplinary action. (Amended 11.09.2018)

### PAY PERIOD/PAYDAY

Payroll will be issued monthly except for participants in the Substitute Program. The workweek shall be defined as 7 consecutive 24-hour periods beginning Sunday and ending Saturday. (Amended 12.8.2017)

ACES issues payroll two ways; Direct Deposit or Checks. Each employee will be given written details outlining policy at hire.

If employee discovers a discrepancy in their pay, they must notify the office of the mistake. If the office is notified by five workdays prior to the following payday, the error will be corrected on the next payday.

### OVERTIME AND COMPENSATORY TIME

The nature of the organization’s services necessitates that there be flexibility of work, especially for professional staff members involved in direct work with Charter Schools. Workloads, however, are expected to be reasonable and employees should be able to complete their assignments during regular working hours. Non-exempt at-will staff who must work overtime will be given an equal amount of compensatory time providing this is done within the next pay period or will be compensated on a time and one-half basis. Our work period for hourly employee’s overtime calculations are based upon a 7-day work period beginning Sunday and ending Saturday. Overtime hours are based on actual time worked. Non-worked holidays and personal time hours are not included when calculating overtime. (Amended 11.09.2018)

### HOLIDAYS

The following holidays will be observed by ACES. Holidays are not paid during a medical, educational, or maternity leave. All non-exempt, full time employees who work on one of the designated holidays (midnight to midnight) will be paid double their normal rate of pay. Time paid under this benefit will not be calculated as hours worked or determining overtime unless the employee works on the holiday. The Holidays are New Year’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas Day. (Amended 12/8/2017) (Amended 11.09.2018)

### PAID TIME OFF

All vacation leave and sick leave are considered Paid Time Off (PTO). Employees will be paid PTO at their current hourly rate. PTO paid under this benefit will not be calculated as hours worked for determining overtime. PTO showing on paycheck stubs indicates time potentially available through the end of the current pay period. (Amended 11.09.2018)

PTO is available to use the pay period following their probationary period.

Variable event Ancillary and Cadre employees are not eligible for PTO.

Employees are responsible to verify the accuracy of their PTO. If an employee believes there is a mistake in their PTO calculation, they have 90 days from the date of the mistake to request a review and correction if warranted.

PTO is not accumulated during a medical, educational, or maternity leave.

### STAFF PAID TIME OFF LEAVE ACCUMULATION

The number of years worked is increased on July 1st, for all employees who have completed a full year’s employment. All employees who are full time shall accrue personal time as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| Years of Employment | Hours Earned Per Month | Total Hours Earned Per Year | Total Days Earned Per Year |
| 0-1 years | 14.67 | 176 | 22 |
| 2-4 years | 16 | 192 | 24 |
| 5-9 years | 17.33 | 208 | 26 |
| over 10 years | 18.67 | 224 | 28 |

For Part-Time employees, the following schedule shall apply:

Averaging on a three-month basis 20 hours or more per pay period: 40% of the prorated schedule above

Averaging on a three-month basis less 20 hours per pay period: 0% of the prorated schedule above

Employees may not accumulate PTO hours more than 240 hours (except employees over 30 years who may accumulate 280 hrs.). At the end of the fiscal year employees may place 50% of the excess hours in a retirement account approved by ACES, and the remaining hours shall be forfeited. (Amended 11.09.2018)

### TRANSPORTATION AND OTHER EXPENSES

Reimbursement for the use of a personal car on the job other than to and from work shall be paid upon the approval of the Executive Director. The rate of reimbursement shall be determined by the Executive Committee. Should an unusual circumstance or emergency occur, necessitating transportation by taxi, bus, or other mode of travel, the cost of such may be reimbursed upon submitting a receipt, and/or explanation of the same. All such requests must have the approval of the Executive Director. (Amended 11.09.2018)

The following items are chargeable to expense accounts with the approval of the Executive Director:

Meals while more than 30 miles from home base, hotel expenses, telephone calls and other approved incidentals. (Amended 11.09.2018)

Breakfast, lunch, or dinner meetings required by the agency or in the interest of the organization.

All expenses incurred shall not exceed state standards unless an emergency exists. Should an employee have any questions concerning work-related reimbursement they shall seek previous approval from the Executive Director.

### WORKER’S COMPENSATION INSURANCE

All employees are protected while on the job by Worker’s Compensation Insurance. This insurance will provide coverage for employees if they are injured or suffer and occupational illness at work. Payments for medical expenses and lost time at work are determined by state law. This insurance also provides death benefits to your dependents (if any) in case of death cause by work. ACES pays the full cost of this protection. Failure to promptly report an injury may result in loss of benefits. When an employee misses work due to a worker’s compensation injury, those hours lost shall count towards family medical leave. Employees are responsible for their portion of their health insurance premiums.

PTO time will not be credited during a workman’s compensation absence unless the employee has PTO available to receive a full paycheck (workman’s compensation will adjust their payments to cover this). ACES will pay employers share of the individual’s health insurance premiums for up to 3 months from the date the employee fails to have sufficient personal time to receive a full paycheck.

### SECTION 125/CAFETERIA PLAN

ACES provides a section 125 plan that allows employees to pay for their health insurance premiums, out-of-pocket health and dental expenses, and day care expense with pre-taxed dollars. Information is available at the ACES office.

### INSURANCE

 ACES is not a member of NMPSIA. ACES will not offer health, dental, vision, or life insurance unless required by state or federal law. (Amended 11.09.2018) (Amended 12.07.2020)

### FAMILY MEDICAL LEAVE ACT

The Family Medical Leave Act will apply when ACES has 50 or more employees in 20 or more workweeks in the current or preceding calendar year, or when the law is modified to require such coverage.

# PROCUREMENT POLICIES

## **GENERAL PROVISIONS**

 **III.A.1. General**

ACES shall establish and maintain a system for identifying and providing cooperative purchasing services in compliance with state procurement statutes, regulations, and code. Services provided under this system may include, but are not limited to, ancillary services, special education services, placement services, food procurement, needs assessments, supplemental employee benefits, construction services, professional services, training services and general consultancy for member organizations. Except as otherwise provided in the Procurement Code, Sections 13-1-28 through 13-1-199 N.M.S.A. 1978, the Code applies to every expenditure by ACES for the procurement of items of tangible personal property, services, and construction.

 **III.A.1.b. General Federal Funds.**

 When procurement involves the expenditure of federal funds, the procurement shall be conducted in accordance with mandatory applicable federal law and regulations. When mandatory applicable federal law or regulations are inconsistent with the provisions of the Procurement Code, compliance with federal law or regulations shall be in compliance with the Procurement Code. (Amended 12.01.2021)