

Fabens ISD

2023-2024 Employee Handbook

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Table of Contents

Employee Handbook Receipt	6
Introduction	7
District Information	8
Description of the District	8
District Map	9
Mission Statement, Goals, and Objectives	9
Board of Trustees	9
Board Meeting Schedule	10
Administration.....	10
School Calendar.....	11
Helpful Contacts	11
School Directory	12
Employment.....	13
Equal Employment Opportunity	13
Job Vacancy Announcements	13
Employment after Retirement	14
Contract and Noncontract Employment	14
Certification and Licenses	15
Recertification of Employment Authorization	15
Searches and Alcohol and Drug Testing	15
Health Safety Training	16
Reassignments and Transfers.....	17
Workload and Work Schedules	17
Breaks for Expression of Breast Milk.....	18
Pregnant Workers Fairness Act.....	18
Notification to Parents Regarding Qualifications.....	18
Outside Employment and Tutoring.....	19
Performance Evaluation	19
Employee Involvement	19
Staff Development	19
Compensation and Benefits.....	21
Salaries, Wages, and Stipends.....	21
Paychecks	21
Automatic Payroll Deposit.....	22
Payroll Deductions	23
Overtime Compensation	23
Travel Expense Reimbursement.....	24
Health, Dental, and Life Insurance	24
Supplemental Insurance Benefits	25

Cafeteria Plan Benefits (Section 125).....	25
Workers' Compensation Insurance.....	25
Unemployment Compensation Insurance	26
Teacher Retirement	26
Other Benefit Programs	Error! Bookmark not defined.
Leaves and Absences	27
Personal Leave	28
State Sick Leave	29
Local Leave	29
Extended Leave	Error! Bookmark not defined.
Vacation.....	Error! Bookmark not defined.
Sick Leave Bank (or Pool)	30
Family and Medical Leave Act (FMLA)—General Provisions	30
Local Procedures for Implementing Family and Medical Leave Provisions.....	33
Temporary Disability Leave	34
Workers' Compensation Benefits	35
Assault Leave.....	35
Bereavement Leave.....	36
Jury Duty.....	36
Compliance with a Subpoena.....	36
Truancy Court Appearances	36
Religious Observance	37
Military Leave	37
Mental Health Leave for Peace Officers and Licensed Telecommunicators.....	Error! Bookmark not defined.
Quarantine Leave for Peace Officers	Error! Bookmark not defined.
Leave for Police Officers for Illness or Injury	37
Payment for Accumulated Leave Upon Separation	Error! Bookmark not defined.
Employee Relations and Communications	40
Employee Recognition and Appreciation.....	40
District Communications	41
Complaints and Grievances	42
Employee Conduct and Welfare.....	49
Standards of Conduct.....	49
Discrimination, Harassment, and Retaliation	54
Harassment of Students.....	54
Reporting Suspected Child Abuse	55
Sexual Abuse and Maltreatment of Children.....	56
Reporting Crime	56
Scope and Sequence	57
Technology Resources.....	57
Personal Use of Electronic Communications	57

Electronic Communications between Employees, Students, and Parents	59
Public Information on Private Devices	61
Criminal History Background Checks	62
Employee Arrests and Convictions.....	62
Alcohol and Drug-Abuse Prevention	64
Tobacco Products and E-Cigarette Use	67
Fraud and Financial Impropriety	67
Conflict of Interest.....	68
Gifts and Favors.....	68
Copyrighted Materials.....	68
Associations and Political Activities	69
Charitable Contributions	69
Safety and Security	69
Possession of Firearms and Weapons.....	70
Visitors in the Workplace	70
Asbestos Management Plan.....	70
Pest Control Treatment.....	71
Other Topics	Error! Bookmark not defined.
General Procedures	72
Emergency School Closing.....	72
Emergencies	72
Purchasing Procedures.....	72
Name and Address Changes.....	72
Personnel Records.....	73
Facility Use	73
Termination of Employment	74
Resignations	74
Dismissal or Nonrenewal of Contract Employees	74
Dismissal of Noncontract Employees.....	75
Discharge of Convicted Employees	75
Exit Interviews and Procedures.....	76
Reports to Texas Education Agency	76
Reports Concerning Court-Ordered Withholding	77
Student Issues	78
Equal Educational Opportunities	78
Student Records	78
Parent and Student Complaints	79
Administering Medication to Students	79
Dietary Supplements.....	79
Psychotropic Drugs.....	80
Student Conduct and Discipline	80
Student Attendance	80

Bullying	80
Hazing	82
Index.....	2

Employee Handbook Receipt

Name _____

Campus/Department _____

I hereby acknowledge receipt of a copy of the Fabens ISD Employee Handbook. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document.

Employees have the option of receiving the handbook in electronic format or in a hard copy.

www.fabensisd.net

Please indicate your choice by checking the appropriate box below:

- ☐ I choose to receive the employee handbook in electronic format and accept responsibility for accessing it according to the instructions provided.
- ☐ I choose to receive a hard copy of the employee handbook and understand I am required to contact _____ to obtain a hard copy.

The information in this handbook is subject to change. I understand that changes in district policies may supersede, modify, or render obsolete the information summarized in this document. 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 employment 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 HR Director if I have questions or concerns or need further explanation.

Signature

Date

Please sign and date this receipt and forward it to your supervisor.

Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. 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 Fabens ISD Human Resources Director.

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 district policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. 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. District policies can be accessed Online at www.fabensisd.net.

District Information

Description of the District

Fabens ISD is a rural district located 20 miles southeast of El Paso, Texas in El Paso County. The district covers 62 square miles of El Paso County. Fabens has been an agricultural community that has continually received Mexican immigrants seeking better opportunities. The railroad line through Fabens was built by Southern Development Company, which was owned by Southern Pacific. The coming of the railroad had brought a few humble dwellings to our location, for this was a watering station. It was the custom in those early days to name railroad stops for officials of the railroad. Therefore, our town was given the name FABENS in honor of Mr. George Wilson Fabens, assistant land commissioner for the Southern Pacific Lines in Texas and Louisiana. Fabens didn't begin to grow until 1910. At that time the county road was finished and soon paved as State Highway No. 1. The bridge across the Rio Grande River was built in 1910. In 1913 the O'Donnell Inn (then called Island Inn), a depot and the Cobos School were all built. The TEXAS HANDBOOK, Vol. 1 says, "As part of the San Elizario grant, the site (Fabens) was sold to Sabas Grijalva and Diego Loya, who in turn, sold it to E. S. Newman in 1887, excluding the right-of-way already given to the Galveston, Harrisburg, and San Antonio Railroad. The townsite was laid out in 1911, but the main development was by the Fabens Townsite and Improvement Company, which acquired ownership in 1913." The first school location in Fabens was a building in the 300 blocks of West Main. That building no longer stands. Mrs. J.M. Escajeda, at the time the oldest living alumni at the time, told us she once attended school there. At that time there was no paved road. Cattle roamed the area and frightened the children on their way to school. During the early years, Latin-American and Anglo children did not attend school together. For a time the Anglos were taught good "old" reading, 'writing, and 'arithmetic" in a tent which was pitched at the corner of Fabens and Camp Streets, about where the First Baptist Church stands. The school year of 1923-1924 saw Fabens with three schools. A Mexican primary school of three grades and three teachers with attendance passing the one hundred mark, and an Anglo school of eight grades with five teachers and one hundred and twenty-five as the highest attendance. A school on the island had about 75 students. Fabens and Island school consolidated beginning with the year 1924-1925. In 1927 a new school was built. All pupils except those who could not speak English attended this school. Non-English speaking pupils continued using the Cobos School until it was demolished to make way for the new High School which was erected in 1947. Non-English speaking students were moved to the old CC Camp building, which the School District had acquired. Fabens also had a school for Black students located at CC Camp. This camp was here during the depression years of 1936-1939. When Black students finished grade school they 9 Department of Human Resources were bused to El Paso to attend Douglass High School. In the fall of 1961, all the Black students were transferred to the various other buildings of our school district. The next building in our school district was the Primary, built-in 1953. This was later named Risinger Primary and now is the David Sublosky Head Start Early Childhood Center. In 1963 Johanna O'Donnell Elementary was built housing 4th and 5th grades. The O'Donnell has since moved to the old high school since a new High School was completed on G Avenue NE in December 1988. Students began classes in January 1989. Our latest new addition is our Middle School which was built in 1999. With the move of the 4th and 5th

grades to the ‘old’ High School completed, the Cotton Valley Early College H.S. has moved into the building previously known as the O’Donnell 4th. This brief history was researched and written by Fabens High School students, 1999.

District Map

Mission Statement, Goals, and Objectives

Policy AE

All students of the District will be prepared to be successful, lifelong, global learners. Cultivating a growth mindset.

Board of Trustees

Policies BA, BB series, BD series, and BE series

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 the curriculum, school taxes, annual budget, employment of the superintendent and other professional staff, and facilities. The board has complete and final control over school matters within limits established by state and federal laws and regulations.

The board of trustees is elected by the citizens of the district to represent the community’s commitment to a strong educational program for the district’s children. Board members are elected place and serve four-year terms. Board members serve without compensation, must be qualified voters, and must reside in the district.

Fabens Independent School District

Board of Trustees

- Syliva Gonzales President
- Luis “Charlie” Estrada Vice President
- Julieta Sepulveda Ramirez Secretary
- Orlando Flores..... Trustee
- Benjamin Morales Trustee
- Adan Escobar..... Trustee
- Angel Ornelas Trustee

The board usually meets every third Wednesday of the month at 6:30 p.m. In the event that large attendance is anticipated, the board may meet at Fabens Middle School. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district website (www.fabensisd.net) and at the Fabens Post Office at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with one-hour notice.

All meetings are open to the public. In certain circumstances, Texas law permits the board to go into a closed session from which the public and others are excluded. Closed session may occur for such things as discussing prospective gifts or donations, real-property acquisition, certain personnel matters including employee complaints, security matters, student discipline, or consulting with attorneys regarding pending litigation.

Board Meeting Schedule

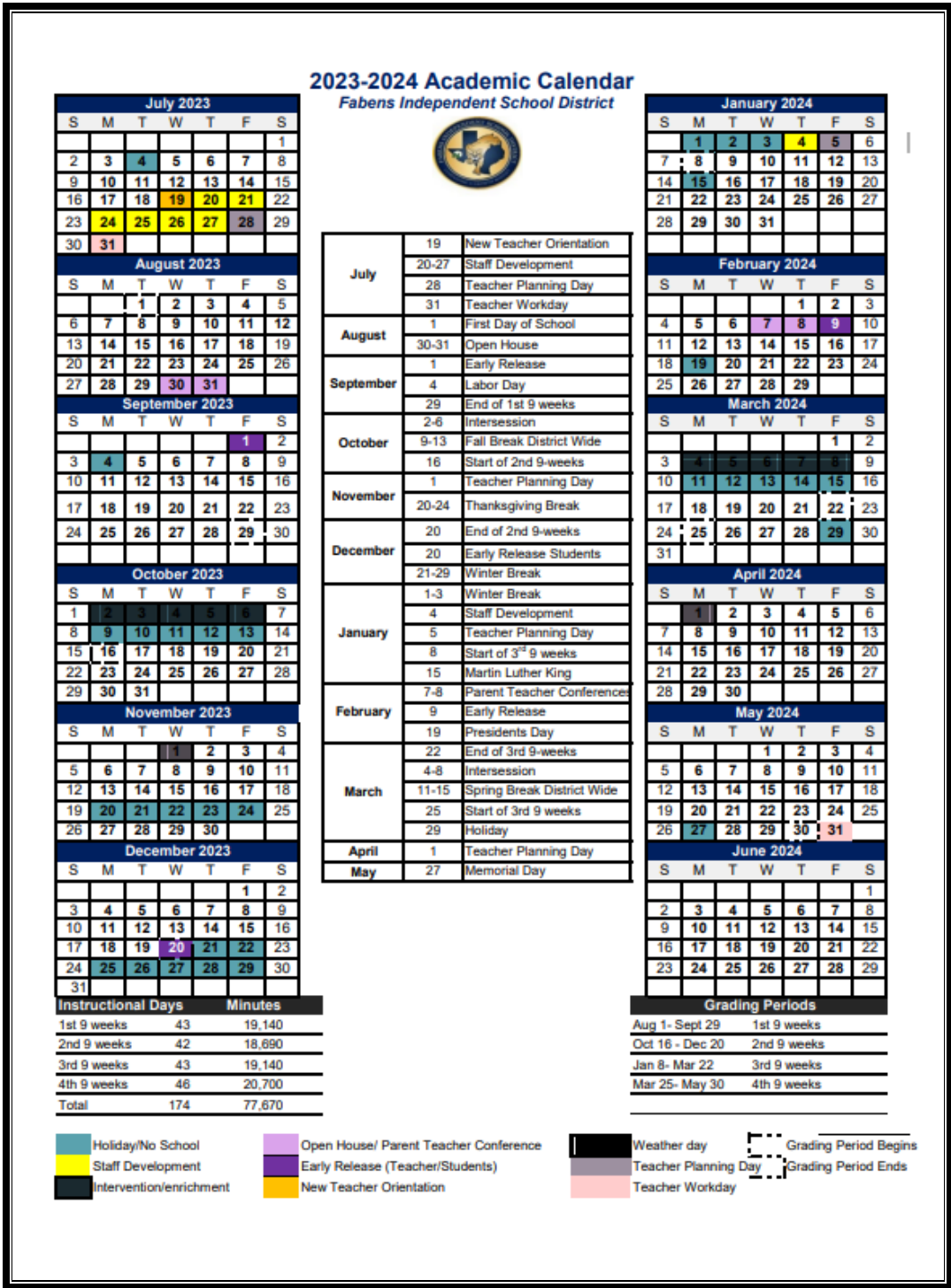
- July 19, 2023
- August 16, 2023
- September 20, 2023
- October 18, 2023
- November 15, 2023
- December 20, 2023
- January 17, 2024
- February 21, 2024
- March 20, 2024
- April 17, 2024
- May 15, 2024
- June 19, 2024

Central Office Administration

Interim Superintendent..... Martin Torres

Assistant Superintendent for Curriculum and Instruction Michele Gonzalez

School Calendar



From time to time, employees have questions or concerns. If those questions or concerns cannot be answered by supervisors or at the campus or department level, the employee is encouraged to contact the appropriate department as listed below.

Benefits: Insurance Benefits, Leave of Absences and Retirements.....	(915) 765-2113
Risk Management: Safety, Workers’ Compensation, Reports of Injuries, and Transitional	
Duty	(915) 765-2107
Payroll	(915) 765-2112
Substitutes	(915) 765-2113
Texas Education Agency (TEA)	(512) 463-9734
Texas Retirement System of Texas	(800) 223-8779
Fabens ISD Security	(915) 765-2680
Technology Department	(915) 765-2670
Human Resources	(915) 765-2600

School Directory

Fabens Elementary School
1200 Mike Maros, Fabens, TX 79838
Phone: (915) 765-2650
Fax: (765-2655)

O'Donnell Intermediate School
301 NE Camp Street, Fabens, TX 79838
Phone: (915)765-2640
Fax: (915) 764-3339

Fabens Middle School
800 Walker Street, Fabens, TX 79838
Phone: (915) 765-2630
Fax: (915) 764-7263

Fabens High School
601 NE “G” Avenue, Fabens, TX 79838
Phone: (915) 765-2620
Fax: (915) 764-4953

Employment

Equal Employment Opportunity

Policies DAA, DIA

In its efforts to promote nondiscrimination and as required by law, Fabens ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, disability, military status, genetic information, or on any other basis prohibited by law. Additionally, the district does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

In accordance with Title IX, the district does not discriminate on the basis of sex and is prohibited from discriminating on the basis of sex in its educational programs or activities. The prohibition against discrimination extends to employment. Inquiries about the application of Title IX may be referred to the district's Title IX coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The district designates and authorizes the following employee as the Title IX coordinator for employees to address concerns or inquiries regarding discrimination based on sex, including sexual harassment: *Human Resources Director, 821 NE 'G' Avenue, Fabens, Texas 79838 or via telephone at 915-765-2600 ext. 2107*. Reports can be made at any time and by any person, including during non-business hours, by mail, email, or phone. During district business hours, reports may also be made in person.

The district designates and authorizes the following employee as the ADA/Section 504 coordinator for employees for concerns regarding discrimination on the basis of a disability: *Diane Flores, Director Of Special Programs, 603 NE Camp St., Fabens, Texas 79838, d*

Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

Job Vacancy Announcements

Policy DC

Announcements of job vacancies by position and location are posted on a regular basis to the district's website <http://www.fabensisd.net>, generally for ten (10) school days. Please visit the Department/Human Resources/Employment page for open positions.

Employment after Retirement

Policy DC

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed under certain circumstances on a full- or part-time basis without affecting their benefits, according to TRS rules and state law. Detailed information about employment after retirement is available in the TRS publication *Employment after Retirement*. Employees can contact TRS for additional information by calling 800-223-8778 or 512-542-6400. Information is also available on the TRS Website (www.trs.texas.gov).

Contract and Noncontract Employment

Policy DC series

State law requires the district to employ all full-time professional employees in positions requiring a certificate from the 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.

[Probationary Contracts.](#) Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive a probationary contract during their first year of employment. Former employees who are hired after a two-year lapse in district employment or employees who move to a position requiring a new class of certification may also be employed by probationary contract. Probationary contracts are one-year contracts. The probationary period for those who have been employed as a teacher in public education for at least five of the eight years preceding employment with the district may not exceed one school year.

For those with less experience, the probationary period will be three school years (i.e., three one-year contracts) with an optional fourth school year if the board determines whether a term or continuing contract should be given.

[Term Contracts.](#) Full-time professionals employed in positions requiring certification and nurses will be employed by term contracts after they have successfully completed the probationary period. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract. Employment policies can be accessed Online, or copies will be provided upon request.

Noncertified Professional and Administrative Employees. Employees in professional and administrative positions that do not require SBEC certification (such as noninstructional administrators) are employed by a one-year contract that is not subject to the provisions for nonrenewal or termination under the Texas Education Code.

Paraprofessional and Auxiliary Employees. All paraprofessional and auxiliary employees, regardless of certification, are employed at will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

Certification and Licenses

Policies DBA, DF

Professional employees whose positions require SBEC certification, or a professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to Human Resources in a timely manner. Employees licensed by the Texas Department of Licensing and Regulations (TDLR) must notify Human Resources when there is action against, or revocation of, their license.

A certified employee's contract may be voided without Chapter 21 due process and employment terminated if the individual does not hold a valid certificate or fails to fulfill the requirements necessary to renew or extend a temporary certificate, emergency certificate, probationary certificate, or permit. A contract may also be voided if SBEC suspends or revokes certification because of an individual's failure to comply with criminal history background checks. Contact Human Resources if you have any questions regarding certification or licensure requirements.

Recertification of Employment Authorization

Policy DC

At the time of hire all employees must complete the Employment Eligibility Verification Form (Form I-9) and present documents to verify identity and employment authorization.

Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact Human Resources if you have any questions regarding reverification of employment authorization. Failure to verify employment authorization may result in termination.

Searches and Alcohol and Drug Testing

Policy CQ, DHE

No investigatory searches in the workplace including accessing an employee's desk, file cabinets, or work area to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the district reserves the right to conduct

searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if the suspected violation relates to drug or alcohol use. The district may search the employee, the employee's personal items, and work areas including district-owned technology resources, lockers, and private vehicles parked on district premises or work sites or used in district business. Disciplinary action, up to and including termination, may result if an employee refuses to submit to testing or is found to violate district policy.

Employees Required to Have a Commercial Driver's License. Any employee whose duties require a commercial driver's license (CDL) is subject to alcohol and drug 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 if their duties include driving a commercial motor vehicle.

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 if an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs is allowed to return to duty.

All employees required to have a CDL or who otherwise are 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 testing policies and related educational material should contact Human Resources.

Health Safety Training

Policies DBA, DMA

Certain employees who are involved in physical activities for students must maintain and submit to the district proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), concussion, and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to Human Resources.

School nurses and employees with regular contact with students must complete a Texas Education Agency approved, Online training regarding seizure disorder aware-ness, recognition, and related first aid.

Reassignments and Transfers

Policy DK

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Campus reassignments must be approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA(Local).

An employee with the required qualifications for a position may request a transfer to another campus or department. A written request for transfer must be completed and signed by the employee and the employee's supervisor. A teacher requesting a transfer to another campus before the school year begins must submit his or her request by two weeks prior to the first day of duty. Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the Human Resources Office and must be approved by the receiving supervisor.

Workload and Work Schedules

Policies DEAB, DK, DL

Professional Employees. Professional employees and academic administrators are exempt from overtime pay and are employed on a 10-, 11-, or 12-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 start and end dates and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation including 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 within the instructional day. Teachers and librarians are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers to supervise students during lunch one day a week when no other personnel are available.

Paraprofessional and Auxiliary Employees. Support employees are employed at will and receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. See Overtime Compensation for additional information.

Breaks for Expression of Breast Milk

Policies DEAB, DG

The district supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For nonexempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.

The Providing Urgent Maternal Protections of Nursing Mothers Act (PUMP Act) requires an employee to notify the district if they believe the district is out of compliance in providing breaks for a nursing mother. The employee must give the district 10 days to come into compliance before making any claim of liability against the district. An employee with concerns should contact Human Resources.

Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act (PWFA) provides consideration of accommodations to employees who have known limitations related to pregnancy, childbirth, or related medical conditions. An employee seeking a PWFA accommodation should contact Human Resources to begin the interactive process.

Notification to Parents Regarding Qualifications

Policies DK, DBA

In schools receiving Title I funds, the district is required by the Every Student Succeeds Act (ESSA) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. ESSA also requires that parents be notified if their child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements.

Texas law requires that parents be notified if their child is assigned for more than 30 consecutive instructional days to a teacher who does not hold an appropriate teaching certificate. This notice is not required if parental notice under ESSA is sent. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) and individuals who do not hold any certificate or permit. Information relating to teacher certification will be made available to the public upon request. Employees who have questions about their certification status can call Human Resources.

Outside Employment and Tutoring

Policy DBD

Employees are required to disclose in writing to their immediate supervisor any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or in the best interest of the district. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest.

Performance Evaluation

Policy DN series

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

Upon receiving a report, a nursing review committee may review a nurse's nursing services, qualifications, and quality of patient care, as well as the merits of a complaint concerning a nurse, and a determination or recommendation regarding a complaint. A nurse may request, orally or in writing, a determination by the committee regarding conduct requested of the nurse believed to violate the nurse's duty to a patient.

Employee Involvement

Policies BQA, BQB

At both the campus and district levels, Fabens ISD offers opportunities for input in matters that affect employees and influence the instructional effectiveness of the district. As part of the district's planning and decision-making process, employees are elected to serve on district- or campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office.

Staff Development

Policy DMA

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel is predominantly campus-based, related to achieving campus performance objectives, addressed in the campus improvement plan, and approved by a

campus-level advisory committee. Staff development for noninstructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development.

Individuals holding renewable SBEC certificates are responsible for obtaining the required training hours and maintaining appropriate documentation.

Compensation and Benefits

Salaries, Wages, and Stipends

Policies DEA, DEAA, DEAB

Employees are paid in accordance with administrative guidelines and an established pay structure. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek. (See *Overtime Compensation*)

All employees will receive written notice of their pay and work schedules before the start of each school year. Classroom teachers, full-time librarians, full-time nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district's extra-duty pay schedule.

Employees should contact Human Resources for more information about the district's pay schedules or their own pay.

Paychecks

All professional and salaried employees are paid monthly. Hourly employees are paid semi-monthly. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization.

The schedule of pay dates for the 2023-2024 school year follows:

Pay Period Start Date	Pay Period End Date	Pay Period Due Date	Pay Date
07/16/2023	07/31/2023	08/02/2023	08/15/2023
08/01/2023	08/15/2023	08/17/2023	08/31/2023
08/16/2023	08/31/2023	09/05/2023	09/15/2023
09/01/2023	09/15/2023	09/19/2023	09/29/2023
09/16/2023	09/30/2023	09/30/2023	10/13/2023
10/01/2023	10/15/2023	10/17/2023	10/31/2023
10/16/2023	10/31/2023	11/03/2023	11/15/2023
11/01/2023	11/15/2023	11/15/2023	11/30/2023
11/16/2023	11/30/2023	12/04/2023	12/15/2023
12/01/2023	12/15/2023	12/15/2023	12/29/2023
12/16/2023	12/31/2023	01/05/2024	01/12/2024
01/01/2024	01/15/2024	01/17/2024	01/31/2024
01/16/2024	01/31/2024	02/02/2024	02/15/2024
02/01/2024	02/15/2024	02/20/2024	02/29/2024
02/16/2024	02/29/2024	02/29/2024	03/15/2024
03/01/2024	03/15/2024	03/19/2024	03/29/2024
03/16/2024	03/31/2024	04/03/2024	04/15/2024
04/01/2024	04/15/2024	04/17/2024	04/30/2024
04/16/2024	04/30/2024	05/02/2024	05/15/2024
05/01/2024	05/15/2024	05/17/2024	05/31/2024
05/16/2024	05/31/2024	06/04/2024	06/14/2024
06/01/2024	06/15/2024	06/18/2024	06/28/2024
06/16/2024	06/30/2024	07/02/2024	07/15/2024
07/01/2024	07/15/2024	07/17/2024	07/31/2024

Automatic Payroll Deposit

Employees can have their paychecks electronically deposited into a designated account. A notification period of one week is necessary to activate this service. Contact Payroll at 915-765-2600 for more information about the automatic payroll deposit service.

Payroll Deductions

Policy CFEA

The district is required to make the following automatic payroll deductions:

- Teacher Retirement System of Texas (TRS) or Social Security employee contributions
- Federal income tax required for all full-time employees.
- Medicare tax (applicable only to employees hired after March 31, 1986)
- Child support and spousal maintenance, if applicable
- Delinquent federal education loan payments, if applicable

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; annuities; and higher education savings plans or prepaid tuition programs. Employees also may request payroll deduction for payment of membership dues to professional organizations. Salary deductions are automatically made for unauthorized or unpaid leave.

Overpayments. Employees are not entitled to any funds the district overpays. An agreement between an employee and the district must be in place in order to deduct any overpayment from one or more paychecks if an overpayment occurs.

Overtime Compensation

Policies DEAB, DEC

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt employees (hourly employees and 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. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action up to and including termination.

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. For the purpose of calculating overtime, a workweek begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday.

Nonexempt employees that are paid on a salary basis are paid for the hours set by the normal work schedule. Hours worked beyond the normal schedule up to 40 hours will be paid at a regular rate of pay.

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

- Employees can accumulate up to 60 hours of comp time.
- Compensatory time must be used in the duty year that it is earned.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.
- An employee is required to use comp time before using available paid leave (e.g., sick, personal, vacation).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

Travel Expense Reimbursement

Policy DEE

Before any travel expenses are incurred by an employee, the employee's supervisor must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the district. Employees must submit receipts, to the extent possible, to be reimbursed for allowable expenses other than mileage.

Health, Dental, and Life Insurance

Policy CRD

Group health insurance coverage is provided through TRS-ActiveCare, the statewide public school employee health insurance program. The district's contribution to employee insurance premiums is determined annually by the board of trustees. Employees eligible for health insurance coverage include the following:

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are employed for 10 or more regularly scheduled hours per week.

The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each year or when they experience a qualifying event (e.g., marriage, divorce, birth). Detailed descriptions of insurance coverage,

employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact 915-765-2600 ext. 2113 for more information.

Group health insurance coverage is available to District Employees. The district's contribution to employee insurance premiums is determined annually by the board of trustees. Detailed descriptions of insurance coverage, prices, and eligibility requirements are provided to all employees by TRS.

The health insurance plan year is from September 1 through August 31. New employees must complete enrollment forms within the first 90 days of employment. Current employees can make changes to their insurance coverage yearly. Employees should contact Human Resources for more information.

Supplemental Insurance Benefits

Policy CRD

At their own expense, employees may enroll in supplemental insurance programs. Premiums for these programs can be paid by payroll deduction. Employees should contact Benefits at 915-765-2600 ext. 2113 for more information.

Cafeteria Plan Benefits (Section 125)

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., disability, accidental death and dismemberment, cancer and dread disease, dental, and additional term life insurance). A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

Workers' Compensation Insurance

Policy CRE

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage from Claims Administrative Services (CAS).

Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to your immediate supervisor. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code.

See *Workers' Compensation Benefits*. For information on use of paid leave for such absences, please contact Human Resources at 915-765-2600.

Unemployment Compensation Insurance

Policy CRF

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact Human Resources.

Teacher Retirement

All personnel employed on a regular basis for at least four and one-half months are members of the Teacher Retirement System of Texas (TRS). Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are eligible to purchase a year of creditable service in TRS. TRS provides members with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

Employees who plan to retire under TRS should notify Human Resources as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the web (www.trs.texas.gov).

Leaves and Absences

Policies DEC, DECA, DECB

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who expect to be absent for an extended period of more than three days should call Human Resources for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

Paid leave must be used in half-day increments. Earned comp time must be used before any available paid state and local leave. Unless an employee requests a different order, available paid state and local leave will be used in the following order:

- Local leave
- State Sick Leave
- State Personal Leave

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification. Any unapproved absences or absences beyond accumulated or available paid leave shall result in a deduction from the employee's pay.

If an hourly employee does not report or request leave of absence(s) according to district procedures, the incident is considered a "no call/no show". An employee who is absent for three consecutive days without notice is considered to have abandoned their job and may face disciplinary consequences up to and including termination.

Immediate Family. For purposes of leave other than family and medical leave, immediate family is defined as the following:

- Spouse
- Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis.
- Parent, stepparent, parent-in-law, or another individual who stands in loco parentis to the employee.
- Sibling, stepsibling, and sibling-in-law
- Grandparent and grandchild
- Any person residing in the employee's household at the time of illness or death.

For purposes of family and medical leave, the definition of family is limited to spouse, parent, son, or daughter, and next of kin. The definition of these is found in Policy DECA(LEGAL).

Medical Certification. Any employee, who is absent more than three days because of a personal or family illness, must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employee’s fitness to return to work.

The district may require medical certification due to an employee’s questionable pattern of absences or when deemed necessary by the supervisor or superintendent. The district may also request medical certification when employee requests leave under the Family and Medical Leave Act (FMLA) for the employee’s serious health condition, a serious health condition of the employee’s spouse, parent, or child, or for military caregiver leave.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits covered employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that employees and health care providers do not provide any genetic information in any medical certification. ‘Genetic information,’ as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member, or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Continuation of Health Insurance. Employees, on an approved leave of absence other than family and medical leave, may continue their insurance benefits at their own expense. Health insurance benefits for employees on paid leave and leave designated under the FMLA will be paid by the district as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave.

Under TRS-Active Care rules, an employee is no longer eligible for insurance through the district after six months of unpaid leave other than FML. If an employee’s unpaid leave extends for more than six months, the district will provide the employee with notice of COBRA rights.

Personal Leave

State law entitles all employees to five days of paid personal leave per year. Personal leave is available for use at the beginning of the year. A day of personal leave is equivalent to the number of hours per day in an employee’s usual assignment, whether full-time or part-time. State personal leave accumulates without limit, is transferable to other Texas school districts, and generally transfers to education service centers. Personal leave may be used for two general purposes: nondiscretionary and discretionary.

Nondiscretionary. Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered nondiscretionary leave. Reasons for this type of leave allow very little, if any, advance planning. Nondiscretionary may be used in the same manner as state sick leave.

Discretionary. Leave taken at an employee's discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her principal or supervisor three days in advance of the anticipated absence. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

Leave Proration. If an employee separates from employment with the district before his or her last duty day of the year, or begins employment after the first duty day, state personal leave will be prorated based on the actual time employed. When an employee separates from employment before the last duty day of the school year, the employee's final paycheck will be reduced by the amount of state personal leave the employee used beyond his or her pro rata entitlement for the school year.

State Sick Leave

State sick leave accumulated before 1995 is available for use and may be transferred to other school districts in Texas. State sick leave may be used for the following reasons only:

- Employee illness
- Illness in the employee's immediate family
- Family emergency (i.e., natural disasters or life-threatening situations)
- Death in the immediate family
- Active military service

Local Leave

All full-time employees shall earn five paid local leave days per school year in accordance with administrative regulations. Local leave shall accumulate to a maximum of 50 leave days. Local leave shall be used according to the terms and conditions of state personal leave.

Sick Leave Bank (or Pool)

DEC (LOCAL), HR Regulation (HR 05)

A full-time employee who has exhausted all paid leave, has been absent at least five workdays without pay, and suffers a catastrophic illness, major medical condition, or injury or is absent due to the catastrophic illness, major medical condition, or injury of a member of the

employee's immediate family may request the establishment of a sick leave pool, to which the district employees may donate only local leave for use by the eligible employee [see DEC LOCAL].

An employee may receive a maximum of 50 days from the pool and may request the establishment of a sick leave pool no more than one per school year. An employee is allowed to contribute no more than ten local leave days to the pool within a school year.

For more information, please contact the Human Resources department.

Family and Medical Leave Act (FMLA)—General Provisions

The following text is from the federal notice, *Your Employee Rights Under the Family and Medical Leave Act*. Specific information that the district has adopted to implement the FMLA follows this general notice.

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons.

The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption, or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child, or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military service member.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if *all* the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management

How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must**

also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.

Your **employer *may* request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress

What does my employer need to do?

If you are eligible for FMLA leave, your employer ***must***:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer *cannot* interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer *must* confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, **your employer *must* notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



Local Procedures for Implementing Family and Medical Leave Provisions

Eligible employees can take up beginning on the first duty day of the school year

- from July 1 through June 30
- from January 1 through December 31
- measured backward from the date an employee use leave, temporary disability leave, compensatory time, assault leave, and absences due to a work-related illness or injury. The district will designate the leave as FML, if applicable, and notify the employee that accumulated leave will run concurrently.

Combined Leave for Spouses. Spouses who are employed by the district are limited to a combined total of 12 weeks of FML to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregivers leave for spouses is limited to a combined total of 26 weeks.

Intermittent Leave. When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The district does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

Fitness for Duty. An employee that takes FML due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. When leave is taken for the employee's own serious health condition, the certification must address the employee's ability to perform essential job functions. The district shall provide a list of essential job functions (e.g., job description) to the employee with the FML designation notice to share with the health care provider. Fitness for duty is not required when an employee returns to work following leave to care for a family member with a serious health condition; to care for a child following birth, adoption, or foster care placement; or for qualifying exigency leave.

Reinstatement. An employee returning to work at the end of FML will be returned to the same position held when the leave began or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

In certain cases, instructional employees desiring to return to work at or near the conclusion of a semester may be required to continue family and medical leave until the end of the semester. The additional time off is not counted against the employee's FML entitlement, and the district will maintain the employees group health insurance and reinstate the employee at the end of the leave according to the procedures outlined in policy (see DECA(LEGAL)).

Failure to Return. If, at the expiration of FML, the employee can return to work but chooses not to do so, the district may require the employee to reimburse the district's share of insurance premiums paid during any portion of FML when the employee was on unpaid leave. If the employee fails to return to work for a reason beyond the employee's control, such as a continuing personal or family serious health condition or a spouse being unexpectedly transferred more than 75 miles from the district, the district may not require the employee to reimburse the district's share of premiums paid.

District Contact. Employees that require FML or have questions should contact Human Resources for details on eligibility, requirements, and limitations.

Temporary Disability Leave

Policies DBB (Local) and DEC (LOCAL)

Certified Employees. Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period because of a mental or physical disability of a temporary nature. Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. An employee's notification of the need for extended absence due to the employee's own medical condition shall be accepted as a request 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 calendar days.

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 30 days in advance. The return-to-work notice must be accompanied by a physician's statement

confirming that the employee is able to resume regular duties. Certified employees returning from leave will be reinstated to the school to which they were previously assigned if an appropriate position is available. If an appropriate position is not available, the employee may be assigned to another campus, subject to the approval of the campus principal. If a position is not available before the end of the school year, the employee will be reinstated to a position at the original campus at the beginning of the following school year.

Workers' Compensation Benefits

An employee absent from duty because of a job-related illness or injury may be eligible for workers' compensation weekly income benefits if the absence exceeds seven calendar days.

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or -injury wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal his or her pre-illness or -injury wage.

Assault Leave *Policy DEC (Legal)*

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An incident involving an assault is a work-related injury and should be immediately reported to Human Resources.

An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person not responsible for purposes of criminal liability.

An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained. At the request of an employee, the district will immediately assign the employee to assault leave. Days of leave granted under the assault leave provision will not be deducted from accrued personal leave and must be coordinated with workers' compensation benefits. Upon investigation the district may change the assault leave status and charge leave used against the employee's accrued paid leave. The employee's pay will be deducted if accrued paid leave is not available.

Bereavement Leave

Human Resources Regulation (HR 04)

At any time, an employee experiences the death of an immediate family member (see page 23, "Immediate Family" as defined for leave), they may be granted an absence for a period not to exceed five (5) workdays. Use of Compensatory time and accumulated leave must be used if available. Bereavement Leave may be taken as a continuous period or on an as needed basis but may not exceed a total of five (5) workdays over a period of not more than one month.

Employees needing to take leave for bereavement must make a written request to their immediate supervisor for the leave.

Jury Duty

Policies DEC, DG

The district provides paid leave to employees who are summoned to jury duty including service on a grand jury. The district will not discharge, threaten to discharge, intimidate, or coerce any regular employee because of juror or grand juror service or for the employee's attendance or scheduled attendance in connection with the service in any court in the United States. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and may be required to provide the district with a copy of the summons to document the need for leave.

An employee may be required to report back to work as soon as they are released from jury duty. The supervisor may consider the travel time required and the nature of the individual's position when determining the need to report to work. A copy of the release from jury duty or documentation of time spent at the court may be required.

Compliance with a Subpoena

Employees will be paid while on leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding and will not be required to use personal leave. Employees may be required to submit documentation of their need for leave for court appearances.

Truancy Court Appearances

An employee who is a parent, guardian of a child, or a court-appointed guardian ad litem of a child who is required to miss work to attend a truancy court hearing may use personal leave or compensatory time for the absence. Employees who do not have paid leave available will be docked for any absence required because of the court appearance.

Religious Observance

The district will reasonably accommodate an employee's request for absence for a religious holiday or observance. Accommodations such as changes to work schedules or approving a day of absence will be made unless they pose an undue hardship to the district. The employee may use any accumulated personal leave for this purpose. Employees who have exhausted applicable paid leave may be granted an unpaid day of absence.

Military Leave

Paid Leave for Military Service. Any employee who is a member of the Texas National Guard, Texas State Guard, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to 15 days of paid leave per fiscal year when engaged in authorized training or duty orders by proper authority. An additional seven days of leave per fiscal year are available if called to state active duty in response to a disaster. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

Reemployment after Military Leave. Employees who leave the district to enter the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed provided they can be qualified to perform the required duties. Employees returning to work following military leave should contact Human Resources. In most cases, the length of federal military service cannot exceed five years.

Continuation of Health Insurance. Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact Resources or details on eligibility, requirements, and limitations.

Leave for Police Officers for Illness or Injury

A full-time district employed licensed police officer who regularly serves in a law enforcement capacity in a district police department is entitled to a paid leave of absence (LOA) for an illness or injury related to the person's line of duty. If necessary, the leave shall continue for at least one year.

If unable to return to work at the end of the paid leave and any extension, a police officer may use accumulated sick, vacation, and other accrued leave before being placed on unpaid temporary

leave. At the end of temporary leave, the police officer will be reinstated at the same rank and with the same seniority the person had before going on temporary leave.

Americans with Disabilities Amendments Act Accommodations (ADAAA)

The district complies with all legal requirements of the Americans with Disabilities Amendments Act of 2008. Employees or job applicants requiring accommodation to perform one or more of the essential functions of a job school notify their immediate supervisor, campus principal, department head, or Human Resources.

Importance of Regular Attendance

Human Resources Regulation (HR 03)

Every Fabens ISD employee has an important role in the education of children and the operation of our school district; therefore, consistent, and regular attendance is important. Excessive absences are not acceptable as they have a direct negative impact on the accomplishment of the district's mission.

Reporting Absences

Brief absences for situations such as employee illness, illness of an immediate family member, jury duty, or personal business are coordinated through the campus or department. Employees who are non-exempt should contact their supervisor to report all absences. Employees who are exempt should enter their absences in Frontline and notify their supervisor. If any employee's absence is three (3) or more consecutive workdays, the employee must also make direct contact with Human Resources to discuss a possible leave.

Failure to report any absence may result in disciplinary action up to and including loss of pay suspension, demotion, or termination of employment.

A supervisor may request a doctor's note for any absence due to illness of the employee or a family member. The note **should not** include a diagnosis, treatment, or any personal health information.

All Fabens ISD employees have specific methods for reporting their absences and are required to do so in a timely fashion. Campus administration and department directors shall provide a memorandum to an employee who is not appropriately reporting their absences which shall clearly outline the requirements of reporting their absences. This memorandum may advise the employee that continued failure to properly or timely report their absences may lead to further employment action up to and including termination.

Tracking Absences

It is the responsibility of the employee's campus administrator or department director to track the number of absences an employee accrues, and to be aware of when the employee has accumulated excessive absences. Absences will be tracked as defined by the equivalent workday per DEC (Local) within the assigned work calendar which includes the summer period. At the start of each employee's work calendar, a new cycle of recording absences occurrences will begin.

Employee Relations and Communications

Employee Relations

The Human Resources Department is committed to providing quality customer service to all Fabens ISD employees. Human Resources provides guidance and support to employees who have personnel or employment related issues including but not limited to the following: contracts, certifications, leaves and absences, benefits, employee injuries, conflict resolution, investigations, Title IX complaints, grievances, discipline, interpretation of policies and procedures, updates to the Employee and Substitute Handbook.

All communications with Human Resources will be treated with the highest level of professionalism and confidentiality. Please call the Human Resources Director at (915) 765-2600 ext. 2107 or the Human Resources Generalist at ext. 2113.

Employee Involvement

Professional employees will be requested to serve on committees at various times for curriculum development and general education improvement during each year.

Faculty Meetings

Teachers are required to attend all district-wide faculty meetings and meetings called by the campus principal.

Parent-Teacher Association Meetings

Parent-Teacher Association organizations are vitally interested in the welfare of the students in the district. Parents and teachers are encouraged to participate in the PTA and to work together for the benefit of the children. An organized PTA, working hand in hand with teachers and principals, can help ensure proper educational programs in the district.

Working With the Media

Positive interaction between the media and the district is an essential component in promoting support for Fabens ISD schools and employees. New items, or interviews with the members of the media regarding school activities must be communicated with the campus principal who in turn will contact Central Office for further guidance.

News affecting more than one campus or news that may not promote the mission and beliefs of Fabens ISD is handled through Central Office, please call (915) 765-2600 for additional

information.

Employee Recognition and Appreciation

Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the district. Employees are recognized at board meetings, in the district newsletter, and through special events and activities. Recognition and appreciation activities also include District Teacher of the Year and Employee of the Year.

District Communications

Throughout the school year, Fabens ISD's Media Relations office publishes newsletters, brochures, fliers, calendars, news releases, and other communication materials. These publications offer employees and the community information pertaining to school activities and achievements.

Complaints and Grievances

Policy DGBA (Local)

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the board has adopted an orderly grievance process. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time.

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the board of trustees. For ease of reference, the district's policy concerning the process of bringing concerns and complaints can be accessed at the following link: <https://pol.tasb.org/Policy/Code/438?filter=DGBA>

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Employee complaints shall be filed in accordance with this policy, except as provided below:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.
3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.
4. Complaints concerning instructional materials shall be submitted in accordance with EFA.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.

7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

Notice To Employees

The principal of each campus and department directors shall ensure that all employees under their supervision are informed of this policy. Employees shall be provided a copy of this policy or may access it online on the district website www.fabensisd.net.

Direct Communication with Board Members

Employees shall not be prohibited from communicating with a member of the Board 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.

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 (including allegations of sexual harassment), race, religion, national origin, age, or disability, or on the basis of the employee's exercise of constitutional rights. [See DIA(LEGAL)] A complaint must specify the individual harm alleged.

Consolidation

When the administrator hearing a complaint determines that two or more individual complaints are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the complaints.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within five working days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred during the complaint.

Complaint Form

Complaints under this policy shall be submitted in writing on a form provided by the district. Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee knew the documents existed before the Level One conference.

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

General Provisions

Complaints shall be heard in informal administrative conferences. All complaints arising out of an event or related series of events must be addressed in one complaint. An employee is precluded from bringing separate or serial complaints concerning events about which the employee has previously complained. Costs of any complaint shall be paid by the party incurring them. In resolving complaints, time is of the essence. All time limits shall be strictly complied with, unless extended by mutual consent. All references are to working days unless otherwise stated. The appropriate administrator at each level shall respond to the employee within ten working days of a complaint conference. Written complaints shall receive a written response. The employee has five working days after receiving a response to appeal to the next level. The complaint shall be considered concluded if the employee does not appeal within that limit. Employees shall be entitled to administrative review conferences as outlined in the Level One, Level Two, and Level Three sections below and to an informal presentation of the complaint to the Board as specified in the Level Four section, unless the Board grants a hearing. If an employee alleges in writing specific facts that, if true, would constitute a violation of the employee's common law, statutory, or constitutional rights, the Superintendent or designee shall investigate the allegations. If the employee does not accept the Superintendent's resolution at Level Two and requests a Board hearing, the Superintendent shall schedule a hearing as specified in the Level Three section below.

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.

Audio Recording

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

Level One

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

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor. If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One. If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator. The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Level Two

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision.

The Superintendent or designee may set reasonable time limits for the conference. The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the district, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

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]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

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.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not decide regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Closed Meeting

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the grievance, it may be heard by the Board in closed session unless the employee bringing the grievance requests that it be heard in public.

However, if the grievance involves a complaint or charge against another District employee or a Board member, it shall be heard in closed session unless an open meeting is requested in writing by the employee or Board member against whom the complaint or charge is brought.

Freedom From Retaliation

Policy DIA (LOCAL)

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 of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or otherwise participates or refuses to participate in an investigation.

Employee Conduct and Welfare

Standards of Conduct

Policy DH

All employees are expected to work together in a cooperative spirit to serve the best interests of the district and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action up to and including termination.
- Know and comply with department and district policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use district time, funds, and property for authorized district business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines, including intentionally making a false claim, offering false statements, or refusing to cooperate with a district investigation may result in disciplinary action, up to and including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day after the superintendent knew of the incident. See *Reports to the Texas Education Agency* for additional information.

The *Educators' Code of Ethics*, adopted by the State Board for Educator Certification, which all district employees must adhere to, is reprinted below:

Texas Educators' Code of Ethics

Purpose and Scope

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. This chapter shall apply to educators and candidates for certification. (19 TAC 247.1(b))

Enforceable Standards

1. Professional Ethical Conduct, Practices, and Performance

Standard 1.1 The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2 The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3 The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4 The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5 The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6 The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7 The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.8 The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9 The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10 The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

Standard 1.11 The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12 The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs and toxic inhalants.

Standard 1.13 The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

2. Ethical Conduct toward Professional Colleagues

Standard 2.1 The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2 The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3 The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4 The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5 The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6 The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7 The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

Standard 2.8 The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

3. Ethical Conduct toward Students

Standard 3.1 The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2 The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.3 The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

Standard 3.4 The educator shall not 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, gender, disability, national origin, religion, family status, or sexual orientation.

Standard 3.5 The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6 The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7 The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8 The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

Standard 3.9 The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;
- (iii) whether the communication was made openly or the educator attempted to conceal the communication;
- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- (v) whether the communication was sexually explicit; and

- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

Dress and Grooming

Policy DH (Local)

The following dress code applies to all faculty and staff. The purpose of these guidelines is to promote a positive role model for students and a professional appearance for staff. The dress code does not, nor cannot anticipate every style of attire or exceptions. Therefore, final determination of the appropriateness of dress resides with the campus principal or department supervisor. Fabens ISD employees are expected to dress in a manner that reflects the value and professionalism they hold in their position.

- Cleanliness and neatness are always expected of all staff.
- Clothing for classes such as physical education, auto mechanics, Pre-K, Kindergarten, Special Education self-contained classes and the like shall be appropriate for class. While clothing for these classes may not fall under the outlined requirements of the policy, clothing should be appropriate for each specific class taught by an instructor while in the instructional setting.
- Employees may wear jeans only on Fridays and on days of special events or activities, as designated by the immediate supervisor and approved by the Superintendent. Jeans of any color are not allowed Monday through Thursday. When jeans are allowed, they must be clean, neat, and pressed (no holes, no extremely faded or worn-out jeans) and work in a school spirit shirt.
- Shorts, spandex clothing, sweats, jogging suits of any kind, skorts, and cargo pants are not acceptable attire for the classroom.
- Shower shoes, rubber/plastic flip flops, slippers, Crocs or similar types of shoes are not allowed at any time.
- All visible tattoos need to be covered. All visible body piercing/adornments (other than in the ears) are not permitted to be worn.
- No unnatural hair color is allowed (e.g., blue, pink, green, etc.).
- Faculty and staff are prohibited from wearing clothing with printed materials promoting or indicating drug, alcohol, and tobacco products. Faculty and staff are also prohibited from wearing clothing with printed materials which may be sexually or ethnically offensive.

Discrimination, Harassment, and Retaliation

Policies DH, DIA

Employees shall not engage in prohibited harassment, including sexual harassment, of other employees, unpaid interns, student teachers, or students. While acting in the course of their employment, employees shall not engage in prohibited harassment of other persons including board members, vendors, contractors, volunteers, or parents. A substantiated charge of harassment will result in disciplinary action up to and including termination.

Individuals who believe they have been discriminated against or retaliated against or harassed are encouraged to promptly report such incidents to the campus principal, supervisor, or appropriate district official. If the campus principal, supervisor, or district official is the subject of a complaint, the complaint should be made directly to the superintendent. A complaint against the superintendent may be made directly to the board.

Any district employee who believes that he or she has experienced prohibited conduct based on sex, including sexual harassment, or believes that another employee has experienced such prohibited conduct, should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor, the campus principal, the Title IX coordinator, or the superintendent. The district's Title IX coordinator's name and contact information is listed in the Equal Employment Opportunity section of this handbook.

The district's policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation is reprinted below:

[https://pol.tasb.org/Policy/Download/438?filename=FFH\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/438?filename=FFH(LOCAL).pdf)

[https://pol.tasb.org/Policy/Download/438?filename=DHB\(LEGAL\).pdf](https://pol.tasb.org/Policy/Download/438?filename=DHB(LEGAL).pdf)

Harassment of Students

Policies DH, DHB, FFG, FFH, FFI

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited.

Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. Any district employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct based on sex, including sexual harassment, of a student shall immediately notify the district's Title IX coordinator, the ADA/Section 504 coordinator, or superintendent and take any other steps required by district policy.

All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents and promptly investigated. An employee who knows of or has reasonable cause to believe that child abuse or neglect occurred must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse* and *Bullying* for additional information.

The district's policy that includes definitions and procedures for reporting and investigating harassment of students is reprinted below:

[https://pol.tasb.org/Policy/Download/438?filename=FFH\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/438?filename=FFH(LOCAL).pdf)

[https://pol.tasb.org/Policy/Download/438?filename=DHB\(LEGAL\).pdf](https://pol.tasb.org/Policy/Download/438?filename=DHB(LEGAL).pdf)

Reporting Suspected Child Abuse

Policies DG, FFG, GRA

All employees with reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect, as defined by Texas Family Code §261.001, are required by state law to make a report to a law enforcement agency, Child Protective Services (CPS), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering the facility) within 48 hours of the event that led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS.

Employees are also required to make a report if they have reasonable cause to believe that an adult was a victim of abuse or neglect as a child, and they determine in good faith that the disclosure of the information is necessary to protect the health and safety of another child, elderly person, or person with a disability.

Reports to Child Protective Services can be made Online at

<https://www.txabusehotline.org/Login/Default.aspx> or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

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. In addition, the district is prohibited from taking an adverse employment action against a certified or licensed professional who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee's failure to make the required report may result in prosecution as a Class A misdemeanor. The offense of failure to report by a professional may be a state jail felony if it is shown the individual intended to conceal the abuse or neglect. In addition, a certified employee's

failure to report may result in disciplinary procedures by SBEC for a violation of the Texas Educators' Code of Ethics.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agency.

Reporting the concern to the principal does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with investigators of child abuse and neglect. 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 duly authorized investigator is prohibited.

Sexual Abuse and Maltreatment of Children

The district has established a plan for addressing sexual abuse and other maltreatment of children, which may be accessed at <http://www.fabensisd.net>. As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Maltreatment is defined as abuse or neglect. Anyone who has reasonable cause to believe that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect following the procedures described above in *Reporting Suspected Child Abuse*.

Reporting Crime

Policy DG

The Texas Whistleblower Act protects district employees who make good faith reports of violations of law by the district to an appropriate law enforcement authority. The district is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against, an employee who makes a report under the Act. State law also provides employees with the right to report a crime witnessed at the school to any peace officer with authority to investigate the crime.

Scope and Sequence

Policy DG

If a teacher determines that students need more or less time in a specific area to demonstrate proficiency in the Texas Essential Knowledge and Skills (TEKS) for that subject and grade level, the district will not penalize the teacher for not following the district's scope and sequence.

The district may take appropriate action if a teacher does not follow the district's scope and sequence based on documented evidence of a deficiency in classroom instruction. This documentation can be obtained through observation or substantiated and documented third-party information.

Technology Resources

Policy CQ

The district's technology resources, including its networks, computer systems, email accounts, devices connected to its networks, and all district-owned devices used on or off school property, are primarily for administrative and instructional purposes. Limited personal use is permitted if the use:

- Imposes no tangible cost to the district.
- Does not unduly burden the district's technology resources.
- Has no adverse effect on job performance or on a student's academic performance.

Electronic mail transmissions and other use of technology resources are not confidential and can be monitored at any time to ensure appropriate use.

Employees are required to abide by the provisions of the district's acceptable use agreement and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and/or legal action. Employees with questions about computer use and data management can contact FISD's Technology Department at 915-765-2670.

Personal Use of Electronic Communications

Policy CQ, DH

Electronic communications include all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic communications also include all forms of telecommunication such as landlines, cell phones, and web-based applications.

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in their public use of electronic communications as they are for any other public conduct. If an employee's use of electronic communications interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic communications for personal purposes shall observe the following:

- The employee may not set up or update the employee's personal social network page(s) using the district's computers, network, or equipment.
- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, mealtimes, and before and after scheduled work hours, unless there is an emergency, or the use is authorized by a supervisor to conduct district business.
- The employee shall not use the district's logo or other copyrighted material of the district without express written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on district business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
 - Confidentiality of student records. [See Policy FL]
 - Confidentiality of health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law. [See DH(EXHIBIT)]
 - Confidentiality of district records, including educator evaluations and private email addresses. [See Policy GBA]

- Copyright law [See Policy CY]
- Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See DH(EXHIBIT)]

See *Electronic Communications between Employees, Students, and Parents*, below, for regulations on employee communication with students through electronic media.

Electronic Communications between Employees, Students, and Parents

Policy DH

A certified or licensed employee, or any other employee designated in writing by the superintendent or a campus principal, may use electronic communications with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. Electronic communications between all other employees and students who are enrolled in the district are prohibited. Employees are not required to provide students with their personal phone number or email address.

An employee is not subject to the provisions regarding electronic communications with a student to the extent the employee has a social or family relationship with a student. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization. An employee who claims an exception based on a social relationship shall provide written consent from the student's parent. The written consent shall include an acknowledgement by the parent that:

- The employee has provided the parent with a copy of this protocol.
- The employee and the student have a social relationship outside of school.
- The parent understands that the employee's communications with the student are excepted from district regulation; and
- The parent is solely responsible for monitoring electronic communications between the employee and the student.

The following definitions apply for the use of electronic media with students:

- *Electronic communications* mean any communication facilitated using any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes email, text messages, instant messages, and any communication made through an Internet website, including a social media website or a social networking website.

- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a *communication*: however, the employee may be subject to district regulations on personal electronic communications. See *Personal Use of Electronic Media*, above. Unsolicited contact from a student through electronic means is not a *communication*.
- *Certified or licensed employee* means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

An employee who communicates electronically with students shall observe the following:

- The employee is prohibited from knowingly communicating with students using any form of electronic communications, including mobile and web applications, that are not provided or accessible by the district unless a specific exception is noted below.
- Only a teacher, trainer, or other employee who has an extracurricular duty may use text messaging, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility. An employee who communicates with a student using text messaging shall comply with the following protocol:
 - For each text message addressed to one or more students, the employee shall send a copy of the text message to the employee's district email address.
- The employee shall limit communications to matters within the scope of the employee's professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
- The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page ("professional page") for the purpose of communicating with students. The employee must enable administration and parents to access the employee's professional page.
- The employee shall not communicate directly with any student between the hours of 6:00 p.m. and 7:00 a.m. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- The employee does not have a right to privacy with respect to communications with students and parents.

- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics including:
 - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
 - Copyright law [Policy CY]
 - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DH]
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with one or more currently enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through email, text messaging, instant messaging, or any other form of one-to-one communication.
- An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.
- All staff are required to use school email accounts for all electronic communications with parents. Communication about school issues through personal email accounts or text messages are not allowed as they cannot be preserved in accordance with the district's record retention policy.
- An employee shall notify his or supervisor in writing within one business day if a student engages in an improper electronic communication with the employee. The employee should describe the form and content of electronic communication.

Public Information on Private Devices

Policy DH, GB

Employees should not maintain district information on privately owned devices. Any district information must be forwarded or transferred to the district to be preserved. The district will make reasonable efforts to obtain public information in compliance with the Public Information Act. Reasonable efforts may include:

- Verbal or written directive
- Remote access to district-owned devices and services

Criminal History Background Checks

Policy DBAA

Employees may be subject to a review of their criminal history record information at any time during employment. National criminal history checks based on an individual's fingerprints, photo, and other identification will be conducted on certain employees and entered into the Texas Department of Public Safety (DPS) Clearinghouse. This database provides the district and SBEC with access to an employee's current national criminal history and updates to the employee's subsequent criminal history.

Employee Arrests and Convictions

Policy DH, DHB, DHC

An employee must notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of any felony, and any of the other offenses listed below:

- Crimes involving school property or funds.
- Crimes involving attempts by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator.
- Crimes that occur wholly or in part on school property or at a school-sponsored activity
- Crimes involving moral turpitude.

Moral turpitude includes the following:

- 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.

- Crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance.
- Felonies involving driving while intoxicated (DWI)
- Acts constituting abuse or neglect under the Texas Family Code.

If an educator is arrested or criminally charged, the superintendent is also required to report the educator's criminal history to the Division of Investigations at TEA.

Certified Employees. The superintendent and directors are required to report the misconduct or criminal history of a certified employee or individual applying for certification or permit to TEA Division of Educator Investigations. Information about misconduct or allegations of misconduct of a certified employee obtained by a means other than the criminal history clearinghouse that results in termination, resignation, or criminal history (e.g., arrest, indictment, prosecution, conviction, or other disposition by the criminal justice system, including probation and deferred adjudication) will be reported to TEA.

Misconduct or allegations of misconduct include:

- Abused or otherwise committed an unlawful act with a student or minor.
- Possessed, transferred, sold, or distributed a controlled substance.
- Illegally transferred, appropriated, or expended school property or funds
- Attempted by fraudulent means to obtain or alter any certificate or permit to gain employment or additional compensation.
- Committed a criminal offense on school property or at a school-sponsored event, or
- Solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

Uncertified Employees. Misconduct or criminal history of an uncertified employee also must be reported to TEA. Information about misconduct or the allegations of misconduct obtained by a means other than the criminal history clearinghouse that results in termination, resignation, or criminal history (e.g., arrest, indictment, prosecution, conviction, or other disposition by the criminal justice system, including probation and deferred adjudication) will be reported to TEA.

Misconduct or allegations of misconduct include:

- Abuse or unlawful act with a student or minor, or
- Involvement in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

NOTE: If an educator is arrested or criminally charged, the superintendent is also required to report the educator's criminal history to the Division of Investigations at TEA.

Any employee arrested may be placed on Administrative Leave with or without pay This includes employees who are required to have a Commercial Driver's License (CDL).

Alcohol and Drug-Abuse Prevention

Policy DH

Fabens ISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. 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 regarding employee drug use follows:

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property 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 drug. An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs.
2. Referral to employee assistance programs.
3. Termination from employment with the district; and
4. Referral to appropriate law enforcement officials for prosecution.

Searches and Alcohol/Drug Testing

Policies CQ (Legal) and DHE (Local)

Reasonable Suspicion Searches

A district may search an employee or employee's property when the district has reasonable suspicion to believe the search will turn up evidence work-related misconduct. The district may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the district's standards of conduct may result in disciplinary action.

Reasonable Suspicion Alcohol and Drug Testin

The district may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of District policy. A District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination. A District employee confirmed to have violated the district's policy pertaining to alcohol or drugs may be subject to disciplinary action.

Federally Required Department of Transportation (DOT) Testing Program

The primary purpose of the testing program is to prevent impaired employees from performing safety sensitive functions.

The following constitute drug-related violations under the DOT rules:

- Refusing to submit to a required test for alcohol or controlled substances.
- Providing an adulterated, diluted, or substituted specimen on an alcohol or controlled substances test.
- Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
- Testing positive for controlled substances in a post-accident test.
- Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
- Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
- Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above shall not be eligible for reinstatement as a driver.

Whistleblower Protection

Policy DG (LEGAL)

A board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by a district or another public employee to an appropriate law enforcement authority.

A "good faith" belief that a violation of the law occurred means that:

- The employee believed that the conduct reported was a violation of law; and
- The employee's belief was reasonable in light of the employee's training and experience.

Tobacco Products and E-Cigarette Use

Policies DH, FNCD, GKA

State law prohibits smoking, using tobacco products, or e-cigarettes on all district-owned property and at school-related or school-sanctioned activities, on or off school property. This includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities. Drivers of district-owned vehicles are prohibited from smoking, using tobacco products, or e-cigarettes while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in all school buildings.

Fraud and Financial Impropriety

Policy CAA

All employees should act with integrity and diligence in duties involving the district's financial resources. The district prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety include the following:

- Forgery or unauthorized alteration of any document or account belonging to the district.
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other district assets including employee time
- Impropriety in the handling of money or reporting of district financial transactions.
- Profiteering as a result of insider knowledge of district information or activities
- Unauthorized disclosure of confidential or proprietary information to outside parties
- Unauthorized disclosure of investment activities engaged in or contemplated by the district.
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district, except as otherwise permitted by law or district policy.
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment
- Failing to provide financial records required by federal, state, or local entities.
- Failure to disclose conflicts of interest as required by law or district policy.
- Any other dishonest act regarding the finances of the district

- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Conflict of Interest

Policy CB, DBD

Employees are required to disclose in writing to the district any situation that creates a potential conflict of interest with proper discharge of assigned duties and responsibilities or creates a potential conflict of interest with the best interests of the district. This includes the following:

- A personal financial interest
- A business interest.
- Any other obligation or relationship
- Non-school employment

Employees should contact their supervisor for additional information.

Gifts and Favors

Policy DBD

Employees may not accept gifts or favors that could influence, or be construed to influence, the employee's discharge of assigned duties. The acceptance of a gift, favor, or service by an administrator or teacher that might reasonably tend to influence the selection of textbooks, electronic textbooks, instructional materials, or technological equipment may result in prosecution of a Class B misdemeanor offense. This does not include staff development, teacher training, or instructional materials such as maps or worksheets that convey information to students or contribute to the learning process.

Copyrighted Materials

Policy CY

Employees are expected to comply with the provisions of federal 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.). Electronic media, including motion pictures and other audiovisual works, are to be used in the classroom for instructional purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.

Associations and Political Activities

Policy DGA

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 a decision not to be a member of 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. Use of district resources including work time for political activities is prohibited.

The district encourages personal participation in the political process, including voting. Employees who need to be absent from work to vote during the early voting period or on election day must communicate with their immediate supervisor prior to the absence.

Charitable Contributions

Policy DG

The Board or any employee may not directly or indirectly require or coerce an employee to contribute to a charitable organization or in response to a fundraiser. Employees cannot be required to attend a meeting called for the purpose of soliciting charitable contributions. In addition, the Board or any employee may not directly or indirectly require or coerce an employee to refrain from contributing to a charitable organization or in response to a fundraiser or attending a meeting called for the purpose of soliciting charitable contributions.

Safety and Security

Policy CK series

The district has developed and promotes a comprehensive program to ensure the safety and security of its employees, students, and visitors. The safety and security program includes written guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. See Emergencies for additional information.

Employees must follow established protocols and response to emergencies for each campus and department. Refer to written security procedures specific to your location and work area.

To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

- Observe all safety rules.
- Always keep work areas clean and orderly.

- Immediately report all accidents to their supervisor.
- Operate only equipment or machines for which they have training and authorization.

While driving on district business, employees are required to abide by all state and local traffic laws. Employees driving on district business are prohibited from texting and using other electronic devices that require both visual and manual attention while the vehicle is in motion. Employees will exercise care and sound judgment on whether to use hands-free technology while the vehicle is in motion.

Employees with questions or concerns relating to safety programs and issues can contact Human Resources.

Possession of Firearms and Weapons

Policies DH, FNCG, GKA

Employees, visitors, and students, including those with a license to carry a handgun, are prohibited from bringing firearms, knives, clubs, or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. A person, including an employee, who holds a license to carry a handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot, garage, or other district provided parking area, provided the handgun or firearm or ammunition is properly stored, and not in plain view. 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 supervisor.

Visitors in the Workplace

Policy GKC

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.

Asbestos Management Plan

Policy CKA

The district is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for each school. A copy of the district's management plan is kept in the front office and is available for inspection during normal business hours.

Pest Control Treatment

Policies CLB, DI

Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior approval of the integrated pest management (IPM) coordinator. Any application of pesticide or herbicide must be done in a manner prescribed by law and the district's integrated pest management program.

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written, or electric means. Pest control information sheets are available from campus principals or facility managers upon request.

Visitors in the Workplace

Policy GKC

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.

Campus Safety Procedures

1. **Drills.** Principals shall conduct emergency drills designed to assure the orderly movement of students and personnel to the safest areas available.
2. **Emergency Plans.** Each school shall have effective emergency procedures that can be implemented on short notice and that will ensure optimum safety for students and school personnel.
3. **Evacuation Procedures.** The Superintendent or a designee shall design and implement a system to familiarize employees and students with evacuation procedures and shall ensure that evacuation diagrams are appropriately posted.
4. **Fire Extinguisher.** Fire extinguishers shall be kept in each building and all District employees (instructional, operational, and cafeteria) shall know where to find them and how to use them.
5. **Electrical Heating Appliances in the Classroom.** Teachers are discouraged from using microwave ovens, hotplates and other electrical heating appliances in their classrooms, unless carefully supervised and used as a part of an approved curriculum.

General Procedures

Emergency School Closing

The district may close schools because of severe weather, epidemics, or other emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late, to release students early, or to cancel school, district officials will post a notice on the district's website and the appropriate media outlets.

Emergencies

Policies CKC, CKD

All employees should be familiar with the safety procedures for responding to emergencies, including a medical emergency. Employees should locate evacuation diagrams posted in their work areas and be familiar with shelter in place, lockout, and lockdown procedures. Emergency drills will be conducted to familiarize employees and students with safety and evacuation procedures. Each campus is equipped with an automatic external defibrillator. Fire extinguishers are located throughout all district buildings. Employees should know the location of these devices and procedures for their use.

Purchasing Procedures

Policy CH

All requests for purchases must be submitted to the Business and Finance department on an official district purchase order (PO) form with the appropriate approval signatures. No purchases, charges, or commitments 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. Contact the Budget Specialist for additional information on purchasing procedures.

Name and Address Changes

It is important that employment records be kept up to date. Employees must notify the Human Resources office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. The form to process a change in personal information can be obtained from Human Resources.

Personnel Records

Policy DBA, GBA

Most district records, including personnel records, are public information and must be released upon request. In most cases, an employee's personal email address is confidential and may not be released without the employee's permission.

Employees may choose to have the following personal information withheld:

- Address
- Phone number, including personal cell phone number.
- Emergency contact information
- Information that reveals whether they have family members.

The choice to not allow public access to this information or change an existing choice may be made at any time by submitting a written request to Human Resources. New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personal information may be released to the public until a request to withhold the information is submitted or another exception for release of information under law applies. An employee is responsible for notifying the district if he or she is subject to any exception for disclosure of personal or confidential information.

Facility Use

Policies DGA, GKD

Employees who wish to use district facilities after school hours must follow established procedures. Each facility is responsible for scheduling the use of facilities after school hours. Contact the office of the Assistant Superintendent to request to use school facilities and to obtain information on the fees charged.

Termination of Employment

Resignations

Policy DFE, DHB

Contract Employees. Contract employees may resign their position without penalty at the end of any school year if written notice is received at least 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the superintendent or other persons designated by the board of trustees, which includes Human Resources. Supervisors who have not been designated by the board to accept resignations shall instruct the employee to submit the resignation to the superintendent or other person designated by board action.

Contract employees may resign at any other time only with the approval of the superintendent or the board of trustees. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The principal is required to notify the superintendent of an educator's resignation within seven business days following an alleged incident of misconduct for any of the acts listed in *Reports to Texas Education Agency*. The superintendent will notify SBEC when an employee resigns and there is evidence to indicate that the employee has engaged in such misconduct.

Noncontract Employees. Noncontract employees may resign their position at any time. A written notice of resignation should be submitted to Human Resources at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation but are not required to do so.

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal, or of knowing about an employee's resignation or termination following an alleged incident of misconduct described above.

Dismissal or Nonrenewal of Contract Employees

Policies DF Series, DHB

Employees on probationary, term, and continuing contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be nonrenewed at the end of the contract term. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an

opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided when a written notice is given to an employee.

The principal is required to notify the superintendent of an educator's termination within seven business days following an alleged incident of misconduct for any of the acts listed in Reports to Texas Education Agency. The superintendent will notify SBEC when an employee is terminated and there is evidence to indicate that the employee has engaged in such misconduct.

Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or when the employee's certification is revoked for misconduct. Information on the timelines and procedures can be found in the DF series policies that are provided to employees or are available Online.

Dismissal of Noncontract Employees

Policies DCD, DP

Noncontract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, color, religion, sex, national origin, age, disability, military status, genetic information, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance. (See *Complaints and Grievances*.)

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal or knew about an employee's resignation or termination following an alleged incident of misconduct described above.

Discharge of Convicted Employees

Policy DF

The district shall discharge any employee who has been convicted of or placed on deferred adjudication community supervision for an offense requiring the registration as a sex offender or convicted of a felony under Title 5 Penal Code if the victim was a minor.

If the offense is more than 30 years before the date the person's employment began or the person satisfied all terms of the court order entered on conviction the requirement to discharge does not apply.

Exit Interviews and Procedures

Exit interviews will be scheduled for all employees leaving the district. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience. All district keys, books, property, including intellectual property, and equipment must be returned upon separation from employment.

Reports to Texas Education Agency

Policies DF, DHB, DHC

Certified Employees. The resignation or termination of a certified employee must be reported to the Division of Investigations at TEA if there is evidence that the employee was involved in any of the following:

- Any form of sexual or physical abuse of a minor, or any other unlawful conduct with a student or a minor
- Soliciting or engaging in sexual contact or a romantic relationship with a student or minor
- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of district or school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation.
- Committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event.

The reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee or an applicant for certification has a reported criminal history or engaged in conduct violating the assessment security procedures established under TEC §39.0301. "Reported criminal history" means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

Noncertified Employees. The voluntary or involuntary separation of a noncertified employee from the district must be reported to the Division of Investigations at TEA by the superintendent if there is evidence the employee abused or otherwise committed an unlawful act with a student or minor, was involved in a romantic relationship with a student or minor, or solicited or engaged in sexual contact with a student or minor.

Reports Concerning Court-Ordered Withholding

The district is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance. Notice of the following must be sent to the support recipient and the court or, in the case of child support, the Texas Attorney General Child Support Division:

- Termination of employment not later than the seventh day after the date of termination
- Employee's last known address
- Name and address of the employee's new employer, if known

Student Issues

Equal Educational Opportunities

Policies FB, FFH

In an effort to promote nondiscrimination and as required by law, Fabens ISD does not discriminate on the basis of race, color, religion, national origin, age, sex, or disability in providing education services, activities, and programs, including Career and Technical Education (CTE) programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

Questions or concerns about discrimination against students based on sex, including sexual harassment should be directed to the district Title IX coordinator for students. Questions or concerns about discrimination based on a disability should be directed to the Special Education Director. The district ADA/Section 504 coordinator for students. All other questions or concerns relating to discrimination based on any other reasons should be directed to the Superintendent.

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. The following people are the only people who have general access to a student's records:

- Parents: Married, separated, or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights
- The student: The rights of parents transfer to a student who turns 18 or is enrolled in an institution of post-secondary education. A district is not prohibited from granting the student access to the student's records before this time.
- School officials with legitimate educational interests

The student handbook provides parents and students with detailed information on student records. Parents or students who want to review student records should be directed to the office of the Superintendent for assistance.

Parent and Student Complaints

Policy FNG

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the board has adopted orderly processes for handling complaints on different issues. Any campus office or the superintendent's office can provide parents and students with information on filing a complaint.

Parents are encouraged to discuss problems or complaints with the teacher or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved to their satisfaction should be directed to the campus principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a principal's response.

Administering Medication to Students

Policy FFAC, FFAF

Only designated employees may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. Exceptions apply to the administration of medication for respiratory distress, medication for anaphylaxis (e.g., EpiPen®), opioid antagonists, and medication for diabetes management, if the medication is administered in accordance with district policy and procedures. A student who must take any other medication during the school day must bring a written request from his or her parent and the medicine in its original, properly labeled container. Contact the principal or school nurse for information on procedures that must be followed when administering medication to students.

Dietary Supplements

Policies DH, FFAC

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.

Psychotropic Drugs

Policy FFAC

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance.

District employees are prohibited by state law from doing the following:

- Recommending that a student use a psychotropic drug.
- Suggesting a particular diagnosis
- Excluding from class or school-related activity a student whose parent refuses to consent to a psychiatric evaluation or to authorize the administration of a psychotropic drug to a student.

Student Conduct and Discipline

Policies in the FN series and FO series

Students are expected to follow the classroom rules, campus rules, and rules listed in the Student Handbook and Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies 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.

Student Attendance

Policy FEB

Teachers and staff should be familiar with the district's policies and procedures for attendance accounting. These procedures require minor students to have parental consent before they are allowed to leave campus. When absent from school, the student upon returning to school, must provide a written excuse for the absence. These requirements are addressed in campus training and in the student handbook. Contact the campus principal for additional information.

Bullying

Policy FFI

Bullying is defined by §TEC 37.0832. All employees are required to report student complaints of bullying, including cyberbullying, to the campus principal or designee. The district's policy includes definitions and procedures for reporting and investigating bullying of students and is reprinted below:

The district prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

Retaliation

The district prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Timely Reporting

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

Hazing

Policy FNCC

Students must have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. While most initiation rites are permissible, engaging in or permitting "hazing" is a criminal offense. Any teacher, administrator, or employee who observes a student engaged in any form of hazing, who has reason to know or suspect that a student intends to engage in hazing or has engaged in hazing must report that fact or suspicion to the designated campus administrator.

Progressive Discipline Process

Human Resources Regulation (HR 01)

AT-WILL EMPLOYEES

At-will employees may be dismissed at any time for any reasons not prohibited by law or for no reason, as determined by the needs of the District. Although, there is no intention of due process (Board Policy DCD-Legal), the District employs a discipline system. All employees are expected to adhere to District policies and procedures, and perform their duties in accordance with state and federal law, District policies and procedures, and ethical standards.

PURPOSE OF THE PROGRESSIVE DISCIPLINE PROCESS

1. Promote standards of employee conduct and supervisory practices in accordance with District policies and effective operations of the District through counseling, training, direction, and documentation.
2. Promote fair and consistent employee discipline practices.
3. Address employee issues constructively, immediately, and avoid termination whenever possible.
4. Progressive discipline affords the employee the opportunity to improve performance and behavioral deficiencies.

This process should be utilized fairly and consistently with all employees under one's supervision.

LEVEL I- WRITTEN COUNSELING

A verbal counseling should be initiated as soon as the issue/violation arises and in most cases precede a Written Counseling. The supervisor's goal is to ensure that the issue/violation is resolved before there is a need for further disciplinary action. Examples that would necessitate a Verbal Counseling are excessive absences, tardiness, dress code violations, or failure to follow a directive.

If the issue/violation continues the supervisor may decide to move to a formal Written Counseling. The supervisor is not required but can contact Human Resources to assist in the level of discipline.

LEVEL II-WRITTEN REPRIMAND

If the verbal and written counseling sessions do not effectively address the issue/violation, a Written Reprimand may be appropriate. At this level, the supervisor meets with the employee and explains that continued violations or failure to follow the directives outlined in the Written Reprimand may result in further disciplinary action included termination.

LEVEL III-SUSPENSION

If the Written Reprimand does not adequately address the issue/violation, a recommendation to suspend the employee may follow. A suspension (without pay) removes the employee from the work environment and can be from one (1) to three (3) –depending on the severity of the issue/violation. This is considered the final step before an employee is recommended for termination.

Examples of criteria that may result in a suspension include, but not limited to:

- a. Insubordination;
- b. Being at work under the influence of alcohol or drugs;
- c. Destruction of District property;
- d. Theft of District or employee property;
- e. Falsifying District record;
- f. Unprofessional conduct towards students, parents, community, and co-workers;
- g. Repeated failure to correct conduct that has been previously addressed through Level I and II of the disciplinary action.
- h. Excessive absences or habitual tardiness

An employee may be suspended (placed on Suspension/Administration Leave Without Pay) if a formal investigation is undertaken by the Human Resources Department. This allows the District and/or supervisor to fully investigate a complaint and consult with legal counsel (if necessary) without the employee interfering with the investigation.

LEVEL IV-TERMINATION

Generally, there are two reasons why a supervisor may recommend termination. The first, is a serious violation or illegal activity; and the second is exhausting Levels I-III in the disciplinary process. Serious violations or illegal activity may include but are not limited to:

- a. Any illegal conduct with a minor child, student including any form of sexual or physical abuse;
- b. Possession, transfer, sale, or distribution of a controlled substance or illegal drug;
- c. Misappropriation of funds, securities, supplies, or other District assets, including employee time.

Overtime Compensation

Policies DEAB, DEC

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt employees (hourly employees and 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. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action but shall be compensated in accordance with the FLSA.

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not

measured by the day or by the employee's regular work schedule. For the purpose of calculating overtime, a workweek begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. Saturday.

At the District's option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.

Nonexempt employees that are paid on a salary basis are paid for the hours set by the normal work schedule. Hours worked beyond the normal schedule up to 40 hours will be paid at a regular rate of pay.

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

- Employees can accumulate up to 60 hours of comp time.
- Comp time must be used in the duty year that it is earned.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.
- An employee is required to use comp time before using available paid leave (e.g., sick, personal, vacation).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

Compensatory time may be used at the employee's or District's option. The District may require an employee to use compensatory time when in the best interest of the District.

Non-Paid Holidays

(Auxiliary Personnel)

Transportation (Bus Drivers, Bus Monitors) and Crossing Guards 180 Duty Day Schedule

Sept. 6, October 4th – October 15th; November 22nd – November 26th; December 20th-December 31st; January 3rd, January 17th; March 7th – March 18th, April 15th; and May 30th.

Child Nutrition (Food Service Workers, Food Service Custodian) 185 Duty Day Schedule

Sept. 6, October 4th – October 15th; November 22nd – November 26th; December 20th-
December 31st; January 3rd, January 17th; March 7th – March 18th, April 15th; and May 30th.

Maintenance (Custodians, Maintenance) and Bus Driver (Year Round) 241 Duty Day Schedule

July 5th- July 9th; Sept. 6th; November 25th – November 26th; December 2th – December 31st;
January 17th; April 15th; May

Appendix A

Employee Dismissals-At-Will Employees

The following are some examples of offenses or situations for which an at-will employee may be terminated. However, please note that at-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District consistent with procedures approved by the Superintendent. This list is not intended to be all-inclusive.

1. Pending felony or misdemeanor charges or conviction of any felony or misdemeanor charges involving moral turpitude (See page 30 for definition and examples).
2. Pleading guilty to a felony charge.
3. Pleading nolo contendere to a felony charge or other crime involving moral turpitude for which the employee receives a probated sentence.
4. Violating any state or federal penal law, a conviction which would rise to the level of a felony or other crime involving moral turpitude.
5. Assaulting anyone on school property or at any school-related event or during any work period. Any of the following actions constitute an assault.
 - a. Intentionally, knowingly or recklessly causing bodily injury to another.
 - b. Intentionally or knowingly threatening another with imminent bodily injury.
 - c. Intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.
6. Carrying weapons, such as a firearm, knuckles, illegal knife, or any other object which could cause injury to another person and which is not required to be in the possession of that employee in the normal course of his/her job.
7. The abuse, misuse, or deliberate destruction or damaging of School District property or the property of other employees.
8. Making false statements or providing false information to School District officials at any time, including, but not limited to:
 - a. Information provided in application documents submitted for employment or promotion, regardless of when the falsification is discovered.
 - b. Altering or tampering with time cards, sign-in/out rosters, time reporting or other documents related to attendance, arrivals or departures.

- c. Personnel records or other District documents, insurance records, worker's compensation claims, etc.
- d. Medical information related to the employee's ability to perform assigned duties and carry out essential functions of the job assigned.
- e. Details of any accident involving District vehicles, job related injuries or other accidents or incidents under official investigation.
- f. Statements of any kind made to a supervisor that are intended to mislead, misrepresent or distort the truth.

9. The possession, use, consumption, transmittal, purchase or sale or being under the influence of any of the following substances on School District premises or off School District premises at a school related activity, function or event:

- a. 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.
- b. Alcohol, or any alcoholic beverage.
- c. Any chemical substance for inhalation. d. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

10. An employee who is required to hold a Commercial Driver's License (CDL) and has been arrested, convicted, or adjudicated for an offense involving moral turpitude to include:

- a. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol; or

11. Insubordination, including, but not limited to, the following examples:

- a. Refusal to perform an assigned task (NOTE: refusal to perform an assigned task which is immoral, illegal, or unreasonably unsafe is not an act of insubordination.)
- b. Refusal to report to an assignment.
- c. Leaving the job without proper authorization.
- d. Intentionally failing to follow the instruction of an assigned supervisor or foreman.
- e. Any other action or failure to act, demonstrating an unwillingness to submit to lawful authority.

12. Performing work, either full-or part-time, for pay or otherwise, for an employer or for themselves, in violation of medical restrictions whether the employee has been placed off work, on an LOA, or is working either Transitional or Full-Duty w/Accommodations.

13. Failing or refusing to follow the instructions of their treating physician, whether the employee has been placed off work, on an LOA or is working Transitional Duty, Full-Duty w/Accommodations, or Regular Full Duty.

14. Failing to report for an examination or treatment as directed by the treating physician or by the School District. **Note:** This includes a random or reasonable suspicion drug/alcohol test.

15. Refusing to return to regular or restricted duty when authorized by a treating physician and offered by the School District.

16. The use of profane, racist, or abusive language, directed toward contractors, supervisors, co-workers, students, visitors or parents.

17. Demonstrating rude or abusive behavior toward visitors, parents, patrons, students, contractors or other employees.

18. Gambling, conducting, soliciting or participating in a lottery or engaging in any other games of chance during the period of time the employee is drawing compensation from the School District or on School District property at any time.

19. Excessive absences from work OR habitual tardiness in reporting to assigned duties. (Missing work for three consecutive days without notifying immediate supervisor is considered Job Abandonment; this includes leaving the designated worksite without prior supervisory approval.).

20. Sleeping during assigned work hours.

21. Engaging in conduct constituting sexual harassment.

22. Inappropriate or unauthorized use of the District's two-way radio system.

23. Using District tools, materials, or supplies to work on personal projects not within the scope of assigned duties—whether for personal profit or as a personal favor.

24. Theft of property – belonging to either Fabens ISD or one of its employees, students, or patrons.

25. Violating any applicable conflict of interest law; entering into a business relationship, employment contract or other transaction with a third party leading to a direct or indirect remuneration to the employee (without prior written approval from the Superintendent or designee); accepting or soliciting any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge or assigned duties and responsibilities; having a personal financial interest, a business interest, or any other obligation that in any way creates a substantial conflict with the proper discharge of assigned duties and responsibilities or which creates a conflict with the best interest of the School District.

26. Conduct or behavior which rises to the level of "good cause" as may be determined by the Superintendent or his/her designee (Associate Superintendent). 26. Violating or failing to follow any other of the standards, requirements and/or prohibitions set out in administrative regulations or in official Board Policy.

APPENDIX B

Acceptable Use of the District's Technology Resources

The Superintendent or designee will oversee the District's Technology Resources.

In the performance of an employee's duties, FISD-provided computer hardware, software, data files, and networks are the property of or are licensed to Fabens Independent School District and are to be used solely for official School Business. All district employees are required to sign an "Acceptable Use Policy". The main points of the AUP are the following:

- Intentional and unauthorized disclosure of personal/confidential information is an invasion of privacy and may result in disciplinary, civil, and/or criminal action.
- It is against district policy to seek out or use district records including, but not limited to, personal/confidential information relating to others for my personal interest or advantage.
- An account and password constitute an employee's signature and that employee is responsible for all entries made under that account. Use of another person's account and password would not absolve someone of responsibility for actions taken under that account and password. Delegation of an account and password for the sole purpose of electronic mail retrieval may be made upon prior approval of one's supervisor.
- Employees must comply with all computers use standards, policies, rules, procedures, and State and Federal laws.

The Superintendent shall develop and implement administrative regulations, guidelines, and user agreements consistent with the purposes and mission of the district and with law and policy.

Access to the District's technology resources is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the district's technology resources and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. [See DH, FN series, FO series, and the Student Code of Conduct] Violations of law may result in criminal prosecution as well as disciplinary action by the district.

Internet Safety

The Superintendent shall develop and implement an internet safety plan to:

1. Control students' access to inappropriate materials, as well as to materials that are harmful to minors.

2. Ensure student safety and security when using electronic communications;
3. Prevent unauthorized access, including hacking and other unlawful activities;
4. Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; and
5. Educate students about cyberbullying awareness and response and about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms.

Filtering

Each District computer with internet access and the district's network systems shall have filtering devices or software that blocks access to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors, as defined by the federal Children's Internet Protection Act and as determined by the Superintendent.

The Superintendent shall enforce the use of such filtering devices. Upon approval from the Superintendent, an administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purposes.

Monitored Use

Electronic mail transmissions and other use of the district's technology resources by students, employees, and members of the public shall not be considered private. Designated District staff shall be authorized to monitor the district's technology resources at any time to ensure appropriate use.

VIOLATIONS

Non-severe Violations

Non-severe violations are typically those that have minimal effects on others. They include, but are not limited to:

- Using technology for off-task activities during class (games, videos, music files, CDs, web sites not instructionally related)
- Having benign executable (programs that pose no threat to network or data security) or shortcuts to them in home directory without authorization.
- Using technology for commercial purposes, online college course work, or for political lobbying.

- Accessing or attempting to access translator services, chatrooms, bulletin boards, news groups or messaging systems other than Fabens ISD email account unless authorized by your teacher for a valid educational purpose
- Removing or replacing hardware or cables without authorization.

Severe Violations

Severe Violations are typically those that exhibit indifference to the rights of others or to one's own personal safety. Once a student loses computer privileges due to a severe violation, any subsequent violation is considered severe regardless of the offense. They include, but are not limited to:

- Installing unauthorized software anywhere on the network
- Downloading and storing files on the network without authorization
- Not reporting computer vandalism or network security violations that you are aware of
- Vandalizing or defacing hardware: damage less than \$50
- Using another's account or allowing another individual the use of one's account
- Using technology to cheat: to misrepresent another's work as one's own or to pass one's work on to another for the purpose of cheating.
- Using technology to plagiarize or infringe copyright.
- Accessing or attempting to access material that is profane, obscene, lewd, sexually suggestive, or ghastly; accessing or attempting to access material that advocates or engages in illegal acts, threats, hate or violence; accessing or attempting to access material that potentially disrupts, causes damage, threatens, or endangers students or staff.
- Spamming: Distributing mass e-mail messages and chain letters or sending e-mail to large numbers of people or a large volume of messages to one or more individuals for the purpose of causing annoyance or disruption
- Posting personal or private information about yourself or other people
- Posting or sending information that insults, defames, or harasses.

Extreme Violations

Extreme violations are acts with the potential to cause great harm to the LAN/WAN and its resources or to other people. They include but are not limited to:

- Attempting to get unauthorized access to the Fabens ISD network from any computer (including computers not at school)
- Attempting to get unauthorized access to any network from a Fabens ISD computer.
- Connecting any non-Fabens ISD hardware to the network
- Cyber bullying
- Producing, posting, or sending (or attempting to do so) material that is profane, obscene, lewd, sexually suggestive, or ghastly; material that advocates or engages in illegal acts, threats, hate or violence; or material that potentially disrupts, causes damage, threatens, or endangers students or staff.
- Possessing hacking tools
- Arranging a meeting with or agreeing to meet with a person you have met online.
- Vandalizing or attempting to vandalize data or hardware: damage greater than \$50.

District Website

The district will maintain a District website for the purpose of informing employees, students, parents, and members of the community of District programs, policies, and practices. Requests for publication of information on the district website must be directed to the Technology Department.

Social Media

Blogs, Wikis, Podcasts, Digital Images & Video Personal Responsibility

- Fabens ISD employees are personally responsible for the hosted content they publish online. Be mindful that what you publish on social media channels will be public for a long time—protect your privacy.
- When posting online, please remember that you are an employee of the Fabens ISD and representative of your colleagues, students, parents and the school community.
- Your online behavior should reflect the same standards of honesty, respect and consideration that you use face-to-face.
- Blogs, wikis, and podcasts are an extension of your classroom and considered official content. What is inappropriate in the classroom should be deemed inappropriate online.

- Do not post photos or movies of fellow employees without their permission. Do not use photos or movies taken at school without permission. Do not post photos or movies that contain students without parental consent.
- There are many websites that allow users to share personally created movies. You are responsible for all you do, say and post online including videos. Anything posted online should represent you in a professional manner, as others will see you as connected to FISD. It disrupts learning when teachers, employees and staff post videos with questionable content.
- When posting online be sure not to post confidential student information.
- Cyber bullying is not to be tolerated. Any incidence of cyber bullying should be reported to the school Principal immediately. All cyber bullying incidents are to be taken seriously. Personal use of social networking site, including Facebook, Twitter and Instagram
- Fabens ISD staff and employees are personally responsible for all comments/information and hosted content they publish online. Be mindful that things such as Tweets and Status Updates will be visible and public for a long time.
- By posting comments, having online conversations, etc. on social media sites you are broadcasting to the world, be aware that even with the strictest privacy settings, what you 'say' online should be within the bounds of professional discretion. Comments expressed via social networking pages under the impression of a 'private conversation' may still end up being shared into a more public domain, even with privacy settings on maximum.
- Comments related to FISD, its employees, staff and/events related to FISD, should always meet the highest standards of professional discretion. When posting, even on the strictest settings, staff should act on the assumption that all postings are in the public domain.
- Before posting photographs and videos, permission should be sought from the subject where possible. This is especially the case where photographs of professional colleagues are concerned.
- Before posting personal photographs, thought should be given as to whether the images reflect on your professionalism.
- Photographs relating to alcohol or tobacco use may be deemed inappropriate. Remember, your social networking site is an extension of your personality, and an extension of your professional life and classroom. If it would seem inappropriate to put a certain photograph on the wall, then it should be considered inappropriate to post online. Micro blogging (Twitter, Facebook, Tumblr, Instagram, etc.) comments made using such media are not protected by privacy settings. Employees should be aware of the public and widespread nature of such media and refrain from any comment and/or #hash tags that could be deemed unprofessional. # (Hash tags) that tag students and provide personal financial gain are prohibited. FISD students are not to be used as promotional audiences.

- FISD employees are not permitted to solicit or accept “Friend” Requests from enrolled FISD students on any personal Social Media Account. This includes student’s accounts and FISD employee personal accounts.
- FISD employees are not permitted to encourage students (K-12) enrolled at FISD to create Social Media Accounts of any kind.
- All FISD employees who choose to utilize Facebook, Twitter or Instagram or any other Social Media Platform to provide classroom information to students and parents must create a "teacher" page. Post must be exclusively about classroom or school activities.

Additional Information

You may access the District’s Acceptable Use Policy at

<https://www.fabensisd.net/site/handlers/filedownload.ashx?moduleinstanceid=216&dataid=112&FileName=Fabens%20ISD%20Acceptable%20Use%20Policy.pdf>

You may access the District’s Social Media Policy and Guidelines at

<https://www.fabensisd.net/site/handlers/filedownload.ashx?moduleinstanceid=216&dataid=110&FileName=Fabens%20ISD%20Social%20Media%20Policy%20and%20Guidelines.pdf>.

NOTE: Every employee must abide by the Acceptable Use Policy. It is the responsibility of every employee to read, understand, and adhere to these guidelines. Any questions can be referred to the Technology Department at (915) 765-2670.

Index

- Administering medication, 63
- Administration, 8
- Alcohol and drug
 - abuse prevention, 50
 - testing, 12
- Arrests and convictions, 48
- Asbestos management plan, 54
- Assault leave, 30
- Associations and political activities, 52
- At-will employment, 11
- Automatic payroll deposits, 17
- Background checks, 48
- Bad weather closing, 56
- Benefits
 - cafeteria plan, 20
 - health insurance, 19
 - leave, 22
 - retirement, 21
 - supplemental insurance, 20
 - workers' compensation, 21, 30
- Bereavement leave, 31
- Board of Trustees
 - information, 7
 - meeting schedule, 8
 - members, 7
- Breaks, 14
- Breast milk, 14
- Bullying, 64
- Cafeteria plan benefits, 20
- Certification
 - health and safety training, 13
 - maintaining, 11
 - parent notification, 15
- Change of address, 56
- Charitable contributions, 53
- Child abuse
 - reporting, 41
 - sexual, 42
- Code of ethics, 37
- Committees, 16
- Compensation, 17
- Complaints
 - employee, 35
 - parent and student, 63
- Compliance coordinators, 9, 62
- Compliance with a subpoena, 31
- Conduct and welfare, 36
- Conflict of interest, 51
- Contract
 - employment, 10
 - noncertified employees, 10
 - nonrenewal, 58
- Copyright materials, 52
- Court appearances, 31
- Court-ordered withholding, 61
- Crime reporting, 42
- Criminal history, 48
- Dietary supplements, 63
- Directories
 - helpful contacts, 8
 - school, 8
- Discrimination
 - employee, 40
 - student, 62
- Dismissal
 - contract employees, 58
 - noncontract employees, 58
- District
 - communications, 34
 - description, 7
 - information, 7
 - map, 7
 - mission statement, 7
- Drug
 - abuse prevention, 50
 - psychotropic, 64
 - testing, 12
- E-cigarettes, 50

Electronic communications, 43, 45

Emergencies, 56

Employee

- conduct and welfare, 36
- involvement, 16
- recognition, 34

Employment

- after retirement, 10
- at-will, 11
- authorization documents, 11
- contract, 10
- noncontract, 10
- outside, 15

Equal opportunity

- educational, 62
- employment, 9

Every Student Succeeds Act, 15

Exit interviews, 60

Facility use, 57

Family and medical leave, 25

Firearms, 54

Form I-9, 11

Fraud, 50

General procedures, 56

Gifts and favors, 52

Grievances, 35

Harassment, 40

Hazing, 65

Health insurance, 19

Health safety training, 13

Helpful contacts, 8

Insurance

- health, 19
- supplemental, 20
- unemployment, 21

Internet use, 43, 45

Job vacancy announcements, 9

Jury duty, 31

Leave

- assault, 30
- bank, 25
- bereavement, 31
- court appearance, 31
- discretionary, 24
- extended, 24
- family and medical, 25
- jury duty, 31
- local, 24
- medical certification, 23
- mental health, 32
- military, 32
- nondiscretionary, 24
- payment upon separation, 33
- peace officers, 32
- personal, 23
- police officer, 32
- pool, 25
- proration, 24
- quarantine, 32
- religious observance, 32
- sick, 24
- telecommunicator, 32
- temporary disability, 29
- truancy court appearance, 31
- workers' compensation, 30

Maltreatment of children, 42

Medications, 63

Military leave, 32

Mission statement, 7

Mother-Friendly Worksite, 14

Name and address changes, 56

Nonrenewals, 58

Nursing mothers, 14

Outside employment, 15

Overpayments, 18

Overtime, 18

Parent and student complaints, 63

Parent notification, 15

Paychecks, 17

Payroll

- automatic deposits, 17
- deductions, 18
- schedule, 17

Peace officer

- mental health leave, 32
- quarantine leave, 32

Performance evaluation, 16

Personal leave, 23

Personnel records, 57
 Pest control treatment, 54
 Police officer
 illness or injury, 32
 Political activities, 52
 Possession of firearms and weapons, 54
 Pregnant Workers Fairness Act, 15
 Psychotropic drugs, 64
 Public information, 48
 Purchasing procedures, 56
 Qualifying exigency, 28
 Quarantine leave, 32
 Reassignments, 13
 Religious observance, 32
 Resignations, 58
 contract employees, 58
 noncontract employees, 58
 Retaliation, 40
 Retirement
 benefits, 21
 employment after, 10
 Safety, 53
 Salaries, 17
 School
 calendar, 8
 closing, 56
 directory, 8
 Scope and sequence, 43
 Searches, 12
 Security, 53
 Sexual harassment, 40
 Sick leave, 24
 Staff development, 16
 Standards of conduct, 36
 Student
 attendance, 64
 bullying, 64
 complaints, 63
 dietary supplements, 63
 discipline, 64
 equal educational opportunities, 62
 harassment, 40
 hazing, 65
 medication, 63
 records, 62
 Supplemental insurance, 20
 TEA reports, 60
 Teacher retirement, 21
 Technology resources, 43
 Telecommunicator leave, 32
 Temporary disability leave, 29
 Termination
 discharge of convicted employees, 59
 dismissal during the contract term, 58
 exit interviews, 60
 noncontract employees, 59
 nonrenewal, 58
 reports to TEA, 58, 60
 resignation, 58
 Texas Mother-Friendly Worksite, 14
 Text messaging, 45
 Tobacco
 products, 50
 use, 50
 Training
 health and safety, 13
 staff development, 16
 Transfers, 13
 Travel expenses, 19
 Truancy court appearances, 31
 Tutoring, 15
 Unemployment insurance, 21
 Vacancy announcements, 9
 Vacation, 25
 Visitors, 54
 Wages, 17
 Weapons, 54
 Whistleblower Act, 42
 Work schedule, 13
 Workers' compensation benefits, 21, 30
 Workload, 13