



TMSA BOARD POLICY MANUAL

POLICY GROUP 4 – PERSONNEL

Board Approved: _____

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PG-4.101 EQUAL EMPLOYMENT OPPORTUNITY

Sec. 1. Nondiscrimination in Employment

TMSA Schools shall not discriminate against any individual in hiring, discharge, compensation, terms, conditions, or privileges of employment on the basis of race, color, national origin, sex, religion, age, disability, genetic information, or any other characteristic protected by federal or North Carolina law. This prohibition includes discrimination based on hair texture and protective hairstyles historically associated with race, including braids, locks, and twists, consistent with the North Carolina CROWN Act.

42 U.S.C. § 1981; 42 U.S.C. § 2000e et seq. (Title VII); 29 U.S.C. § 621 et seq. (ADEA); 42 U.S.C. § 12111 et seq. (ADA); 29 U.S.C. §§ 793, 794 (Rehabilitation Act); 42 U.S.C. § 2000ff et seq. (GINA); N.C.G.S. §§ 143-422.2, 168A-3, 168A-5, 95-28.1, 95-28.1A.

TMSA Schools may consider religion, sex, national origin, or age as a qualification only where such characteristic constitutes a bona fide occupational qualification under applicable law.

Sec. 2. Harassment and Retaliation Prohibited

TMSA Schools shall maintain a workplace free from harassment based on any protected characteristic. Retaliation against any employee or applicant who opposes an unlawful employment practice or participates in a related investigation or proceeding is prohibited.

29 U.S.C. § 623(d); 42 U.S.C. § 2000e-3(a); 42 U.S.C. § 12203; N.C.G.S. §§ 143-422.2, 95-241.

Sec. 3. Sex Discrimination

TMSA Schools shall not discriminate on the basis of sex, including on the basis of pregnancy, childbirth, or related medical conditions, gender stereotypes, or failure to conform to gender norms. TMSA Schools shall provide equal pay for equal work, subject to lawful exceptions based on seniority, merit, or production systems.

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TMSA Schools shall comply with the Pregnant Workers Fairness Act and shall provide reasonable accommodations to employees with known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would impose an undue hardship.

42 U.S.C. § 2000e(k); 42 U.S.C. Ch. 21G (PWFA); 29 U.S.C. § 206(d); N.C.G.S. § 143-422.2.

Sec. 4. Disability Discrimination

TMSA Schools shall not discriminate against a qualified individual on the basis of disability. TMSA Schools shall provide reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship. Accommodation determinations shall be made consistent with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

42 U.S.C. § 12112; 29 U.S.C. § 794; N.C.G.S. §§ 168A-3, 168A-5.

Sec. 5. Religious Accommodation

TMSA Schools shall reasonably accommodate an employee's sincerely held religious observance or practice unless doing so would impose an undue hardship on school operations.

42 U.S.C. § 2000e(j); N.C.G.S. § 143-422.2.

Sec. 6. Genetic Nondiscrimination

TMSA Schools shall not discriminate against any individual on the basis of genetic information, shall not request or require genetic information except as permitted by law, and shall maintain genetic information as confidential in accordance with the Genetic Information Nondiscrimination Act.

42 U.S.C. § 2000ff et seq.; N.C.G.S. § 95-28.1A.

Sec. 7. Military Service

TMSA Schools shall not discriminate against any employee or applicant on the basis of membership, service, application, or obligation in the uniformed services, consistent with the Uniformed Services Employment and Reemployment Rights Act.

38 U.S.C. § 4311; N.C.G.S. § 127A-202 et seq.

Sec. 8. Bankruptcy Discrimination

TMSA Schools shall not terminate or discriminate against any employee solely because that individual is or has been a debtor under federal bankruptcy law.

11 U.S.C. § 525(b).

Sec. 9. Breastfeeding Accommodations

TMSA Schools shall provide reasonable break time and a private, non-bathroom space for employees to express breast milk for up to one year following childbirth, subject to undue hardship exceptions permitted by law.

29 U.S.C. § 218d (PUMP Act); N.C.G.S. § 95-17.6.

Sec. 10. Compliance Coordinators

TMSA Schools shall designate at least one employee to coordinate compliance with Title IX, Section 504, the ADA, and the Age Discrimination Act. The names, titles, office addresses, and contact information of all designated coordinators shall be posted and made available to employees, applicants, students, and parents.

34 C.F.R. §§ 104.7, 106.8; 28 C.F.R. § 35.107.

Sec. 11. Notices and Postings

TMSA Schools shall post all required notices under applicable federal and state anti-discrimination laws in conspicuous locations accessible to employees and applicants. Required notices shall include information about EEOC rights, GINA, and Section 504 nondiscrimination obligations.

29 U.S.C. § 627; 42 U.S.C. § 2000e-10; 34 C.F.R. § 104.8.

Sec. 12. Grievance Procedures

The Superintendent or designee shall establish and maintain grievance procedures for the prompt and equitable resolution of employee complaints alleging violations of Section 504, the ADA, and Title IX, consistent with applicable federal regulations and due process requirements.

34 C.F.R. §§ 104.7(b), 106.8(c); 28 C.F.R. § 35.107.

PG-4.102 NONDISCRIMINATION POLICY

Sec. 1. Nondiscrimination Statement

TMSA Schools strictly prohibits discrimination, harassment, and retaliation against any employee, applicant, or volunteer on the basis of any legally protected characteristic. This policy applies to all aspects of employment.

Sec. 2. Prohibited Conduct

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Prohibited conduct includes discrimination, harassment (including sexual harassment and gender-based harassment), and retaliation, even where such conduct does not rise to the level of unlawful action. Intentionally filing false complaints or providing false information in an investigation is also prohibited and subject to discipline.

Sec. 3. Reporting and Investigation

Employees who experience or witness prohibited conduct shall report it promptly to the appropriate compliance coordinator or supervisor. TMSA Schools shall promptly investigate all reports, take appropriate corrective action, and protect the confidentiality of all parties to the extent permitted by law. Employees shall not face retaliation for reporting prohibited conduct in good faith.

Records of complaints, investigations, and related documents shall be maintained for a minimum of three years.

Sec. 4. Sexual Harassment – Title IX

TMSA Schools prohibits sexual harassment in its education programs and activities, consistent with Title IX of the Education Amendments of 1972 and applicable federal regulations. TMSA Schools shall respond promptly and equitably to all reports and formal complaints of sexual harassment, shall designate a Title IX Coordinator, and shall maintain and publish a formal complaint and grievance process as required by law.

The Title IX Coordinator shall be responsible for coordinating the school's response to reports of sex-based discrimination and sexual harassment, offering supportive measures, and overseeing the formal complaint process. Contact information for the Title IX Coordinator shall be posted on the school's website and included in the Employee and Student/Parent Handbooks.

TMSA Schools shall maintain records of all Title IX investigations, appeals, informal resolutions, and training materials for a minimum of seven years, as required by federal regulation.

34 C.F.R. Part 106; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Sec. 5. Distribution of Policy

This policy and accompanying procedures shall be made available to all employees through the TMSA Schools Employee Handbook.

Sec. 6. Liability

Employees found to have engaged in prohibited conduct are subject to disciplinary action, up to and including termination. TMSA Schools does not consider conduct in violation of this policy to be within the course and scope of employment.

PG-4.103 WHISTLEBLOWER PROTECTION

Sec. 1. Protection from Retaliation

TMSA Schools shall not suspend, terminate, or take any adverse personnel action against an employee who, in good faith, reports a violation of law by TMSA Schools or another employee to an appropriate law enforcement authority. Protected activities include, but are not limited to, exercising rights under North Carolina's Occupational Safety and Health Act, the Wage and Hour Act, the Workers' Compensation Act, and other applicable state and federal law.

N.C.G.S. § 95-241.

Sec. 2. Complaint Process

An employee who believes they have experienced retaliation for protected whistleblower activity may file a grievance under PG-4.208 and/or file a complaint with the North Carolina Commissioner of Labor under the Retaliatory Employment Discrimination Act within 180 days of the alleged retaliatory action.

N.C.G.S. §§ 95-240 et seq.

Sec. 3. Notice of Rights

TMSA Schools shall post a notice in a prominent workplace location informing employees of their whistleblower rights and the process for filing a complaint with the North Carolina Commissioner of Labor.

N.C.G.S. § 95-241(c).

PG-4.201 EMPLOYMENT PRACTICES

Sec. 1. Personnel Duties and Job Descriptions

The Superintendent or designee shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

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Sec. 2. Recruitment and Posting

TMSA Schools shall advertise employment opportunities in a manner consistent with its commitment to equal opportunity employment and the recruitment of well-qualified candidates. Current employees may apply for any vacancy for which they qualify.

Sec. 3. Applications and Hiring

All applicants shall complete the application form required by TMSA Schools. Information provided on applications shall be verified prior to or promptly following hire. TMSA Schools shall comply with all applicable federal and state requirements governing new hire reporting, employment eligibility verification, and identity protection.

Sec. 4. Prohibition on Employment Assistance for Sexual Misconduct

No TMSA Schools employee, contractor, or agent shall assist another employee in obtaining new employment if the individual knows or has probable cause to believe that such employee engaged in sexual misconduct involving a minor or student in violation of law, consistent with applicable federal requirements.

20 U.S.C. § 7926.

Sec. 5. Exit Process

An exit interview shall be conducted, when practicable, and appropriate records prepared for every employee who separates from employment with TMSA Schools.

PG-4.202 PRE-EMPLOYMENT CREDENTIALS AND EMPLOYEE RECORDS

Sec. 1. Minimum Qualifications

All persons employed as a principal or teacher must hold at least a baccalaureate degree. TMSA Schools shall not employ any person whose professional educator license has been revoked or suspended by the North Carolina State Board of Education.

N.C.G.S. § 115C-218.90(a).

Sec. 2. Pre-Employment Disclosure

Applicants for positions involving instruction, counseling, administration, or direct student services must submit a pre-employment disclosure indicating whether they have ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor. Failure to disclose required information is grounds for termination.

N.C.G.S. § 115C-218.90.

Sec. 3. Licensure and Background Verification

TMSA Schools shall verify the licensure status and criminal history of all applicants for positions requiring licensure through the North Carolina Department of Public Instruction prior to employment. TMSA Schools shall discharge or refuse to hire any person whose conviction or sex offender registration renders them ineligible for employment in a public school under North Carolina law.

N.C.G.S. §§ 115C-218.90(a)(3), 115C-332.1.

Sec. 4. Notice to Parents Regarding Teacher Qualifications

TMSA Schools shall notify parents and guardians of the qualifications of their child's classroom teachers, consistent with state law and federal Title I requirements. Parents may request, and TMSA Schools shall provide in a timely manner, information regarding whether their child's teacher meets state licensure and certification requirements and whether the child is served by a paraprofessional.

N.C.G.S. § 115C-218.90(a); 20 U.S.C. § 6312(e).

Sec. 5. Employee Records

All information in personnel files is confidential and shall not be open for inspection and examination except as allowed by law. Certain information contained in personnel files shall be open for inspection, examination, and copying and shall be made available upon request, including name, current position, current salary, and dates and types of employment actions.

Employees shall have access to their own personnel files during normal business hours.

N.C.G.S. § 115C-218.25; N.C.G.S. §§ 115C-319 through 115C-321; N.C.G.S. Chapter 132.

PG-4.203 CRIMINAL HISTORY AND BACKGROUND CHECKS

Sec. 1. Policy and Scope

TMSA Schools shall conduct criminal history background checks on all prospective employees, substitutes, volunteers with significant student access, student teachers, and board members prior to or immediately upon beginning service, consistent with North Carolina law. The safety of students and staff is the primary purpose of this requirement.

N.C.G.S. § 115C-218.90(b); N.C.G.S. §§ 115C-332.1, 114-19.2.

Sec. 2. Checks for Licensed Educators

TMSA Schools shall ensure that all applicants for or holders of a professional educator's license submit fingerprints and required information to the North Carolina State Bureau of Investigation for a national criminal history record check. Employment pending review is conditional and employment offers will be withdrawn upon a determination of ineligibility by TMSA Schools or the North Carolina Department of Public Instruction.

N.C.G.S. § 115C-218.90(b); N.C.G.S. §§ 115C-332.1, 114-19.2.

Sec. 3. Checks for Non-Licensed Employees and Substitutes

TMSA Schools shall obtain criminal history record information for all non-licensed employees and substitute teachers whose duties are performed on school property or where students are regularly present. Employment pending receipt of results is conditional.

N.C.G.S. § 115C-218.90(b); N.C.G.S. §§ 115C-332.1, 114-19.2.

Sec. 4. Volunteers and Student Teachers

No person shall perform student teaching or volunteer duties with significant student access until TMSA Schools has obtained criminal history record information from the State Bureau of Investigation or another authorized source, and has verified the individual's identity through government-issued photo identification. Certain limited volunteer exceptions apply as provided by law.

N.C.G.S. § 115C-332.

Sec. 5. Consideration of Criminal History

TMSA Schools will review the criminal history it receives and will determine whether the results indicate that the applicant or employee (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel and shall use the information when making employment decisions and decisions with regard to independent contractors.

No person who is a registered sex offender shall be hired or appointed to any position with TMSA Schools.

Sec. 6. Duty to Report Arrests and Convictions

Employees shall notify their supervisor within three calendar days of any arrest, indictment, conviction, guilty or no contest plea, or other adjudication for any felony offense or misdemeanor involving moral turpitude, crimes on school property, or crimes involving school funds or students.

N.C.G.S. § 115C-332.

Sec. 7. Confidentiality of Criminal History Records

All criminal history record information obtained by TMSA Schools is confidential, is for the exclusive use of TMSA Schools, and may be disclosed only as authorized or directed by statute, court order, or applicable regulation. Such information is not subject to public disclosure under the North Carolina Public Records Act.

N.C.G.S. § 115C-332.

Sec. 8. Reporting to NCDPI

The Superintendent or designee shall notify the North Carolina Department of Public Instruction within seven calendar days upon obtaining knowledge that a licensed educator has a reported criminal history obtained by means other than through the State Bureau of Investigation. Each school year, The Superintendent or designee shall certify to NCDPI that TMSA Schools has complied with criminal history review requirements.

N.C.G.S. § 115C-332.

PG-4.204 REPORTING EMPLOYEE MISCONDUCT

Sec. 1. Reporting Educator Misconduct

The Superintendent or designee shall notify the North Carolina State Board of Education and the North Carolina Department of Public Instruction when an educator employed by or seeking employment with TMSA Schools has a criminal history or engages in conduct that raises concerns regarding student safety or professional fitness, including but not limited to abuse or neglect of a student, sexual misconduct, misuse of school funds, or falsification of credentials. The Superintendent or designee shall complete any pending investigation even if the educator resigns prior to its conclusion.

N.C.G.S. § 115C-332.

Sec. 2. Reporting Non-Educator Employee Misconduct

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The Superintendent or designee shall report the termination or resignation of a non-licensed employee when the separation is related to abuse or neglect of a student, sexual misconduct, or criminal conduct involving students.

N.C.G.S. §§ 115C-332, 7B-301.

Sec. 3. Notice Requirements

Prior to submitting a misconduct report, The Superintendent or designee shall notify the Board and, when practicable, the educator or employee. Before accepting a resignation related to misconduct, The Superintendent or designee shall inform the individual that a report will be filed. Parents shall be notified when credible evidence shows that an educator has abused, neglected, or engaged in sexual misconduct with a student.

N.C.G.S. §§ 115C-332.

Sec. 4. Immunity

Any administrator who reports misconduct in good faith shall be immune from civil liability as provided by law.

N.C.G.S. §§ 115C-332, 7B-309.

PG-4.205 REPORTING CHILD ABUSE AND NEGLECT

Sec. 1. Mandatory Reporting

Any TMSA Schools employee, volunteer, contractor, or agent who has cause to suspect that a child is abused, neglected, or dependent shall immediately report the matter to the local Department of Social Services or law enforcement. This duty may not be delegated.

N.C.G.S. § 7B-301.

Sec. 2. Training

The Superintendent or designee shall ensure that all employees receive training on identifying and reporting child abuse, neglect, human trafficking, and student protection, during orientation and periodically thereafter. Records of training shall be maintained.

N.C.G.S. §§ 7B-309.

Sec. 3. Retaliation Prohibited

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TMSA Schools shall not retaliate against any person who reports suspected abuse or neglect or cooperates in good faith with an investigation.

N.C.G.S. §§ 7B-309, 126-85.

Sec. 4. Child Sexual Exploitation Materials

Any TMSA Schools employee who encounters suspected child sexual exploitation materials shall immediately report the matter to law enforcement or the National Center for Missing and Exploited Children (CyberTipline), consistent with applicable state and federal law.

N.C.G.S. §§ 14-190.17A, 14-190.17B.

Sec. 5. Annual Review

The Board shall annually review this policy to ensure continued compliance with applicable law.

N.C.G.S. § 115C-47.

PG-4.206 EMPLOYEE DRESS AND GROOMING STANDARDS

Sec. 1. Standards

All TMSA Schools employees shall maintain dress and grooming standards appropriate to their assigned duties and consistent with a professional educational setting. The Superintendent or designee may establish additional reasonable standards to ensure safety, professionalism, and effectiveness. No dress or grooming standard shall discriminate on the basis of any protected characteristic, including hair texture and protective hairstyles.

N.C.G.S. §§ 143-422.2, 95-151 et seq.

PG-4.207 EMPLOYEE FRATERNIZATION

Sec. 1. Professional Relationships

TMSA Schools employees are expected to maintain professional relationships that avoid conflicts of interest, favoritism, bias, or the appearance of impropriety.

Sec. 2. Relationships Between Employees and Students

Romantic, sexual, or intimate relationships between employees and students are strictly prohibited and may result in immediate disciplinary action, including termination and referral to appropriate authorities.

N.C.G.S. §§ 14-27.32, 14-27.33, 115C-332.

Sec. 3. Romantic Relationships Between Employees

Employees in romantic relationships shall not exercise supervisory, evaluative, or disciplinary authority over one another. Employees in such relationships shall report them to The Superintendent or designee. TMSA Schools may reassign employees, modify reporting structures, or take other appropriate action to address conflicts of interest.

PG-4.208 EMPLOYEE COMPLAINTS AND GRIEVANCES

Sec. 1. Right to Grieve

TMSA Schools employees have the right to present complaints and grievances without fear of retaliation. Employees are encouraged to first attempt resolution informally through discussion with their supervisor or principal.

Sec. 2. Formal Grievance Process

The Superintendent or designee shall establish written grievance procedures that provide clear steps, reasonable timelines, impartial review, and due process protections. These procedures shall be included in the Employee Handbook. The grievance process does not create contractual rights beyond those provided by law.

Sec. 3. Board Authority

The TMSA Board retains final authority over employee grievances, consistent with applicable law.

Sec. 4. Retaliation Prohibited

Retaliation against any employee for filing a grievance or participating in a grievance process is prohibited.

N.C.G.S. §§ 143-318.11(a)(6), 95-240 et seq.

PG-4.209 PROFESSIONAL DEVELOPMENT

Sec. 1. Board Oversight

The Board shall annually review professional development programs to ensure compliance with state requirements and alignment with organizational goals.

Sec. 2. Required Training

TMSA Schools shall provide professional development and training in areas required by state and federal law, including child abuse and neglect reporting, student safety, ethics and professional conduct, mental health awareness, technology and data security, and equity and inclusion.

Sec. 3. Compliance with State Requirements

All professional development shall comply with requirements of the North Carolina Department of Public Instruction and the State Board of Education. Where conflicts arise, statutory requirements shall prevail.

N.C.G.S. §§ 115C-333.

Sec. 4. Records

TMSA Schools shall maintain records of completed professional development for all employees, available for review by authorized agencies.

PG-4.210 STAFF EVALUATION

Sec. 1. Evaluation System

The Superintendent or designee shall be responsible for developing and implementing a system of regular evaluation for all teachers, assistant principals, principals, and other staff. TMSA Schools shall use the North Carolina Educator Evaluation System (NCEES) or an alternative evaluation tool approved by the North Carolina Department of Public Instruction to evaluate all licensed educators.

N.C.G.S. §§ 115C-333, 115C-333.1; State Board Policy EVAL-004, EVAL-005, EVAL-006, EVAL-014, EVAL-022.

Sec. 2. Applicable Standards

Evaluations of licensed teachers, assistant principals, and principals shall be conducted in accordance with the policies of the North Carolina State Board of Education, including applicable EVAL policies governing evaluation processes, standards, ratings, and the Code of Ethics for North Carolina Educators. Performance ratings for principals and teachers shall be submitted to the North Carolina Department of Public Instruction at least annually.

Sec. 3. Annual Evaluations

TMSA Schools shall conduct annual evaluations of all teachers, assistant principals, and principals consistent with State Board of Education requirements.

Sec. 4. No Contractual Rights

Nothing in this policy prohibits TMSA Schools from conducting additional formal or informal evaluations at any time, or from taking employment action outside of the regular evaluation cycle. This policy does not confer any right or benefit upon employees, nor does it require the completion of any evaluation component prior to employment action.

PG-4.211 CONFLICT OF INTEREST, OUTSIDE EMPLOYMENT, AND NEPOTISM

Sec. 1. Conflicts of Interest

TMSA Schools employees shall avoid actual and apparent conflicts of interest. No employee shall directly or indirectly benefit financially from any contract, purchase, or transaction made by or on behalf of TMSA Schools, except as permitted by law. Employees shall promptly disclose in writing to the Superintendent or designee any actual or potential conflict of interest and shall recuse themselves from any related decision.

N.C.G.S. § 14-234.

Sec. 2. Outside Employment

Outside employment is permitted only when it does not interfere with the employee's duties, occur during work hours, use TMSA Schools property or confidential information, or create an actual or apparent conflict of interest. Employees shall disclose outside employment to the Superintendent or designee upon hire and upon any change.

Sec. 3. Gifts

Employees shall not solicit or accept gifts or anything of material value from any vendor, contractor, parent, or other party that could reasonably be perceived to influence the performance of school duties. Nominal gifts of appreciation are permitted.

N.C.G.S. § 133-32.

Sec. 4. Nepotism

No employee shall participate in the hiring, supervision, evaluation, compensation, discipline, or termination of an immediate family member. Where a covered relationship exists or develops, the Superintendent or designee shall take appropriate action to eliminate the conflict. Employment involving relatives of Board members shall be addressed consistent with applicable Board governance policy and North Carolina law.

N.C.G.S. §§ 14-234, 115C-218.15.

Sec. 5. Political Activity

Employees shall not use school time, property, or resources for political campaigns or partisan political activity, and shall not engage in political activity in a manner that suggests TMSA Schools endorsement of any candidate or party.

N.C.G.S. § 115C-407.1.

PG-4.212 SECLUSION, RESTRAINT, AND AVERSIVE PROCEDURES

TMSA Schools shall comply with the North Carolina Deborah Greenblatt Act governing physical restraint, mechanical restraint, isolation, seclusion, and aversive procedures. Employees shall not use restraint, seclusion, or aversive procedures except as expressly permitted by law and applicable Board policy on student rights and discipline, and shall not use such interventions as punishment, discipline, or staff convenience, or in any manner that restricts breathing or causes injury. The Superintendent or designee shall ensure that employees who may use restraint or seclusion receive required training, that each incident is promptly documented and reported to parents, and that annual notice of applicable procedures is provided to employees and parents. Any employee who observes or learns of restraint or seclusion that violates law or policy shall immediately report the matter to the Superintendent or designee.

N.C.G.S. § 115C-391.1.

PG-4.213 TUITION REIMBURSEMENT AND PROFESSIONAL CERTIFICATION

TMSA Schools may provide reimbursement to eligible employees for approved tuition and mandatory fees for coursework in a job-related subject area or coursework required to obtain or renew a North Carolina educator's license, and for fees associated with National Board for Professional Teaching Standards certification or other approved professional certifications, subject to available budget and procedures established by the Superintendent or designee. Eligibility shall require completion of at least one calendar year of full-time employment, prior written approval, and satisfactory completion of the coursework or certification as defined in the administrative

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procedures. The Superintendent or designee shall establish procedures governing application timelines, maximum annual reimbursement amounts, required documentation, and any promissory note or continued-service requirements. Reimbursement is contingent on available funding and may be reduced proportionally if total approved requests exceed the annual budget. Failure to satisfy the conditions of reimbursement, including any continued-service obligation, may require repayment of amounts received.

PG-4.301 EMPLOYEE HEALTH AND SAFETY

Sec. 1. Occupational Safety Compliance

TMSA Schools shall comply with applicable federal and North Carolina occupational safety and health laws and shall provide employees with a workplace free from recognized hazards likely to cause death or serious physical harm. TMSA Schools shall post required workplace safety notices, maintain required injury and illness records, and correct workplace hazards in a timely manner.

N.C.G.S. §§ 95-126 et seq.; 29 C.F.R. Part 1904.

Sec. 2. Injury Reporting

Employees must immediately report work-related injuries or illnesses to their supervisor. Serious injuries, fatalities, or hospitalizations shall be reported to appropriate authorities as required by law.

Sec. 3. General Safety

Employees are expected to comply with all safety policies and procedures. Open flames, candles, and pyrotechnics are prohibited on school property except when expressly authorized for approved instructional purposes.

Sec. 4. Hazard Communication and Environmental Safety

TMSA Schools shall maintain programs for hazard communication, asbestos management, pest control, and bloodborne pathogen exposure control, consistent with applicable federal and state law and regulation.

29 C.F.R. §§ 1910.1030, 1910.1200; 40 C.F.R. Part 763; N.C.G.S. §§ 130A-444, 143-436 et seq.

Sec. 5. Medical Examinations

TMSA Schools may require medical examinations when job-related and consistent with business necessity. All medical information shall be maintained separately from personnel files and kept confidential.

42 U.S.C. § 12112(d); 29 C.F.R. § 1630.14.

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Sec. 6. Communicable Diseases

Employees shall comply with applicable public health guidance and state and local health regulations regarding communicable diseases.

N.C.G.S. §§ 130A-144, 130A-248.

PG-4.302 DRUG, ALCOHOL, AND TOBACCO-FREE WORKPLACE

Sec. 1. Prohibited Conduct

TMSA Schools prohibits the use, possession, sale, or distribution of illegal drugs or alcohol on school property, in school vehicles, and at school-sponsored activities. Employees shall not report to work or perform duties while under the influence of illegal drugs, alcohol, or misused prescription medication.

N.C.G.S. §§ 115C-407, 130A-498.

Sec. 2. Testing

TMSA Schools may conduct drug and alcohol testing in circumstances permitted by law, including for employees in safety-sensitive positions, upon reasonable suspicion of impairment, following workplace accidents, and for school vehicle operators consistent with federal and state transportation regulations.

Sec. 3. Tobacco and Vapor Products

Use of tobacco products, electronic cigarettes, and vapor devices is prohibited on school property, in school vehicles, and during school-related activities.

N.C.G.S. §§ 115C-407, 130A-498.

Sec. 4. Consequences

Violations of this policy may result in disciplinary action, up to and including termination, and referral to law enforcement where appropriate. TMSA Schools shall provide employees with information regarding the dangers of substance abuse and available assistance programs.

PG-4.303 PSYCHOTROPIC DRUGS AND MEDICAL EVALUATIONS

Sec. 1. Prohibited Conduct

No TMSA Schools employee shall recommend, require, or coerce the use of psychotropic medication or psychiatric evaluation as a condition of student participation in educational programs. An employee shall not recommend a specific diagnosis or exclude a student from classes or activities solely because a parent refuses consent for medication or evaluation.

Sec. 2. Permitted Actions

This policy does not prohibit employees from making appropriate referrals under Child Find procedures, recommending evaluation by a licensed professional if properly credentialed, or discussing a student's academic or behavioral progress with parents.

N.C.G.S. §§ 115C-366, 115C-391.1; 20 U.S.C. §§ 1400–1482.

PG-4.304 CONFIDENTIALITY OF MEDICAL INFORMATION

Sec. 1. Confidentiality Requirements

Employee medical information, including records relating to physical or mental conditions, disability, workers' compensation, leave, genetic information, and treatment, shall be maintained separately from personnel files, accessed only by authorized personnel, and disclosed only as permitted by law.

Sec. 2. Violations

Unauthorized disclosure of employee medical information may result in disciplinary action, up to and including termination, and may result in legal liability.

N.C.G.S. §§ 130A-12, 95-173; 42 U.S.C. §§ 12101–12213; 45 C.F.R. Parts 160, 164.

PG-4.305 EMPLOYEE SEARCHES AND SURVEILLANCE

Sec. 1. Authority to Search

TMSA Schools may conduct searches of school property, work areas, lockers, storage spaces, school-issued equipment, and items brought onto school premises to ensure safety and compliance with school policy. Employees have no reasonable expectation of privacy in school property or school-issued equipment.

Sec. 2. Surveillance

TMSA Schools may use video surveillance for safety and security purposes. Surveillance cameras shall not be placed in areas where employees have a reasonable expectation of privacy, including restrooms and changing rooms.

N.C.G.S. §§ 14-202.5; U.S. Const. amend. IV.

PG-4.306 WORKERS' COMPENSATION

Sec. 1. Coverage

TMSA Schools shall provide workers' compensation benefits to eligible employees for work-related injuries or illnesses, consistent with North Carolina law. All injuries must be reported immediately to the employee's supervisor.

Sec. 2. Fraud and Retaliation

Filing a fraudulent workers' compensation claim is prohibited and subject to disciplinary action and prosecution. TMSA Schools shall not retaliate against any employee for filing a lawful workers' compensation claim.

N.C.G.S. §§ 97-1 et seq.; 95-240 et seq.

PG-4.401 WAGE AND HOUR LAWS

Sec. 1. Compliance

TMSA Schools shall comply with all applicable federal and state wage and hour laws, including the Fair Labor Standards Act and the North Carolina Wage and Hour Act. Employees shall be compensated at least at the applicable minimum wage and shall receive overtime compensation as required by law. Positions shall be classified as exempt or nonexempt in accordance with applicable law.

Sec. 2. Records

TMSA Schools shall maintain payroll and time records in compliance with applicable law.

N.C.G.S. §§ 95-25.1 et seq.; 29 U.S.C. §§ 201–219.

PG-4.501 EMPLOYEE ATTENDANCE

Sec. 1. Attendance Expectations

TMSA Schools expects all employees to maintain regular and punctual attendance and to perform their duties in a professional manner. Employees shall notify their supervisor as soon as practicable of any absence or tardiness and shall accurately record all time worked consistent with TMSA Schools procedures.

N.C.G.S. §§ 95-25.2, 95-25.6.

Sec. 2. Work Schedules

The Superintendent or designee shall establish and distribute work schedules for each position. Schedules may be adjusted as operational needs require.

Sec. 3. Job Abandonment

An employee who is absent without notice or authorization for three or more consecutive workdays may be deemed to have voluntarily resigned employment.

N.C.G.S. § 96-14.6.

PG-4.502 LEAVE OFFERINGS

Sec. 1. General Leave

TMSA Schools shall establish leave benefits for employees in accordance with applicable state and federal law and Board policy. The Superintendent or designee shall establish procedures governing the use and documentation of leave.

Sec. 2. Emergency, Bereavement, and Religious Leave

TMSA Schools shall provide reasonable leave for extraordinary emergencies, the death of an immediate family member, and the observance of religious holidays or practices, consistent with applicable law. Religious leave shall be administered consistent with TMSA Schools' obligation to provide reasonable accommodation under Title VII.

42 U.S.C. § 2000e; N.C.G.S. § 126-16.

Sec. 3. Jury Duty and Voting

Employees shall be permitted to serve on jury duty or comply with lawful subpoenas without retaliation. Employees who lack sufficient non-work time to vote during polling hours may be granted reasonable time off to vote, consistent with state law.

N.C.G.S. §§ 9-32, 95-28.1, 163-274.

Sec. 4. Limitations on Leave

Except for legally protected leave, employees who exhaust available leave and remain unable to perform their duties may be separated from employment, subject to applicable reasonable accommodation obligations.

29 U.S.C. §§ 2601–2654; 42 U.S.C. § 12101 et seq.; N.C.G.S. § 127A-116.

PG-4.503 MILITARY LEAVE – USERRA

Sec. 1. Entitlements

TMSA Schools shall comply with the Uniformed Services Employment and Reemployment Rights Act of 1994. Employees absent from employment due to voluntary or involuntary uniformed service are entitled to reemployment rights, continuation of benefits, and freedom from discrimination in employment actions related to such service, subject to the conditions and limitations established by federal law.

38 U.S.C. §§ 4301 et seq.; N.C.G.S. § 127A-202 et seq.

PG-4.504 FAMILY AND MEDICAL LEAVE

Sec. 1. Entitlement

TMSA Schools shall comply with the Family and Medical Leave Act. Eligible employees are entitled to up to 12 workweeks of unpaid, job-protected leave per year for qualifying family and medical reasons, and up to 26 workweeks for military caregiver leave, consistent with federal law and regulation. During FMLA leave, eligible employees shall retain group health plan coverage on the same terms as if they had continued working.

29 U.S.C. §§ 2601–2654; 29 C.F.R. Part 825.

Sec. 2. Qualifying Reasons

Qualifying reasons for FMLA leave include the birth, adoption, or foster placement of a child; caring for a spouse, child, or parent with a serious health condition; the employee's own serious health condition; qualifying military exigencies; and caring for a covered servicemember with a serious illness or injury.

Sec. 3. Notices and Certification

TMSA Schools shall post required FMLA notices, include FMLA information in the Employee Handbook, and provide required eligibility, rights and responsibilities, and designation notices to employees. TMSA Schools may require medical certification to support requests for FMLA leave and recertification as permitted by law.

Sec. 4. Reinstatement and Nondiscrimination

Upon return from FMLA leave, employees are generally entitled to reinstatement to the same or an equivalent position. TMSA Schools shall not interfere with, restrain, or deny any right provided under the FMLA, and shall not retaliate against any employee for exercising FMLA rights.

Sec. 5. Special Rules for Instructional Employees

Special rules govern FMLA leave taken intermittently, on a reduced schedule, or near the end of an academic term by instructional employees, consistent with applicable federal regulations.

PG-4.601 BUILDING USE

Sec. 1. Access and Use

Employees seeking to schedule use of TMSA Schools buildings and facilities shall submit a request to the appropriate administrator in accordance with established procedures. Use of facilities shall comply with all applicable safety, security, and operational requirements and shall not interfere with instructional programs or school operations.

PG-4.602 MALTREATMENT OF CHILDREN

TMSA Schools employees, contractors, volunteers, and agents shall not engage in the maltreatment of any student, including physical abuse, sexual abuse, sexual misconduct, emotional or verbal abuse, humiliation, neglect, exploitation, corporal punishment, or inappropriate use of force. Physical force shall not be used against a student except as reasonably necessary to prevent imminent harm, obtain possession of a weapon or dangerous object, or as permitted under PG-4.603 and applicable law. Any employee who observes, suspects, or receives a report of maltreatment shall immediately report the matter consistent with PG-4.204 and PG-4.205. Violations may result in disciplinary action up to and including termination, referral to law enforcement, and reporting to the North Carolina Department of Public Instruction.

N.C.G.S. §§ 7B-101, 115C-218.55, 115C-332, 115C-390.4, 115C-391.1.

PG-4.603 INTELLECTUAL PROPERTY

Sec. 1. Ownership

All copyrights, trademarks, and other intellectual property created within the course and scope of employment are the property of TMSA Schools. Employees shall own work produced entirely on personal time, without use of school equipment, materials, or resources. Students retain rights to work created as part of instruction, subject to limited licenses necessary for instructional or administrative purposes.

17 U.S.C. § 101 et seq.; N.C.G.S. §§ 66-152, 115C-47.

Sec. 2. Copyright Compliance

Employees and students must obtain appropriate permission from copyright holders prior to copying, modifying, displaying, performing, or distributing copyrighted materials, unless the proposed use qualifies as fair use or the material is in the public domain. School technology resources shall not be used in violation of copyright law.

Sec. 3. Trademarks

TMSA Schools protects all school trademarks, including names, logos, mascots, and symbols, from unauthorized use. Unauthorized commercial use of school trademarks may result in legal action.

PG-4.604 TECHNOLOGY RESOURCES

Sec. 1. Access and Use

Technology resources are made available to employees primarily for instructional, administrative, and operational purposes. Limited personal use is permitted only where it involves no direct cost to TMSA Schools, does not serve commercial purposes, and does not interfere with job performance. All technology resources remain the property of TMSA Schools.

Sec. 2. No Expectation of Privacy

Employees have no expectation of privacy in any information created, stored, transmitted, or received using TMSA Schools technology resources. TMSA Schools reserves the right to monitor, access, review, copy, or delete electronic communications and files at any time.

Sec. 3. Restrictions

Employees shall not use technology resources for unauthorized purposes, in violation of copyright law, to transmit harassing or inappropriate content, or to install unauthorized software. Violations may result in disciplinary action, up to and including termination.

Sec. 4. Student Records and Confidentiality

Access to student records through technology resources is restricted to employees with a legitimate educational interest, consistent with FERPA and applicable North Carolina law.

20 U.S.C. § 1232g; 34 C.F.R. Part 99; N.C.G.S. §§ 115C-402, 132-1.

Sec. 5. Record Retention

Employees shall retain electronic records related to school business in accordance with TMSA Schools' records management program and applicable North Carolina public records law.

N.C.G.S. §§ 132-1, 121-5.

PG-4.605 INTERNET SAFETY AND CYBERSECURITY

Sec. 1. Policy Purpose

TMSA Schools is committed to safe and responsible use of internet and technology resources, protection of student and employee data, and compliance with applicable federal and state requirements, including the Children's Internet Protection Act where applicable, and North Carolina's Identity Theft Protection Act.

Sec. 2. Technology Protections

TMSA Schools shall implement and maintain technology-based controls designed to reduce access to inappropriate or harmful content, protect against unauthorized access to school systems, and safeguard confidential student and employee information. Use of school systems for cyberbullying, harassment, unauthorized access, or illegal activity is prohibited.

Sec. 3. Cybersecurity Program

TMSA Schools shall maintain a cybersecurity program incorporating reasonable administrative, technical, and physical safeguards appropriate to the school's size and operational needs. The Superintendent or designee shall designate a cybersecurity point of contact responsible for coordinating cybersecurity practices and incident response.

Sec. 4. Security Breach Notification

In the event of a security breach involving personal information as defined by North Carolina law, TMSA Schools shall provide required notification to affected individuals and, where applicable, to the North Carolina Attorney General, without unreasonable delay and consistent with applicable law.

N.C.G.S. Chapter 75, Article 2A.

Sec. 5. Education and Training

TMSA Schools shall provide age-appropriate internet safety instruction for students and periodic guidance and training for employees on responsible technology use, data protection, and cybersecurity awareness.

PG-4.606 SOCIAL MEDIA AND ELECTRONIC COMMUNICATION WITH STUDENTS

Sec. 1. Professional Standards

Employees shall maintain the same professional standards in their public use of social media and electronic media as in any other public conduct. Use of personal or school-owned social media that

violates law, school policy, or interferes with job performance may result in disciplinary action, up to and including termination.

Sec. 2. School-Owned Social Media

Employees granted access to school-owned social media accounts shall use those accounts only for school-related purposes and shall adhere to content standards established by the Superintendent. All content posted to school-owned accounts is subject to monitoring. TMSA Schools retains ownership of all school-owned social media accounts.

Sec. 3. Electronic Communications with Students

Employees may engage in electronic communications with currently enrolled students only for academic and school-related purposes, consistent with applicable law and administrative procedures. Electronic communications shall not constitute harassment, abuse, or inappropriate contact. Employees shall report to the principal any incident in which a student engages in improper electronic communications with the employee.

Employees have no expectation of privacy in electronic communications with students.