

# **Pataula Charter Academy and Spring Creek Charter Academy Personnel Policy**

## **I. Hiring**

1. Pataula Charter Academy and Spring Creek Charter Academy are equal opportunity employers. Pataula Charter Academy and Spring Creek Charter Academy prohibit discrimination on the basis of race, color, ethnicity, religion, gender, or disability in our hiring practices, activities, or educational programs. \*See the Notice of Non-Discrimination Policy for more details.
2. The Governing Board is charged with oversight of hiring the Superintendent and the Chief Financial Officer. The Superintendent and CFO or his/her designees are charged with oversight of hiring for all other positions within Pataula Charter Academy and Spring Creek Charter Academy in accordance with the PCA governance structure.
3. All vacancies will be posted and/or advertised unless promoting from within.
4. Pataula Charter Academy and Spring Creek Charter Academy encourage promotion from within. When positions become vacant, notice will be posted internally for at least one week prior to external posting. Qualified current employees are encouraged to apply.

## **II. Hiring Procedure**

1. When a position is created, becomes vacant, or when notice is given to leave a position, the direct supervisor of the position will draft/revise (if necessary) the following reference documents:
  - a. job description
  - b. criteria of eligibility
  - c. schedule and protocol concerning the job posting
  - d. text of the job posting
2. If the position is not filled internally, then it will be posted on various local, state, and universal media outlets.
3. The direct supervisor will review complete applications and select the most qualified applicants for interview.
4. Each time an opening occurs, an ad hoc committee will be formed. This committee shall be charged with interviewing the most qualified applicants as selected by the direct supervisor. The ad hoc committee shall consist of the direct supervisor and other individuals as the direct supervisor deems appropriate.
5. The ad hoc committee will interview candidates until consensus has been reached on the most suitable candidate. If consensus cannot be reached, the direct supervisor will make the final decision. Before an offer is extended to the candidate of choice, all references must be checked and determined to be satisfactory. Notes from reference calls must be kept in the candidate's employment file. Once a candidate has accepted the position, the other interviewees for that position will be notified by letter of the decision. All candidates' applications must be kept on file for a minimum of one year.
6. New hires must submit to background check and fingerprinting within 30 days of offer and offer will be contingent upon results of background check.
7. The Governing Board will approve all hires based on recommendations from the Superintendent and/or CFO.

### **III. Contracts and Compensation**

1. All staff will be required to sign a yearly contract for employment. This contract is a legally binding document to ensure both parties are protected from a loss.
2. Employees of Pataula Charter Academy and Spring Creek Charter Academy will not have tenure; sustained employment at Pataula Charter Academy and Spring Creek Charter Academy will depend upon job performance and fulfillment of all contract requirements. Therefore, contracts are offered or not offered on an annual basis.
2. Pataula Charter Academy and Spring Creek Charter Academy reserve the right to terminate a contract early if job duties are not being met, or for any other reason identified in the employment contract. The Governing Board will approve all terminations based on the recommendations from the Superintendent and/or CFO.
3. Should the employee wish to terminate his or her contract early, the Governing Board and the Superintendent, may exercise discretion in determining whether or not early termination of the contract is appropriate under the circumstances.
4. Certified teachers will be compensated according to the state salary schedule for years of experience and education level.

### **IV. Evaluations**

Pataula Charter Academy and Spring Creek Charter Academy will use the State-mandated evaluation system to evaluate and determine the effectiveness of all required certified positions.

Non-certified employees will be evaluated by their supervisors at least once annually. The Superintendent and/or CFO or his/her designees will create evaluation tools with input from supervisors. Supervisors must give employees a copy of the evaluation tool upon hiring and/or at the beginning of each school year.

### **V. Employee Conduct and Work Rules**

To ensure orderly operations and provide the best possible work environment, Pataula Charter Academy and Spring Creek Charter Academy expect employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. While it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. This list is not exhaustive of the types of prohibited behavior:

1. Supplying false or misleading information when applying for employment or during employment;
2. Unauthorized personal use of Pataula Charter Academy or Spring Creek Charter Academy equipment;
3. Theft or inappropriate removal or possession of property;
4. Falsification of timekeeping records;
5. Working under the influence of alcohol or illegal drugs;
6. Possession, distribution, sale, transfer or use of alcohol or illegal drugs or abuse of prescription drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment;
7. Failure or refusal to submit or consent to a required alcohol or drug test;
8. Fighting or threatening violence in the workplace;
9. Boisterous or disruptive activity in the workplace;
10. Negligence or improper conduct leading to damage of employer-owned property;
11. Insubordination or other disrespectful conduct;
12. Engaging in unethical or illegal conduct;
13. Exploiting a conflict of interest;

14. Violation of safety or health rules;
15. Smoking, vaping, or using other tobacco products on campus or at school-sponsored events;
16. Sexual or other unwelcome harassment;
17. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
18. Excessive absenteeism or tardiness;
19. Unauthorized absence from assigned work area during the workday;
20. Unauthorized use of telephones, mail system, computers or other property owned by the school;
21. Unauthorized disclosure of confidential information;
22. Conduct that reflects adversely upon you or the school, including social media posts;
23. Making or publishing false or malicious statements concerning another employee or the school;
24. Violation of school policies;
25. Unsatisfactory performance or conduct that does not meet the requirements of the position;
26. Other circumstances which warrant discipline.

\*If an employee is arrested or charged with any crime, they must report this to their direct supervisor within 24 hours.

## **VI. Drug and Alcohol Use**

It is the schools' desire to provide a drug-free and safe workplace. To promote this goal, employees are expected to work in appropriate mental and physical condition in order to perform their jobs in a safe and satisfactory manner. While on school premises and while conducting employment related activities off premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

If you are in a position requiring drug testing under state or federal law, you will be subject to drug testing in accordance with applicable law.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program, in addition to any legal consequences.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted, at the discretion of the employee's direct supervisor and the Governing Board, if the employee agrees to abstain from the use of the substance, abides by all school policies relating to conduct in the workplace, and if granting the leave would not cause undue hardship to the school and students.

## **VII. Punctuality and Attendance**

1. Any employee who is unable to report for work on any particular day must call his/her direct supervisor immediately upon learning that they are unable to work, and in no case later than one hour before the start of the scheduled work day.
2. If the absence is a planned absence, such as a scheduled appointment, the employee should inform the direct supervisor no less than three days in advance or in accordance with leave policies.
3. If the employee fails to report to work without notification to the school, the school may consider that the employee has abandoned his or her employment and has voluntarily terminated the employment.

If the employee fails to report to work after a personal or vacation leave request has been denied, the school may consider that the employee has abandoned his or her employment and has voluntarily terminated the employment.

4. Upon returning to work after an absence for any reason, the employee must complete an absence form and turn it into the designated person by the end of the work day on which the employee returns. If the absence is planned, the absence form should be completed prior to the absence.
5. All employees are required to work according to the scheduled dates and times stated on the school calendar and in the teacher handbook. In addition, teachers are required to participate in programs related to their professional duties that may be outside school hours. These days include, but are not limited to, teacher in-service sessions, staff meetings, PTO meetings, and parent-teacher-student conferences. All employees are encouraged to attend school functions and events. Employees will be notified of any functions which they are required to attend.

## VIII. Personnel Leave

While consistent attendance and a diligent work ethic is expected of all employees of Pataula Charter Academy and Spring Creek Charter Academy, there will be times when it is necessary for a staff member to take leave as defined in this policy.

### Annual Leave

Annual leave days are accrued at a rate of 1.25 days per working month for all staff members. (This equals 15 days for 12 month employees and 12.5 days for all other employees annually.) Part time staff members accrue the per month rate according to the fraction of time worked. Annual leave may be taken as sick, bereavement, or personal days in accordance with the guidelines for each below.

Unused annual leave days may be carried forward to the next school year. Pataula and Spring Creek Charter Academy will accept up to 40 days of annual leave from the most recent public school system employer. The transfer of annual leave days from our school to another school system will be determined by the school system the employee is entering.

No compensation will be given for unused annual leave days either during employment or after employment has ended. Unused annual leave may be computed toward retirement credit in accordance with TRS policies.

- **Sick/ Leave** - Sick leave is leave that is due to illness or health related issues with the employee or a member of his/her immediate family. For sick leave, immediate family is defined as spouse, child (natural or adopted), and parent. Annual leave days will be deducted for all sick days taken.
- **Bereavement** - Bereavement leave may be granted for the funeral of a loved one. A reasonable extended bereavement period may also be taken for immediate family members, as well as grandparents and siblings, at the discretion of the employee's supervisor. Annual leave days will be deducted for all bereavement days taken.
- **Personal** - Personal leave is leave used to conduct business that cannot be handled outside of the school day. Each staff member is allowed to use 3 annual leave days for personal reasons per year. Annual leave days will be deducted for all personal days taken. Request for personal days must be made 2 weeks prior to the leave. The Principal has the right to deny personal leave if the request is not turned in 2 weeks prior or if the leave is on a day with special events at the school. Personal leave days may not be taken the day before or after a holiday without a compelling reason, which must be approved by the Principal and Superintendent. The Principal may approve personal leave without pay beyond the 3 day limit under certain circumstances. However, the Principal has the right to refuse any personal leave request beyond the 3 day limit. Taking personal days that are not approved will

constitute a breach of contract and abandonment of job.

## **Vacation Leave** (\* Vacation leave only applies to 12-month employees)

In addition to annual leave, twelve-month employees will accrue .8333 days of vacation leave per month (10 days per year). After ten (10) years of service with Pataula Charter Academy/Spring Creek Charter Academy, employees will earn 1.25 days per month (15 days per year). All twelve-month employees shall be permitted to accumulate vacation for a maximum of 20 days for less than 10 years of service and 30 days for greater than 10 years of service. At the beginning of his or her contract period (July – June for 12-month employees), if an employee's vacation balance exceeds the accumulated limit, he or she will lose the difference, unless specific authorization is given by the Superintendent or Board.

Vacation should be requested in writing at least 2 weeks prior to the requested date, and may be granted by the direct supervisor. Vacation days may be taken any workday throughout the year. Taking unearned vacation shall not be allowed without permission of the Superintendent. Twelve-month employees may use all of their vacation prior to retirement/resignation OR may choose to be reimbursed at his/her daily rate for unused, earned vacation days. No compensation for unused vacation leave will be given to employees who do not give at least one month's notice prior to resignation, unless approved by the Superintendent due to unusual circumstances. Employees will not be reimbursed for earned vacation prior to the end of their employment with the school system. Terminated employees will not be reimbursed for unused vacation leave.

## **Professional Leave**

Professional leave is leave used to receive advanced training or professional development. This leave may be mandatory or voluntary. If professional leave is voluntary, employees must get prior approval from his/her direct supervisor before taking the leave. Professional leave does not deduct annual leave days from the employee.

## **Jury Duty or Witness Leave**

An employee may be absent without loss of pay and without deduction of leave days when absent for the purpose of attending a judicial proceeding in response to a summons for jury duty or a subpoena as a witness. The employee may retain any compensation he/she receives for serving as a juror or as a witness. However, employees are expected to return to work should they be released from duty prior to 11AM.

This does not apply to situations where the employee is personally involved in the court case either due to civil lawsuits or crimes the employee has allegedly committed. In that case, the employee would be required to take personal leave IF the employee has not already been suspended or terminated due to criminal charges.

## **Leave Request and Approval Process**

For "Leave" approval an employee must submit a Request for Leave form to his/her direct supervisor in accordance with the following:

1. Leave forms should be completed for any of the leave reasons above, even if the leave does not deduct from your annual leave.
2. Employees must submit the Request for Leave Form to their designated supervisor as soon as possible. The form should be completed in advance except in the case of sudden illness or emergencies.
3. In the case of sudden illness or emergencies, employees are expected to call their direct supervisor to

notify the supervisor of the unexpected absence. However, the employee is still expected to complete and submit a Request for Leave form immediately upon return to school.

4. Securing substitutes will be the responsibility of the teacher. If you are too sick to make calls for a sub or are unable to find one, you must let the office know immediately.
5. Staff members are expected to have plans readily available for their substitute to follow during the time the staff member is on leave. Lesson plans should also be prepared by the teacher in the case of an anticipated long-term leave, such as maternity leave.

## **Long-Term Leave**

Long-term leave is defined as pre-approved leave for pregnancy, post-child-birth maternity or paternity, adoption, employee long-term illness, and other reasons subject to approval by the direct supervisor and the Governing Board.

The school requires certification from a qualified medical professional to document the reason for the leave and/or to verify the employee's ability to return to work. Employees may seek approval for long-term leave for a period up to 12 weeks of leave for family or medical reasons in accordance with FMLA guidelines. To be eligible for FMLA leave, an employee must have worked for Pataula Charter Academy or Spring Creek Charter Academy full-time for at least one year. Long-term leave is considered unpaid leave. However, if the employee has available annual leave or vacation leave days those may first be applied to qualifying long-term leave. Any leave days beyond that will be unpaid leave.

### **Reasons for Long-Term Leave**

Subject to approval by the direct supervisor and the Governing Board, long-term leave may be taken by the employee for the following reasons:

- To care for the employee's child following the birth, adoption or foster care placement of the child.
- To care for the employee's spouse, child or parent (but not in-law) who has a serious health condition.
- Because of the employee's own serious health condition that makes the employee unable to perform his/her job.

\*A serious health condition is an illness, injury, impairment or physical or mental condition that involves treatment in medical care facility for an extended period of time, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in daily activities.

### **Length of Long-Term Leave**

No more than 12 weeks of leave may be taken in any 12-month period. Leave will be counted based on a rolling 12-month period measured backward from the date that the employee's leave begins. With prior approval, long-term leave can be taken for a period of consecutive days or weeks or intermittently or on a reduced leave schedule. When long-term leave is taken intermittently, employees will receive their current rate of pay for hours worked, and time spent working will not count against the approved long-term leave.

### **Paid Parental Leave**

Six weeks (240 hours) of parental leave will be paid by the employer without a deduction to the employee's leave balance for the birth of a child or adoption or foster care placement of a minor child. According to FMLA guidelines, 12 weeks of leave is allowed for these instances. However, only 6 weeks of parental leave will be paid. Any leave greater than 6 weeks will be unpaid leave, unless there is a documented medical complication with the mother or child that would prevent the employee from returning

to work. Doctor verification will be required in these instances.

### **Advance Notice For Long-Term Leave**

Employees are required to seek advance approval of long-term leave as follows:

- When the need for long-term leave is foreseeable, notice is required 30 days in advance.
- When the need for leave is not foreseeable, the employee must provide notice as soon as practicable.
- The taking of leave may be denied or postponed if these notice requirements are not met.

### **Medical Certification For Long-Term Leave**

When the leave of absence is occasioned by the employee's own serious health condition or that of a family member, the employee will be required to submit medical certification on the form provided by the school. In addition, the school may require a second or third opinion, at the school's expense. When the leave is over 30 days in length, re-certification may be required at 30-day intervals throughout the leave. Re-certification also may be required when the employee requests an extension of leave, when the medical situation changes, or when the school receives information that casts doubt on the continuing validity of an earlier certification.

### **Approval of Long Term-Leave**

The employee's direct supervisor and the coordinator of human resources will be responsible for reviewing long-term leave requests to ensure they meet the FMLA guidelines and this policy. If there is doubt or question about the validity of the leave request the direct supervisor will present the request documentation to the Governing Board, who will be responsible for determining if the long-term leave request will be approved or denied.

Approval of the leave will be given in writing and will specify an expected return date. If an extension of leave is needed, the employee must submit a new request and medical certification to the direct supervisor before the end of the original leave period. Leave taken without approval as required under this policy will be treated as unauthorized leave and may result in disciplinary action up to and including termination.

### **Reinstatement From Long Term Leave**

Upon returning to work following an approved long-term leave period, the employee will have the ability to return to the same or an equivalent position at the conclusion of the leave.

### **Health Insurance and Long Term Leave**

Employees on approved leave remain covered by his/her health insurance plan, provided that premium payments are made within the time periods required. If the employee is taking unpaid leave it is the responsibility of the employee to provide the employee's portion of the premium payment(s) to the school prior to the end of the pay period.

### **Leave Donation**

Pataula Charter Academy and Spring Creek Charter Academy may choose to allow staff members to donate leave time to a fellow staff member in need under certain circumstances. Employees wishing to donate and receive leave must both complete the Leave Donation Form. Leave donations must be approved by the Principal and Superintendent prior to the donation. Donations will only be approved if the person receiving the donation is on long-term leave or has experienced a long-term leave situation in the past 12 months, except in other extreme situations approved by the Superintendent. \*Leave may not be donated for parental leave.

## **IX. Personnel Files**

The Georgia Open Records Act mandates that personnel records of public school teachers are subject to public disclosure upon request. However, if an open records request for a personnel file is made the following information will be redacted before submitting the request:

- Social Security number
- Day/month of birth
- Financial information
- Insurance/medical information
- Unlisted or cellular phone
- Personal e-mail address
- Mother's birth name
- Utility account information
- Passwords
- Home address and home telephone number
- Identity of immediate family members or dependents

The following are examples of personnel records:

- **Applications for employment** - Applications for employment are subject to the Act's disclosure requirements after redaction of the information cited above.
- **Background investigations** - Background investigations are subject to the Act's disclosure requirements with the exception of confidential evaluations, examinations undertaken in connection with the employee's appointment or hiring, and background information received from a prior employer if that information would be privileged in the possession of the prior employer.
- **Salary/Pay**
- **Birth certificates**
- **Certificates of training** - Certificates of training and course completion are subject to the Act's disclosure requirements after redaction of the information cited above.
- **Commendations** - Commendations are subject to the Act's disclosure requirements. However, information in commendations, which may disclose pending investigations or criminal intelligence, may be withheld.
- **Criminal history background checks**
- **Military discharge forms** - (DD-214s) are exempt from release and must not be disclosed pursuant to the Open Records Act until after a period of 50 years has elapsed from the date of its filing.
- **Driver's license information** - Driver's license information, which has been incorporated into a personnel file is subject to the Act's disclosure requirements.
- **Financial records** - Personal financial data (bank account numbers, direct deposit information, etc.) is exempt from release. The salary and other compensation paid to an employee, however, is subject to the Act's disclosure requirements.
- **Health insurance records** - Health insurance records are exempt from release.
- **Medical records** - Medical records are exempt from release.
- **Performance evaluations** - Performance evaluations are subject to the Act's disclosure requirements after redaction of the information cited above.
- **Reprimands/adverse personnel actions** - Reprimands and adverse personnel actions are subject to the Act's disclosure requirements after redaction of the information cited above.
- **Training records** - Training records are subject to the Act's disclosure requirements after redaction of the information cited above.

## X. Sexual Harassment

It is the policy of Pataula Charter Academy and Spring Creek Charter Academy that all individuals shall learn and work in an environment free of all forms of discrimination, including sex discrimination.

Sexual harassment is a form of sex discrimination that undermines the integrity of the educational and employment environment and violates Title VII of the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972. Accordingly, sexual misconduct perpetrated against or by employees is



prohibited in Pataula Charter Academy and Spring Creek Charter Academy.

Pataula Charter Academy and Spring Creek Charter Academy will investigate all complaints, formal or informal, verbal or written, of alleged improper sexual conduct and will discipline any individual who, in the course of his or her education employment or involvement with Pataula Charter Academy or Spring Creek Charter, exposes another person to improper sexual conduct according to the *PCA Inc. Title IX Sexual Harassment Policy*.

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