



POLICIES and PROCEDURES

It is the policy of the Four Corners Regional Education Cooperative #1 to provide equal opportunities in its programs and activities without regard to race, color, national origin, sex, or disability.

Four Corners REC#1 is an equal opportunity employer and does not discriminate against employees or applicants for employment on the basis of race, color, religion, national origin, ancestry, sex, age (40 and over), physical or mental disability, serious medical condition, or membership in the United States armed forces. Inquiries concerning application of this policy may be referred to the Executive Director.

~~Approved April 9, 2019~~

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APPENDIX A – Conflict of Interest Policy

POLICIES – Four Corners Regional Educational Cooperative #1 Council

100 Legal Authority

A Regional Education Cooperative (REC) may be authorized by the New Mexico Public Education Department (PED) pursuant to the Regional Cooperative Education Act, NMSA 1978, § 22-2B-1 et. seq. and rules adopted by the Public Education Department (6.23.3 NMAC – Regional Education Cooperatives). Upon authorization, local school boards and other state-supported educational institutions may join an REC for the purpose of providing education-related services. The Act also provides for the creation of a Regional Education Coordinating Council (Council) to serve as the local governing body of a duly authorized REC.

Each REC is an individual-independent state agency ~~that is~~ administratively attached to the Public Education Department. Pursuant to rules of the PED, an REC may own, and have control and management over, buildings and land independent of the facilities management division of the General Services Department (GSD). Unlike most state agencies, an REC does not submit a budget to the Department of Finance and Administration. Instead, each REC must submit a budget to the PED.

The PED is required to adopt rules relating to REC budgets and expenditures. These rules are to be based on the provisions of the Public School Finance Act, NMSA 1978, § 22-8-1 et. seq. The PED secretary may, after considering the factors specified in NMSA 1978, § 22-8-38, designate a local Council to serve as a board of finance with which all funds appropriated or distributed to it shall be deposited. If such a designation is not made or if such a designation is suspended by the PED secretary, the money appropriated or to be distributed to a cooperative must be deposited with the state treasurer.

With Council approval, an REC may provide revenue-generating education-related services to nonmembers, so long as those services do not detract from the REC's ability to fulfill its responsibilities to its members. An REC is also authorized, subject to Council approval, to apply for and receive public and private grants as well as gifts, donations, bequests, and devises and use them to further the purposes and goals of the cooperative. Unexpended or unencumbered balances in the account of an REC shall not revert.

Pursuant to the Act, an REC is exempt from the provisions of the New Mexico State Personnel Act, NMSA 1978, § 10-9-1 et. seq. However, an REC is defined as a “state agency” under NMSA 1978, § 22-10A-2 (C) and is subject to the provisions of the New Mexico School Personnel Act, NMSA 1978, § 22-10A-1 et. seq.

101 History

In 1984, the New Mexico State Board of Education (SBE) established ten Regional Center Cooperatives (RCCs) under SBE Regulation No. 84-6 (Regional Center Cooperatives). The purpose of the RCC's was to provide services for local education agencies and eligible state supported schools under Public Law 94-142, the Education for All Handicapped Children Act (EHA). EHA was enacted by the United State Congress in 1975 and was an amendment to Part B of the Education of the Handicapped Act of 1966. This law is currently enacted as the Individuals with Disabilities Education Act (IDEA), as amended in 1997. SBE Regulation No. 84-6, first filled in August 1984 and then amended in August

1990, permitted districts to submit a consolidated application for certain entitlement and discretionary funds under EHA-B.

In 1993, during the 41st Legislative Session, the Regional Cooperative Education Act was passed and signed into law by then Governor Bruce King. The Act authorized the establishment of Regional Education Cooperatives (RECs) and Coordinating Councils, ~~which that~~ could ~~serve as their~~ be their own board of finance ~~that and~~ eliminated the requirement to have a member school district serve as the fiscal agent. Following the adoption of the Act, the State Board of Education adopted SBE Regulation No. 93-23 (Regional Education Cooperatives), which established the minimum criteria for the establishment, operation, and oversight of REC's. SBE Regulation No. 93-23 was renumbered in 2001 to 6.23.3 NMAC by the Commission of Public Records – State Records and Archives.

With the creation of the Public Education Department in 2004, the secretary of public education being duly authorized to promulgate rules to carry out the duties of the department and its divisions, NMSA 1978, § 9-24-8 (D) (2004), repealed SBE Regulation No. 84-6 and amended 6.23.3 NMAC in November 2009.

Since 1984, RCCs, and more recently RECs, have established ~~essence-essential~~ cooperative programs of education services with funding sources, such as the Drug Free School and Communities Act of 1986, Title II funds for leadership and professional development, the Carl D. Perkins Vocational and Technical Education Act of 1884 and 1998, School-based Medicaid programs, and other federal and state funding sources.

102 Establishment

~~Following a 10-year period during which the Four Corners Regional Education Cooperative #1 (REC-1) was disbanded, in 2018, local school districts in the Four Corners Region began the process to petition the NM Public Education Department to reinstate Four Corners REC#1, which was achieved in 2019. Central Regional Center Cooperative #5 has been in operation since 1984 when New Mexico began accepting federal funds through the Education for Handicapped Act, (P.L. 94-142) reauthorized as the Individuals with Disabilities Education Act-Part B (IDEA-B) in 1997. Members of REC#1 Central Region Educational Cooperative (CREC#1), as re-formed, include Aztec Municipal Schools, Bloomfield Public Schools, Central Consolidated Schools, Farmington Municipal Schools, Gallup-McKinley County Schools, and Zuni Public Schools as approved by the SBE are those entities (member school districts and state agency/institutions) approved in the New Mexico State Plan for distribution of PL 94-142 funds: Estancia Municipal Schools, Mountainair Public Schools, Vaughn Municipal Schools, Quemado Independent Schools, Jemez Valley Schools, Magdalena Municipal Schools, Reserve Independent Schools, Children's Psychiatric Hospital, Juvenile Justice Division, Sequoyah Adolescent Treatment Center and New Mexico Corrections Department. Jemez Valley Public Schools left CREC#1 for a number of years and rejoined in 2006. Reserve Independent Schools left CREC#1 June 30, 2001. Juvenile Justice Division left CREC#1 in 2008 and rejoined in 2012. Laguna Department of Education became an associate member of CREC#1 in 2015.~~

~~In 1994, the Council, Superintendents from Central Regional Center Cooperative (RCC #5) member districts, voted to transition from an RCC to a regional education cooperative, Central Region Educational Cooperative (CREC#1-5); a "state agency" administratively attached to the State Department of Education.~~

~~The Central Region Educational Cooperative (CREC#1) is an agency providing~~

~~cooperative education services for six public school districts and four state-supported educational programs members; and one BIE associate member. The s~~Services available to member districts include: grants management, grant fundings acquisition and administration, ~~special education related service provision, child find coordination, compliance with state and federal regulations,~~ professional development, Medicaid in the Schools Program administration, and other services as prescribed by the Council.

200 GOVERNANCE

201 Statutory Requirements

201.1 Council Requirements

The Four Corners REC#1 is governed by a Regional Education Coordinating Council (Council). The Council is composed of the superintendents or chief administrative officers of each local school district or state-supported educational institution participating in the REC. NMSA 1978, § 22-2B-4 (A)

A Council member is a public officer but has no power or authority individually. State law, NMSA 1978, 22-2B-4 (C), vests power in the Council, and not in the members, either individually or otherwise. The Council shall not be bound in any way by the action or statement on the part of an individual Council member except when such a statement or action is in pursuance of specific instructions from the Council.

201.2 Organizational Requirements

The members of the Council shall elect a Chair from its members and reserves the right to reorganize any time the Council votes in a majority to do so. NMSA 1978, § 22-2B-4; 6.23.3.9 NMAC

201.3 Policy Requirements

The Council shall oversee the operations of the REC and the development of a manual of policies and procedures governing the operation of the REC, policies related to the accrual and utilization of leave by all employees, and policies relating to performance evaluations of all employees. Policies will be reviewed bi-annually.

Pursuant to the rules of the Public Education Department, 6.23.3.9 (A) NMAC, the Council shall adopt by-laws for the purpose of the governance of the REC. At a minimum, the by-laws must include the following provisions:

- a) Procedures for electing a Council Chair;
- b) The term of office for the Council Chair;
- c) Procedures to establish any committees that Council may deem necessary or desirable; and
- d) Procedures to amend the policies as the Council deems necessary or desirable.

The Council shall also oversee the operation of the REC and develop a manual of policies and procedures governing the operation of the REC. However, the administrative and supervisory functions of the Council shall be delegated to the

Executive Director.

The manual of policies and procedures must include the following policies relating to employees:

- a) the salary schedule(s) for all employees of the REC;
- b) policies related to the accrual and utilization of leave by employees; and
- c) policies relating to performance evaluations of employees.

Policies and procedures must be reviewed and updated annually.

201.4 Amending Council By-Laws, Policies and Procedures

The Council delegates the Executive Director the responsibility for drafting, amending and repealing by-laws and policies as is necessary or desirable. Such by-law and policy drafts, amendments or repeals shall be presented to the Council for consideration at a meeting properly noticed under the Open Meetings Act. All such changes to by-laws and policy may be approved by a majority vote of the Council.

The Executive Director is delegated authority to adopt REC administrative procedure that are necessary to implement the by-laws and policies of the Council. Such administrative procedures shall be consistent with Council by-laws and policy and any applicable federal and state laws.

The Executive Director shall ensure that Council by-laws, policies and REC administrative procedures are accessible to employees, contractors, and other individuals with a need to know.

If any section, paragraph, clause or provision of Council by-laws, policy or REC administrative procedures for any reason shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of such by-law, policy or administrative procedure or its application to other situations.

The Executive Director shall have the authority to make decisions in the absence of policy if failure to make a decision would compromise the effectiveness of the REC. The decision shall then be subject to review by the Council at its next regular meeting. It shall be the duty of the Executive Director to promptly inform the Council Chair of such action for inclusion on the meeting agenda and to recommend policy to the Council to avoid such contingencies in the future.

201.5 Council Responsibilities

Responsibilities of the REC Council are to oversee the following:

- Education-related services for members of the REC;
- Technical assistance and staff development opportunities for all members of the REC;
- Cooperative purchasing capabilities and fiscal management

opportunities for all members participating in the REC;

- Revenue-generating education-related services to nonmembers when the Council determines that the provision of such services will not interfere with the REC's ability to fulfill its responsibilities to its members.
- Such additional services for members as may be determined by the Council to be appropriate.

Pursuant to PED rules the Council shall:

- Adopt an annual budget as necessary to carry out the purposes of the REC; and
- Hire and evaluate the Executive Director.

The Council is responsible for ensuring the following:

- all employees meet the applicable certification or licensure requirements; and
- all applicable provisions of the School Personnel Act, Chapter 22, Article 10A NMSA 1978 are adhered to and reflected in its policies and procedures.

The Council shall have other powers and duties as are reasonably necessary to carry out the purpose of the Regional Cooperative Education Act and which are not inconsistent with the provisions of applicable state or federal statutes, rules, and regulations. NMSA 1978, § 22-2B-5; 6.23.3.9 NMAC

300 COUNCIL OPERATIONS

301 Introduction

Central Region Educational Cooperative is organized in compliance with the Regional Cooperative Education Act and the rules of the New Mexico Public Education Department (PED) under Title 6, Chapter 23, Part 3 of the New Mexico Administrative Code.

302 General: Mission, Commitment and Goals

Mission

To deliver and support efficient and effective educational, technical and information services to Four Corners REC#1 members to assist them in providing quality education for students of all abilities.

Commitment

The Four Corners REC#1 ~~1~~ appreciates the inherent differences among its members and is committed to providing current and future services in a way that is sensitive to these differences.

Four Corners REC#1 shall:

- Gather and disseminate information on issues and trends that support providing quality educational services for students;
- Provide technical and fiscal support in approved program areas;
- Develop interagency collaboration between and among the member districts, community, and other social service agencies;
- Expand services to students in the member districts;
- Seek funding opportunities that will enhance educational services and opportunities for students and staff in the member districts;
- Develop other cooperative support programs as deemed necessary for participating districts and/or institutions;
- Provide for equitable participation of member districts and/or institutions; and
- Promote the REC in a professional and positive manner.

303 Council Membership and Voting Privileges

Four Corners REC#1 shall be governed by a Regional Education Coordinating Council, hereafter designated as the Council. The Council is composed of the superintendents/chief administrative officer of each participating school district, and functions only when in official session. *As prescribed by statute, only superintendents/chief administrative officers of each participating school district may serve on the Council; ~~no substitute representation shall be allowed~~ Council members may be represented by proxy and participate and act on behalf of members upon prior notification.* Termination of Council membership shall occur when the district represented no longer participates in the REC.

304 Agreements

Each Council is subject to a Joint Powers Agreement that is executed between the members of the REC. This agreement provides, at a minimum:

- a mechanism whereby members of the REC electing to cooperatively participate in programs funded by monies other than IDEA-Part B shall notify the Council and the Public Education Department; and
- a provision requiring members desiring to participate in cooperative programs funded by monies other than IDEA-Part B to execute a memorandum of understanding in accordance with requirements established by the Public Education Department. 6.23.3.8 NMAC

~~The districts agree to establish and maintain a cooperative program of special education services funded by participating districts' available federal entitlement, and discretionary and preschool allocations.~~

The districts may ~~also~~ agree to submit a consolidated application to the Public Education Department for certain funds granted to the State of New Mexico as allowable under the funding guidelines under IDEA-B and other state and federal programs as approved by the Council ~~and permitted by the PED.~~

~~The districts further agree to establish and maintain a cooperative program of non-special education programs funded by federal, state, local, foundational, or other~~

~~fundingsources.~~ A Conflict of Interest Policy is in effect (see Appendix A) and an Annual Statement will be will be signed by Council Members, and appropriate Four Corners REC#1 employees.

305 Council Membership Procedures

The membership of the Four Corners REC#1 Council will be the superintendent or chief administrative officer of each member school district ~~or state supported educational program, to include~~ Aztec Municipal Schools, Bloomfield Public Schools, Central Consolidated Schools, Farmington Municipal Schools, Gallup McKinley County Schools, and Zuni Public Schools ~~(Kirk Carpenter), Bloomfield (Dr. Kimberly Mizell), Central Consolidated (Interim Teri Benn), Gallup (Mike Hyatt), Grants (Max Perez), Farmington (Dr. Eugene Schmidt) and Zuni (Daniel Benavidez)~~. An additional partnership involves the President of San Juan College ~~(Dr. Toni Pendergrass)~~.

305.1 Council Officers

Council officers and duties of each office shall include:

Officers and duties of the office shall include:

Chair – Preside at meetings, appoint committees, sign contracts and other documents on behalf of the Council and other duties prescribed by the Council. The Chair shall have the right, as other members of the Council, to offer resolutions, discuss items on the agenda, and vote on items on the agenda.

Vice Chair – Perform the duties of the Council chair in case of resignation, absence, or disability of the chair and any other duties as assigned by the Council chair.

Secretary – The Secretary may also serve as the Vice-Chair and may assist the Council Chair with preparation and dissemination of the agenda for all meetings in accordance with Council policy and the Open Meetings Act, NMSA 1978, § 10-15-1 et. seq. and may be responsible for official minutes of each meeting in accordance with Council policy and the Open Meetings Act.

305.2 Terms of Office

Terms of office shall be two fiscal years in length. A local school district and state agency/institution will each be represented in these positions. Reorganization of the Council shall occur at the last meeting of the second fiscal year. The current vice chair shall progress to chair; if an individual declines the position or if there is a change in district assignment, the Council may choose to hold a new election for the chair. Election of a new vice chair shall be by nomination and majority vote. Duties of the office will be assumed upon adjournment of the meeting at which the election takes place.

306 Meetings

Meetings of the Council shall be held at the call of the chair and executive director; but

at least four (4) meetings annually will be held. The Director shall be responsible for official records of each meeting. The minutes of the previous meeting shall be reviewed and, upon approval of the majority of those attending, shall constitute the official record of the business transactions of the Council. Signatures of the Chair (or Vice Chair) and the Director shall be attached to the minutes of each meeting. The Director shall send copies of the minutes to each member of the Council. Official minutes shall be kept in the office of the Director where the public may have access to them.

306.1 Place of Meetings

The regular meeting place of the Council will be at the San Juan College or Bloomfield Schools office, unless otherwise designated. The chairperson or executive director will specify special meeting places.

306.2 Time of Meetings

Regular meetings will be at 8:00 a.m., unless otherwise indicated. Time will be specified at the calling of special meetings.

307 Rules of Procedure

The chairperson (or vice-chair in the absence of the chair) will conduct all meetings. In the absence of both the chairperson and the vice-chair, the members present shall elect a chairman elect pro tempore, who will serve only for that meeting, or the part of the meeting in which the chair and vice-chair are absent. Meetings of the Council shall be held at the call of the Chair, subject to the Council's open meetings policy and the Open Meetings Act. NMSA 1978, § 10-15-1 et. seq.; Paragraph (5) of Subsection A of 6.23.3.9 NMAC.

A meeting of a majority of the members of the Council constitutes a quorum for the purpose of conducting business. NMSA 1978, § 22-2B-4 (C); Paragraph (6) of Subsection A of 6.23.3.9 NMAC

A complete agenda, including supporting data, will be prepared by the director in consultation with the chair of the Council, and delivered to each Council member at least three (3) working days before the date of the regular Council meeting. This requirement will be waived only for emergency meetings. Any individual or group wishing to address the Council must request placement on the agenda. Requests are to be made to the Executive Director at least seven (7) working days prior to the meeting. ~~If Council action is anticipated on any agenda item that item will be clearly marked.~~ Agenda items requiring Council action must be posted (on website if one is maintained) a minimum of 24 hours prior to the opening of the meeting. Attendance via telephone or Internet technologies ~~conference call~~ is acceptable ~~when necessary~~. If Council action is anticipated on any agenda item, that item will be clearly marked. NMSA 1978, § 10-15-1 (F)

308 Powers and Responsibilities of the Council, Committees, Parliamentary Procedures, Attendance, and Code of Ethics

1. Powers of the Council. The powers, duties and responsibilities of the

Council are outlined in the Regional Cooperative Education Act, the PED rules governing RECs, and the Joint Powers Agreement approved by each governing body.

2. Responsibilities of the Council. The Council shall:
 - a. Hire, approve the employment contract, and renewal of the contract of the Executive Director, subject to the provisions of law, and set the Executive Director's salary. The administrative and supervisory functions of the Council shall be delegated to the Executive Director;
 - b. Subject to the provisions of law, approve the resignation, termination, discharge, or other separation from employment of the Executive Director;
 - c. Subject to the provisions of law, approve or disapprove the employment, termination, or discharge of all employees and certified personnel of the REC upon a recommendation of employment, termination, or discharge by the Executive Director. Any employment, termination, or discharge without the prior recommendation of the Executive Director is void, and Council reserves the right to adjust salaries in order to secure highly qualified candidates to fill open Four Corners REC#1 positions;
 - d. Authorize or affirm disbursements based on the presentation and recommendation of the Business Manager and Executive Director;
 - e. Delegate to the REC staff the responsibility of maintaining personnel, education, programmatic and financial records in accordance with federal and state statutes and PED rules;
 - f. Permit authorized representatives of regulatory agencies to inspect and audit all records relating to the REC; and
 - g. Subject to any applicable requirements of state or federal laws and regulations, take action on any other matters the Council considers necessary or desirable in furtherance of the REC's programs, operations, or interests.

308.1 Committees

The Chair has authority to form committees. The function of any Council committee will be fact-finding and advisory rather than legislative or administrative. Ultimate authority to make decisions shall reside with the Council and the Executive Director as designated by the Council. Committee meetings must adhere to the Open Meetings Act, NMSA 1978, § 10-15-1 (B)

308.2 The Regular order of business shall be:

- Call to Order
- Roll call and Quorum Determination
- Approval of Agenda
- Approval of Minutes
- Information Reports
- Presentation of Financial Records
- Executive Session (if needed)
- Business Items

- Adjournment

The minutes of the meetings of the Council shall include:

- a) The date, place, and classification of the meeting (regular, special, or emergency);
- b) The call of order stating the time and the name and office of the person presiding;
- c) The record of the roll call of Council members;
- d) A notation of the absence of members;
- e) A record of any changes to the published agenda (i.e. reorganization of topics);
- f) A record of any corrections to the minutes of any previous meetings and the action approving them;
- g) A record of any communications or reports presented to the Council;
- h) A record of each motion placed before the Council, specifically:
 1. The member making the motion and the member seconding, if any;
 2. The declaration of the person presiding that the motion passed or failed; and
 3. The name of each person voting in the affirmative or the negative, unless the vote is unanimous.

All reports, resolutions, agreements, and other written documents which require Council action will be made part of the minutes by reference only but shall be kept on file as part of the permanent record. Draft minutes must be prepared within ten working days after the meeting and must be approved, amended, or disapproved at the next meeting where a quorum is present. Minutes are not official until approved by the Council. NMSA 1978, § 10-15-1 (G)

Minutes of a previous meeting will be sent to each Council member at least seven (7) days prior to the meeting at which they will be considered for approval.

The minutes, after approval by the Council, shall be filed and maintained at the REC-1 office in accordance with the records retention rules. 1.21.1 NMAC

308.3 Parliamentary Procedures

- a) The Chair, or Vice-Chair in the absence of the Chair, will conduct all meetings. In the absence of both the Chair and the Vice-chair the Secretary shall conduct the meeting; if all officers are absent and there remains a quorum, the members present shall elect a Chair-pro tempore who will serve only for that meeting, or the part of the meeting in which the officers are absent.
- b) All members of the Council may make motions, second motions and vote. Members not voting will be recorded as abstaining. If a member has an actual conflict or perceived conflict of interest, the member will state the conflict and remove themselves from participation in the discussion and decision. In this instance. The

member will be recorded as recused. A majority of members present and voting will constitute official action of the Council.

- c) A Council member may participate in a meeting by means of a conference telephone or other ~~similar~~ communication ~~technology equipment~~ when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Council who speaks during the meeting. NMSA 1978, § 10-15-1 (C)
- d) Any member of the Council who wishes to make a motion, second a motion, or discuss pending business will first secure recognition of the Council Chair.
- e) The Chair will present each agenda item for discussion or designate the Executive Director or another member to present the agenda item.
- f) All formal actions of the Council will be taken by ordinary motions unless a formal resolution is required by law. The following motions will be in order:
 - I. To adopt the agenda
 - II. To recess, either temporarily or to a specific time, date, and place
 - III. To approve, reject, or table an item
 - IV. To amend a motion made to approve, reject, or table an item
 - V. To set aside the rules
 - VI. To defer action
 - VII. To adjourn
- g) The Council may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recession, the Council specifies the date, time, and place for continuation of the meeting, and, immediately following the recessed meeting, posts notice of the date, time, and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

308.4 Council Members Attendance

A member of the Council who will be unable to attend a meeting will notify the Chair of the Council or the Executive Director prior to the meeting. A Council member who is unable to attend a meeting may send a designee with proxy voting privileges. The member must contact the Chair at least twenty-four (24)

hours in advance of the meeting. The proxy must be in writing and include the name of the designee, the date of the meeting in which the proxy is valid, and ~~whether~~if the proxy is valid for all items or limited items on the agenda. The designee must be an employee of the member agency and shall be bound by all Council by-laws and policies.

308.5 Council Code of Ethics and Confidential Information

The Council hereby adopts Licensure Requirements, Code of Ethical Responsibility of the Education Profession, Public Education Department. 6.60.9 NMAC (as amended), as the standards of conduct by which the Council and all REC#1 employees and contractors are required to conduct themselves.

The Council recognizes that confidential information will be brought to the attention of individual Council members and/or the Council as a whole pertaining to, but not limited to, personnel, students, litigation, security, and/or confidential financial donations to the REC#1.

The Council further recognizes that public disclosure of such information may result in injury to individuals, or potential harm and possible liability to the REC, and that Council members are bound legally and by the Council's policy related to the Council Code of Ethics to respect confidentiality of information that is privileged under applicable law. It is the policy of the Council that Council members shall discuss or disclose confidential information only in connection with legitimate REC#1 business and only with individuals with a legitimate right or need to know.

It is the Council's expectation that a Council member will voluntarily excuse him/herself from discussions of confidential information and abstain from voting on matters in which the Council member has a personal or financial interest, including an interest by a member of the Council member's family, or where the Council member's participation will or may compromise the confidential nature of the discussion.

Where a Council member fails or refuses to voluntarily excuse him/herself from such discussions and confidential information is disclosed; as a result, the Council may enforce this policy by:

- a) Requiring the Council member to excuse him/herself from future discussion of the same or similar matters and abstain from voting; or
- b) By other remedies available under applicable law.

309 Complaint Policy and Procedures

1. Policy

The Four Corners REC#1 Council and administration will afford parents, consumers, employees, and districts ~~personnel~~ the opportunity to resolve complaints and grievances in both an informal and formal manner. Complainants are to utilize informal procedures prior to initiating formal procedures. Nothing in this policy will in any way limit or restrict parents'

rights under due process but are in addition to such rights.

2. Informal Procedure

When the complainant or aggrieved party feels the need to resolve an issue relating to a program, service, and/or program administration, the use of an informal conference is encouraged. The complainant may contact a district superintendent or the Executive Director for assistance in organizing a conference between the complainant and the appropriate other party. The contacted superintendent or the Executive Director will schedule the conference and provide to both parties a written summary of the issue and any agreed-upon resolution. Both parties will agree that any informally agreed-upon resolution will not be used as part of formal procedures without the written consent of both parties.

3. Formal Procedures

The complainant or aggrieved party will provide, in writing, the specific program, service and/or program administration issue in question. The written complaint will be sent directly to the Four Corners REC#1 Council in care of the REC#1 office. At the next Council meeting, the Council will name a hearing officer to hear the issue. The hearing officer will, within five working days of the applicable Council meeting, provide a copy of the written complaint to all other individuals directly involved in the issue and schedule a hearing within ten working days of the hearing officer's receipt of the formal complaint. The agreed-upon resolution or, in cases where agreement is lacking, the resolution decision of the hearing officer, will be reduced to writing and signed within five working days of the hearing. An agreed-upon resolution will be signed by the hearing officer and all parties directly involved. The hearing officer alone will sign the resolution decision when consensus is not reached. When consensus is reached, the agreement is binding on all parties. When consensus is not reached, the decision of the hearing officer is binding on all parties provided there is no appeal within 10 working days of the complainant's receipt of the hearing officer's decision.

4. Appeal

Within ten working days of receipt of the hearing officer's decision, any party directly involved in the complaint may appeal the decision of the hearing officer. To appeal the hearing officer's decision, a letter requesting a hearing before the Four Corners REC#1 Council must be sent directly to the Council chair in care of the REC#1 office. The Council chair will obtain copies of the hearing officer's decision. The chair will determine whether to schedule a review of the complaint or grievance with parties directly involved at the next regular meeting of the Council or call a special meeting of the Council within 30 working days of receipt of the request for appeal. The decision of the Council will be considered final and binding on all parties pending remedies available under other regulations.

310 Nepotism

The Council shall not initially employ or approve the initial employment in any capacity of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-

law, daughter, daughter-in-law or grandchild of any member of the Council or the Executive Director. The Council may waive the nepotism rule for family members of the Executive Director.

311 Records Available

All public records shall be available to citizens for inspection at the REC#1 administrative offices according to the Inspection of Public Records Act. A request for access to desired records shall be given to the Executive Director as custodian of the REC#1's records.

400 ADMINISTRATION

401 Executive Director

401.1 Qualifications

The Executive Director shall have, or be eligible to obtain, a certified school administrator licensure issued by the New Mexico Public Education Department; shall have specialized training in the leadership and business administration of public schools and/or related organizations with at least a Master's degree from an accredited institution of higher learning; and shall have demonstrated by suitable experience the capability of leading a staff and educational community in a continuous program of improvement.

401.2 Appointment

Pursuant to NMSA 1978, § 22-10A-21, the Executive Director shall be issued a contract in writing for a period of one to three school years to include the terms of service and other provisions required by the Public Education Department rules for certified administrator contracts. Contracts not to exceed three years are permitted, upon approval of the Coordinating Council, for certified school administrators who are engaged in administrative functions for more than one-half of their employment. A certified school administrator is exempt from Sections 22-10A-22, 22-10A-23, 22-10A-24 and 22-10A-25 of the School Personnel Act. The Executive Director shall be employed on a 260-day contract to begin on July 1 and end on June 30, unless hired after the start of the fiscal year. Renewal of the contract or issuance of a new contract is at the full discretion of the Coordinating Council.

401.3 Responsibilities

The Executive Director shall:

1. Exercise all administrative and supervisory functions delegated by the Four Corners REC#1 Council.
2. Provide effective professional leadership and technical advice to the Council on matters pertaining to educational programs and services approved by the Council.

3. Initiate and guide the development of policies for the Council's consideration and ensure that all policies of the Council and legal duties of the Council are implemented.
4. Interpret Council policies for staff, as well as all state and federal laws and regulations relevant to the operation of the REC#1.
5. Administer the development and maintenance of programs designed to provide maximum utilization of funds within the REC#1.
6. ~~Be accountable for accurate distribution of individual district monies and for accurate monthly, quarterly and end-of-year reports by working with the REC Business Manager.~~ Assure sound fiscal management and compliance with state and federal audit procedures.
7. Maintain records required by the Council and state and federal statutes and regulations.
8. ~~Provide districts with technical assistance in the interpretation of special education laws and regulations.~~
- 9-8. Prepare the agenda for each Council meeting, notify Council members in advance of the items to be discussed, and ~~establish set up~~ dates, times, and locations of meetings.
- 10-9. Attend all Council meetings. Prepare a report of activities for the Council and provide information, as needed.
- 11-10. Serve as the official representative of the Council in relations with the Public Education Department and other applicable agencies in matters pertaining to all programs adopted by the Council.
- 12-11. Conduct studies and appraisals of the development and needs of all member districts and make recommendations to the Council.
- 13-12. Encourage ideas and active participation in the development of programs among REC#1 personnel.
- 14-13. Develop objectives to address specific problems facing local educators, administrators, teachers, educational assistants, staff, parents, ~~etc and others.~~ Who work with students.
15. ~~Arrange and coordinate in-service training for each school district as needed.~~
- 16-14. Assist member districts directly and indirectly with training and technology needs to facilitate success for personnel involved with educating all students.
17. ~~Assist the Business Manager in the financial arrangements of all workshops and in services through the REC.~~
- 18-15. Strive to enhance cooperation between the public schools and community, state, and federal agencies.
19. ~~Provide districts with technical assistance for state and federal monitoring activities.~~
- 20-16. Define job requirements and responsibilities for Four Corners REC#1 personnel.
- 21-17. Conduct evaluations of all REC#1 contracted personnel and office staff.
- 22-18. Assist personnel with professional development plans as applicable.
- 23-19. Recommend to the Council all employment, termination, dismissal, and discharge of staff.
- 24-20. Serve as recruitment agent for Four Corners REC#1.

~~25. Coordinate activities necessary to conduct Child Find.~~

~~26-21.~~ Perform other duties as assigned by the Four Corners REC#1 Council.

401.4 Separation

The Executive Director may be separated from service with the Council upon a majority vote of the full Council, subject to any existing contractual rights.

401.5 Resignation

The Executive Director may resign upon providing the Council with proper notice of the intention to resign. The notice will be in conformance with contractual and statutory provisions.

401.6 Compensation and Benefits

The Executive Director's compensation and benefits will be established by the Council and may be renegotiated at the time of issuance of the contract or upon the preparation of yearly compensation and schedules. The 30-day requirement may only be waived by the Council at a meeting subject to the Open Meetings Act.

Regular leave benefits will be the same as provided for other employees of equal contract length. Additional annual leave benefits may be established in an employment contract.

401.7 Retirement

The Executive Director will be subject to the same retirement conditions as other REC#1 employees and will be entitled to all retirement benefits accumulated during total services as provided by the NM Educational Retirement Act.

401.8 Travel Expenses

The Executive Director shall keep informed about current educational ~~practices~~ ~~thought and practice~~ by study, ~~school district visits~~ ~~visiting school districts~~, attendance at educational conferences, participation in professional organizations, and ~~any~~ other appropriate means.

The expenses of the Executive Director for such travel will be paid by ~~the REC#1 Council~~. ~~Travel expenses~~ ~~This expense item~~ will be a part of appropriate yearly budgets and will follow all requirements of the Mileage and Per Diem Act.

401.9 Evaluation

The Council will evaluate the Executive Director in terms of the efficiency of operation and accomplishments of the total REC#1 program on an annual basis.

402 Council/Executive Director Relations

402.1 Annual Reports

Ongoing reports, verbal and/or written, describing the progress of the REC ~~in terms of goals achieved, objectives reached, and standards responded to~~ shall be made to the Council, along with recommendations for improvement.

The annual report may include, but need not be limited to:

- Demographic data related to each school district/~~agency~~ served;
- ~~Child Find information for the region;~~
- Budget use for each of the REC#1's programs;
- Plans and programs for REC#1 staff improvement, ~~including both REC and district staff;~~
- An overview of programs in progress;
- Plans for any innovative, experimental and/or new programs;
- Reports on anticipated changes in state and federal statutes or regulations which may impact program offerings;
- Needs of the REC#1 office and staff;
- Proposals for policy changes or improvements;
- Ongoing evaluation of staff; and
- Staff recruitment efforts.

402.2 Administration in the Absence of Policy

In cases where action must be taken within the REC#1 and the Council has provided no guidelines for administrative action, the Executive Director shall have the power to act. The decisions shall be subject to review by the Council at its next regular meeting at which a quorum is present. It shall be the duty of the Executive Director to inform the Council promptly of such action and of any need for policy.

402.3 Delegation of Authority for Certain Employment Actions

- 1) Under the provision of 6.23.3.9 (D) (5) NMAC, the Council must approve the initial employment, termination, or discharge of all personnel upon recommendation of the Executive Director;
- 2) Under the provisions of 6.23.3.9 (D) (4) NMAC, the Council has authority to delegate the administrative and supervisory functions of ~~the~~ REC#1 to the Executive Director; and
- 3) In the course of supervising and administering the daily operations of ~~the~~ REC#1, circumstances may arise in which the Executive Director is called upon to take action with regard to employees within ~~the~~ REC#1.

The REC#1 Council therefore delegates to the Executive Director the authority and responsibility to act as a hearing officer or hearing authority for the

purpose of hearing or reviewing facts, deciding appropriate disciplinary action, or reviewing disciplinary actions of other designated administrators, consistent with procedures established by state law or rules or Council policy. Instances in which the Executive Director may exercise such delegation of authority may include, but are not limited to, the following circumstances:

1. In effecting the immediate and temporary suspension with pay of employees, whether certified or noncertified, where alleged misconduct of the employee is so severe or extreme that the Executive Director in his or her sole discretion determines such immediate action to be necessary to preserve the health, safety, or welfare of students or other employees of districts of ~~the-REC#1~~ or to assure the continued efficient operation of ~~the-REC#1~~. No appeal to the Council from such action may be had unless the Executive Director also recommends Council action to suspend such employee without pay or to terminate or discharge such employee;
2. In offering employment to prospective employees in the interim between Council meetings where such offer is necessary to obtain qualified staff, so long as all such offers are expressly conditional on the subsequent recommendation to and approval of the Council; and
3. In reviewing complaint or grievance resolution procedures as set forth in Council policy and in determining whether particular issues are subject to such procedures.

The delegation of authority provided herein may not be used in a manner contrary to state law or rules or to deny any employee rights to which he or she may otherwise be entitled. The Council may expand the delegation prescribed herein in appropriate circumstances. The enumeration of delegated authorities to the Executive Director includes the authority to take such further action as may be necessary to administer programs or to execute Council policy, unless such authority is reserved to the Council by state law.

402.4 Delegation of Authority as Procurement/Purchasing Officer

The Four Corners REC#1 Council delegates to the Executive Director the authority and responsibility to act or appoint a procurement/purchasing officer for ~~the-REC#1~~ within federal, state, and local laws, rules, and policies. All such purchases and procurements are subject to the Procurement Code and to Council review and/or approval.

500 PERSONNEL – LICENSED AND NONLICENSED

501 Equal Opportunity Employment

Four Corners REC#1 is an equal opportunity employer and does not discriminate against any qualified employee or applicant for employment on the basis of:

- race, color, religion, national origin, ancestry or sex;
- age (40 and over);
- physical or mental disability or serious medical condition; or
- service, membership, or application for membership in the United States armed forces.

~~*Employees, for more information, please view the Federally Mandated Employment Posters within the Four Corners REC#1 office (located in the back hallway).~~

501.1 Classification of Employees

The Council designates and defines the following classification of employees:

1. Licensed/Certified Personnel – Employees of Four Corners REC#1 who are paid according to licensed salary schedules and who are required to be licensed by the New Mexico Public Education Department or other professional boards. ~~(includes full time 192 through 260 day (8-hour a day) contracts)~~
2. Support personnel – Employees of Four Corners REC#1 who do not require a license (e.g., administrative assistants, financial specialists, and other office staff). ~~(260-day (8-hour a day) contract)~~
3. Administrative – Licensed personnel who are paid as administrators and who carry out administrative duties assigned by the Council (e.g., Executive Director and Business Manager). ~~(260-day (8-hour a day) contract)~~

Four Corners REC#1 employees are classified as either exempt or non-exempt employees, in compliance with the Fair Labor Standards Act (FLSA). Each employee's classification is stated in his/her job description.

Exempt employees are those executive, administrative, professional, and/or computer employees who, by reason of salary, training, and/or job responsibilities, are not covered by minimum wage or record keeping provisions of the FLSA. As a result of this exemption, exempt employees are not entitled to overtime pay or to compensatory time, ~~no matter how many hours they work~~. Rather, exempt employees' salaries are intended to cover all hours worked. Any non-contractual supplemental duties assigned to exempt personnel will be compensated in accordance with Four Corners REC#1's compensation plans or as mutually agreed in writing. Nonexempt employees may be compensated on an hourly basis or on a salary basis. Nonexempt employees who are paid on an hourly basis must keep records of the specific times they work so that they are paid overtime when they work more than 40 hours in a work week. Non-exempt employees are entitled to overtime pay in the amount of one and one-half times his/her hourly rate of pay for pre-authorized time worked in excess of 40 hours during any given work week. A nonexempt employee must have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.

A non-exempt employee may also receive compensatory time off rather than overtime pay, at the rate of one and one-half hours for each authorized hour worked in excess of 40 hours in any given work week in lieu of overtime pay. At Four Corners REC#1's discretion, 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 as compensatory time rather than pay.

~~For purposes of FLSA compliance, the work/pay period of Four Corners REC#1 salaried, nonexempt employees is from the 1st through the 15th and the 16th through the 31st of each month. The workweek for nonexempt hourly employees is from the 11th through the 25th and the 26th through the 10th of each month.~~

~~Non-exempt employees may be granted compensatory time at a rate of one and one-half hours for each hour worked in excess of 40 hours per work week, in lieu of overtime pay.~~ All work performed in excess of 40 hours per week must be approved, in advance and in writing, by the employee's supervisor or the Four Corners REC#1 director. Exempt employees are not entitled to compensatory time.

Compensatory time may be accumulated up to 60 hours, at which time the employee must make arrangements with his/her supervisor for use of the compensatory time. An employee who has requested the use of compensatory time will be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the Four Corners REC#1. Compensatory time must be used before employee absences will be charged against personal or other accumulated leave. The FLSA does not prohibit Four Corners REC#1 from compelling the use of accrued compensatory time once it reaches the maximum number of accrued hours.

Non-exempt employees must use accrued compensatory time within the fiscal year it was accrued in accordance with the following rules:

- A. The employee must obtain prior written approval from his/her direct site supervisor for the time he/she is requesting to use the accrued compensatory time before submitting a use request to the ~~e~~Executive ~~d~~Director or his/her designee.
- B. The employee must then obtain prior written approval from the ~~E~~executive ~~D~~irector or his/her designee before using accrued compensatory time.
- C. In the absence of an emergency or written authorization from the Four Corners REC#1 ~~Executive~~ Director, the employee will not be permitted to use the accrued compensatory time during the first or last weeks of his/her contract year, ~~during the first or last weeks of the school year for student attendance, or in conjunction with any school break or holiday.~~

502 Ethics of Employees

The REC#1 recognizes the importance of the pursuit of truth, encouragement of scholarship, and promotion of democratic citizenship. We regard as essential to these goals the protection of freedom to learn and to teach with the guarantee of equal educational opportunity for all, and to adhere to. ~~We affirm and accept our responsibility to practice our profession according to the highest ethical standards. We acknowledge the magnitude of the profession we have chosen, and engage ourselves, individually and collectively, to judge our colleagues and to be judged by them in accordance with the applicable provisions of the Code of Ethics (NMAC).~~

Principle I: Commitment to the student. ~~In fulfilling obligations to students, the REC employees will deal justly and considerately with each student served by the REC, encourage students to study and express varying points of view and respect his/her right to form his or her own judgment, as applicable; conduct or participate in conferences concerning students in an appropriate place and manner; s~~ Seek to improve learning ~~facilities and opportunities~~ for all students, as appropriate.

Principle II: Commitment to the community. In fulfilling obligations to the community, ~~the~~ REC#1 employees will share the responsibility for improving educational opportunities for all; recognize that each education institution has a person authorized to interpret its official policies; acknowledge the public's right and responsibility to participate in formulation of educational policy; ~~evaluate through appropriate professional procedures conditions with the REC or a district, make known serious deficiencies, and take action deemed necessary and proper;~~ assume full political and citizenship responsibilities but refrain from exploiting institutional privileges of the employment position to promote political candidates of partisan activities; and to protect the integrity of educational programs ~~against undesirable infringement and promote academic freedom.~~

Principle III: Commitment to the profession. In fulfilling obligations to the educational professions, REC#1 employees will:

1. Recognize that ~~a profession must accept responsibility for the conduct of its members and understand that~~ the employee's own conduct may be regarded as representative of ~~the profession~~ REC#1;
2. participate and conduct themselves in a responsible manner in development and implementation of policies affecting education;
- ~~3. cooperate in the selective recruitment of prospective educators and in those colleagues new to their positions;~~
- ~~4.3.~~ accord just and equitable treatment to all members of the education profession ~~in the exercise of their rights and responsibilities;~~
- ~~5. refrain from assigning professional duties to nonprofessional personnel when such assignment is not in the best interest of the student~~
- ~~6. refrain from exercising undue influence based on the authority of the employee's position in the determination of professional decisions by colleagues;~~
- ~~7.4.~~ keep the trust under which confidential information is exchanged;
- ~~8.5.~~ make appropriate use of the time granted for professional purposes;
- ~~9. interpret and use the writings of others and the findings of educational research with intellectual honesty;~~

~~10. maintain the integrity of the REC when dissenting by basing public criticism of education on valid assumptions as established by careful evaluation of facts;~~

~~11.6.~~ _____ respond accurately to request for evaluation of colleagues seeking professional positions;

~~12.7.~~ _____ provide applicants seeking information about a position with an honest description of the assignment conditions of work, and related matters.

Principle IV: Commitment to professional employment practices. In fulfilling ~~our~~ their obligations to professional employment practices, REC employees will:

1. apply for or offer a position on the basis of professional and legal qualifications;

~~2. apply for a specific position only when it is known to be vacant and refrain from such practices as underbidding or commenting adversely about other candidates;~~

~~3.2.~~ _____ fill no vacancy except where the terms, conditions, and policies are known;

~~4.3.~~ _____ adhere to and respect the conditions of a contract or the terms of an appointment until either has been terminated legally or by mutual consent; and

~~5.4.~~ _____ give prompt notice of any change in availability of service, in status of applications, or in changes of position;

~~6. conduct professional business through recognized educational and professional channels. [end note to be added 6.60.9.8, NMAC]~~

503 Background Investigations

Four Corners REC#1 will conduct work history, education history and reference investigations on each applicant recommended for employment, including substitutes and temporaries. Each such applicant will be subject to a criminal background investigation, including mandatory fingerprinting at the candidate's expense, as a condition for further consideration for employment. An applicant for employment who has been initially certified by the Public Education Department within twelve months of applying for employment with ~~the~~ REC#1 shall not be required to submit to another background check if the Public Education Department has copies of his or her Federal Bureau of Investigation records on file and if such copies are released to ~~Four Corners~~ REC#1.

All offers of employment are contingent upon the satisfactory completion of background investigations. Criminal convictions shall not automatically bar an applicant from obtaining employment with ~~Four Corners~~ REC#1, but, under the Criminal Offender Employment Act, may be the basis for refusing employment.

Criminal background checks, as presented above, shall also be conducted upon each contractor or contractor's employee, at the expense of the contractor or contractor's employee, if the contractor has unsupervised access to students. In such cases, contracts shall be subject to the satisfactory completion of background checks.

With regard to existing employees, Four Corners REC#1 may conduct background

investigations if it becomes aware of circumstances that the Executive Director believes warrant such inquiry.

Records and any related information shall be privileged and shall not be disclosed to a person not directly involved in the employment decision affecting the specific applicant who has been offered employment or a contractor or contractor's employee with unsupervised access to students.

Malicious intent to deface individuals will result in an employee being removed from the accessibility to the CHRI program and background results. In addition, a formal reprimand and possible subsequent pay decrease will occur.

504 Chain of Command

All Four Corners REC#1 employees will be responsible to and report to the Executive Director. When ~~the an Four Corners~~ REC#1 employee is working in a school district, s/he is to follow building/district policies and procedures and will report to the superintendent or his/her designee. If there is a conflict, the employee should try to resolve the issue(s) with the person involved. If it is not resolved, the REC#1 employee must inform the Four Corners REC#1 Executive Director in writing. The ~~Four Corners~~ REC#1 Executive Director will take appropriate and necessary action(s).

505 Staff Development Opportunities

The Council recognizes that staff members should continue to improve their competencies during their service. It expects the Executive Director to promote opportunities for staff development and for staff members to take advantage of them. To the extent feasible, the Executive Director should establish procedures by which staff members can receive proper support and recognition for efforts to improve themselves. Encouragement will be given to personnel to attend meetings, take courses, belong to organizations, and read literature describing innovative practices and the solving of program problems. ~~The Council will provide for professional growth through such means as the following:~~

~~Planned in-service programs and workshops offered within the REC;~~

~~Released time for visits to other RECs and schools, and for attendance at conferences, workshops, and professional meetings.~~

~~Application shall be made to their immediate Four Corners REC#1 supervisor or Executive Director in advance not to exceed 40 hours per school year based on full time status— unless by Director for student specific reasons.~~

Reimbursements for expenses related to conferences and visitations will be as approved by the Executive Director in accordance with Council policy and the Per Diem and Mileage Act, provided that such expenses are within budget allocations for such purposes.

505.1 Employee Evaluations

The Executive Director is responsible for establishing and implementing an evaluation system for REC#1 employees. All employees will be evaluated at least once annually by his or her immediate supervisor. Such evaluation will be in writing, with the purpose to improve work performance. Improvement plans, warnings, and directives may be provided to employees whose work performance requires improvement; however, employment may be

terminated without such documents if the performance issues or an incident of misconduct is so serious as to not require such improvement efforts.

506 Employee Grievance Resolution Procedure

1. Purpose

The purpose of this policy is to provide for the reporting and resolution of legitimate employment-related concerns of ~~the-REC#1~~ employees at the earliest possible time and with the least possible expense, disruption, and friction. The Council recognizes that most personnel difficulties encountered by employees arise from a lack of communication. This procedure is designed to provide a formal mechanism for promoting or restoring such communication so that problems may be resolved before more serious difficulties result.

2. Definitions and Limitations

- a. Grievant shall mean an employee who is personally and directly affected by a condition for which he or she seeks a resolution. It does not include independent contractors.
- b. A grievance shall be an allegation by an employee that the treatment he or she has received from a supervisor is unfair or improper or that there has been a violation, a misinterpretation or an inequitable application of Council policy, administrative rules or procedures that directly and adversely affects the grievant. A single grievance may be submitted jointly by more than one grievant.
- c. Resolution(s) shall be the proposed written decision by the appropriate administrator(s), grievance review committee or Council, in response to the grievance.
- d. Parties of interest shall be the grievant and the supervisor or other employee(s) of ~~the-REC#1~~ whose conduct or actions are the subject of the grievance.
- e. The following situations are not covered by this grievance procedure and are therefore not grievable under this policy:
 - i. The discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his or her immediate supervisor;
 - ii. Any personnel decision by the Council, including, but not limited to, a refusal to reemploy, a discharge, a demotion, or any other action directly and adversely affecting the employment of an employee;
 - iii. Situations in which the Executive Director and the Council are without authority to act or in which the remedy for the alleged violation exclusively resides in a person, agency, or authority other than the Council; and
 - iv. Situations as to which a different procedure or remedy has been provided by the Council.

3. General Procedural Requirements

- a. A grievance must be initiated through an informal conference, as provided in section 4 below.
- b. No person shall suffer retaliation, recrimination, discrimination, harassment, or be otherwise adversely affected because of his or her participation in a grievance procedure.

- c. Whenever possible, any grievance conference or hearing at any level shall be scheduled during a mutually convenient time that does not conflict with regularly scheduled provision of service.
 - d. A separate file shall be maintained by ~~the REC#1~~ for grievances. All documents produced during the processing of a grievance shall be filed therein. All parties shall maintain confidentiality with regard to proceedings, and the resolution of the grievance shall not be made public unless agreed to by the grievant and the Executive Director, or except as provided by law. The grievance file shall be maintained for three years after the file is closed, or for five years after the date of final action if appealed, according to the New Mexico State Records Center and Archives rules.
 - e. A separate file shall be maintained by ~~Four Corners~~ REC#1 for grievances. All documents produced during the processing of a grievance shall be filed herein. All parties shall maintain confidentiality with regard to proceedings and the resolution of the grievance shall not be made public unless agreed to by the grievant and the executive director, or unless the grievant pursues the matter beyond this policy. The grievance shall be maintained for one (1) year after cleared according to the New Mexico State Records Center and Archives and access to the file shall be limited to the grievant, the immediate supervisor, the executive director, and members of the Council.
 - f. Nothing contained herein shall be construed to limit in any way the ability of ~~the REC#1~~ and the grievant to resolve any grievance by informal means, and nothing herein shall be construed as requiring resort to the formal procedures when grievable problems arise.
 - g. A grievant may terminate the process at any level if he or she indicates in writing a desire to do so, accepts the resolution at that level, or fails to pursue his or her grievance by filing at the next level within the specified time limit.
 - h. All grievances shall be filed and processed on grievance forms available in the REC#1's administrative offices.
 - i. The time limits at any level may be extended by mutual agreement between the grievant and the supervisor, Executive Director, review committee, or Council.
 - j. Except as otherwise provided herein, unless a party can demonstrate prejudice arising from a departure from the proceedings established in this policy, such departure shall be presumed to be harmless error.
4. Procedural Steps
- a. Informal Conference - Prior to the filing of a formal written grievance, the grievant shall first discuss his or her grievance with his or her immediate supervisor in a good faith attempt to resolve the grievance. In the case of a claim of sexual harassment in which a grievant's supervisor is the subject of the claim, the grievant may initiate the grievance at the next supervisory level above that of the subject supervisor.
 - b. Level 1 (Executive Director) - If the grievant is not satisfied with the discussion and informal conference, he or she may file a written grievance with the Executive Director within ten working days of the

date on which the grievant became aware of the circumstances that gave rise to the complaint. The Executive Director shall schedule and hold a conference to hear and consider the complaint. The conference shall be as informal as possible and shall be conducted as the Executive Director, in his or her discretion, believes is appropriate for a full understanding of the grievance, the position of the grievant and the evidence supporting that position. The Executive Director shall communicate his or her proposed resolution in writing to the grievant within five working days after the conference.

- c. Level 2 (Council) - If the grievant is not satisfied with the resolution of the grievance at Level 1, or if the Executive Director fails to issue a proposed resolution within the time limit set forth above, the grievant may file an appeal with the Council within five working days after the resolution was rendered or was due, if none was received.

The appeal notice must be filed with the Council chair, who shall schedule a grievance hearing. The hearing shall be ~~tape audio~~ recorded. The parties in interest shall submit written statements of position as well as relevant documents, which shall be delivered to the Council members at least five working days prior to the hearing.

5. The hearing shall be conducted as follows:
 - a. Each party in interest to the grievance shall have the opportunity to present an oral statement limited to the amount of time as set by the chair. The presentation shall be limited to a review of evidence previously presented, unless the Council, in its discretion, allows new evidence to be presented during the hearing. Cross-examination shall not be allowed.
 - b. Since grievances are ~~—~~ personnel matters, the hearing may be conducted in an executive session, if the grievant so requests and if the Council votes to close the hearing. The grievant may request that the hearing be held in open session, in which case the hearing must be open.
 - c. The Council may make such inquiries of any party in interest as it deems necessary or appropriate.
 - d. The Council shall render a written decision within a reasonable time after the conclusion of the hearing. In arriving at its decision, the Council has complete discretion in fashioning such relief, if any, as it believes is appropriate, regardless of the relief requested.

507 Conflict of Interest

Employees of ~~Four Corners REC#1 Central Region Educational Cooperative~~ owe their full attention and loyalty while on the job to the best interests of Four Corners REC#1 and its member districts.

Various situations can create the potential for interfering with the performance of employees' duties, or for bringing employees' personal interests or the interests of some other person, group, or entity into conflict with the REC#1's best interests. All ~~Four Corners~~-REC#1 employees must avoid situations or relationships which interfere with their ability to perform their duties or which tend to divide their on-the-job loyalties.

1. Outside Employment

The Council recognizes that some ~~Four Corners~~-REC#1 employees may find it

necessary or desirable to supplement their income through outside employment. Nevertheless, the Council considers that it has given full-time employees full-time jobs during the term of their contracts and expects all REC#1 employees to give their assigned responsibilities priority over outside work.

The Council does not wish to infringe unduly upon any employee's ability to augment his or her income through legal outside activities. However, outside work may legitimately concern the Council if it interferes with the effective performance of an employee's job-related responsibilities, if it tends to discredit public opinion of~~compromise or embarrass the~~ REC#1, or if it suggests a conflict of interest.

Accordingly, the following rules shall govern employees' outside employment:

- a. Four Corners REC#1 employees shall not perform any duties related to outside employment during regular working hours or within other assigned job-related schedules.
- b. No ~~Four Corners~~ REC#1 employee may solicit or negotiate for, accept employment from, or render any services for any outside person, firm, group, or entity if such employment or service:
- c. Impairs the proper discharge of the employee's official duties;
or
- d. Creates or tends to create a conflict between the interests of ~~the~~ REC#1 and the employee's personal interests or the interests of the outside person, firm, group, or entity.

A full-time employee who contemplates accepting outside employment shall consult with his or her immediate supervisor before making any commitment to undertake outside work. The supervisor shall inform the Executive Director if a question of noncompliance with Council policy appears to arise.

2. Gifts and Gratuities

Employees of the Council are prohibited from accepting anything of material value from companies, organizations, or individuals doing business with the REC. Employees are prohibited from accepting anything of material value from any other individual, organization, or company which might compromise or reasonably appear to interfere with the exercise of independent judgment in the performance of official duties for the REC.

3. Employee Business Dealings with Four Corners REC#1

a. Philosophy

Four Corners REC#1 exists to assist member schools and institutions in the pursuit of excellence in education for the children of the region. To foster public confidence in ~~the~~ REC#1 and to ensure fidelity to the mission of the member districts and institutions, it is essential that no employee of ~~the~~ REC#1 be permitted to exploit the employment relationship for personal financial gain beyond his or her authorized compensation. Even a suspicion of such exploitation is sufficient to erode public confidence in ~~the~~ REC#1. The Council accordingly adopts the following policies to guard against such possibilities.

b. General Policy

Section 22-21-1 NMSA 1978 broadly prohibits certified employees from profiting, even indirectly, from business dealings with their employing agencies beyond the basic employment relationship. No employee of ~~Four Corners~~ REC#1 shall, directly or indirectly, receive or seek to receive any monetary gain from business dealings with or work for ~~the~~ REC#1 beyond his or her official compensation. This policy shall govern despite the

potential for a technically legal sale to ~~the~~-REC#1 in the regular course of an employee's business under the exceptions provided in 22-21-1B NMSA 1978.

c. Special Contracts for Extra Duties

The provisions of this section shall not apply in cases in which certified/licensed employees or administrators contract to perform special services with the district with which they are employed during time periods wherein service is not required under a contract for services. The Council, upon a recommendation by the Executive Director, may occasionally authorize special services contracts when such action seems appropriate to meet a particular need. However, no special services contract shall be authorized in any situation in which:

- i. The additional responsibilities would interfere with the proper performance of the employee's primary duties; or
- ii. The additional responsibilities would create a conflict of interest with, or interfere with, the employee's exercise of independent judgment in the performance of his or her primary duties, or where the potential for the appearance of such a conflict or interference reasonably exists.

~~4.—Paid Services~~

~~No service provider may receive any pay or anything of material value directly from any student who is assigned to the service provider's caseload.~~

5.4. Professional Research and Publishing

The Council considers that Four Corners REC#1 has proprietary rights to publications, instructional materials, and other devices prepared by employees of ~~the~~-REC#1 during their paid work time. However, the Council also recognizes the importance of encouraging writing, research, and other creative endeavors by employees as an aspect of their professional development.

When original materials are developed by employees or staff committees during working time or as part of regular or special assignments for which they are paid, ~~the~~-REC#1 will retain exclusive rights regarding publication or reproduction but will clearly acknowledge the contributions of the employee(s) who developed the materials.

When proprietary rights are reasonably in doubt, such as when original materials have been developed partly on work time and partly and demonstrably on an employee's own time, appropriate allocations of rights may be negotiated with the Council's approval.

508 Political Activities

An employee who is a candidate for political office or who has been elected to a political office has a joint obligation to the public and to ~~the~~-REC#1. During this involvement with political activities, an employee will **not**:

1. Represent that s/he is speaking on behalf ~~the~~-REC#1;
2. Interfere with a colleague's exercise of political and citizenship rights and responsibilities;
3. Use ~~Four Corners~~-REC#1 privileges, resources, or working time to promote political candidates or partisan political activities; or
4. Assign or expect children to participate in any aspect of campaigning, canvassing, or aiding in processes of attempting to persuade voters to vote for or against individuals or measures as a part of required or enrichment activities or course

work, ~~n.~~ Nor will children be used as a forum for an employee to express personal feelings for or against any candidate in any election at any level.

~~5. Must lobby on behalf of the approved initiatives of the REC#1.~~

Campaigning in person, circulating political literature for or against any candidate or cause, or the posting of such literature, is **prohibited** in ~~the REC#1~~ or on REC#1 premises, with the exception of information and literature pertaining to ~~the REC#1~~, city, county, or higher education levies and bond issues. The Executive Director will act to ensure that unauthorized campaigning or distribution of literature is not permitted.

Upon request, the Council may grant a political activity leave without pay to an employee to serve in the legislature and will consider on an individual basis requests for serving in other public offices that require time away from regular duties. Absences for legislative leave shall not exceed 60 work days per contract year. However, if a need arises, such as for special sessions, additional leave may be granted upon the recommendation of the Executive Director and approval by the Council. Council approval for political activity leave shall be required for the first term only.

Any REC#1 employee elected to a public office who is appointed to a committee or committees dealing directly with program issues may file a request for professional leave and upon approval shall be granted leave with no loss in salary for attendance at these meetings. After the first year, the filing of a professional leave request for committee attendance will be required for documentation purposes only.

Employees approved for absence from all assigned duties while serving in an elected position shall be granted political activity leave without pay for all job time missed. With the approval of the Executive Director, an elected employee who fulfills partial job responsibilities while absent from regular duties may be paid on a pro-rata basis for verified hours/days worked.

509 Public Appearances

Only those Four Corners REC#1 staff members receiving prior approval of the Executive Director may officially represent the Council and the REC#1 before a public or professional group to speak on behalf of ~~the REC#1~~ on its policies, rules and regulations, philosoph~~y~~~~ies~~, and programs.

510 Personnel Records

The Human Resources Manager shall be responsible for the development and maintenance of appropriate personnel records. Personnel records of current and past applicants and employees shall be the property of ~~the REC#1~~. These personnel folders shall be secured in ~~the REC#1~~ office.

The personnel records may include, but are not limited to, the following documents where applicable:

- Professional background information, such as documentation regarding training, education, experience, references, credentials, applications, personal data, licensure, and proof of age;

- Record of service within ~~the~~ REC#1, such as service and program assignments, contracts, transfer requests, payroll information, evaluations, letters of resignation and employment status; and
- Personal contact information.

All information in an employee's personnel file shall be open to the employee except access to the confidential papers of placement bureaus and references received from former employers or personal references given by an employer on an application prior to employment which such placement offices or employers have requested be kept confidential.

Records related to medical reasons for leave, medical conditions or disability, personnel grievances, and criminal background check results shall be contained in confidential files apart from regular personnel files.

Personnel records shall be retained and disposed of in accordance with the applicable records retention and disposition schedules of the State Records Center and Archives. Access to General Personnel Files – General personnel files will be open to the following REC#1 personnel:

1. Concerned Employee, except for confidential college placement papers and references received in confidence;
2. Executive Director;
3. Office staff as required in the performance of duties;
4. Council during or in preparation for official personnel sessions; and
5. Designated REC#1 attorney during official personnel sessions of the Council or as requested by the Executive Director

Access by Outside Parties

It shall be the policy of Four Corners REC#1 to protect the privacy of current, former, and prospective employees to the extent permitted by law. Accordingly, all personnel information retained by ~~Four Corners~~ REC#1 shall be considered confidential unless the Inspection of Public Records Act requires otherwise (e.g. outside auditors or background investigators).

Confidential personnel information will not be released without the affected person's written consent unless an administrator who is responsible for maintaining the relevant records determines that independent legal authority or exceptional circumstances justify such an action. Other personnel information will be made available according to the Inspection of Public Records Act.

Employees are personally responsible for verification of service, transcripts, health certificates, birth certificates, required licenses, fingerprinting and criminal background checks, etc. Materials shall not be removed from an individual's personnel folder except for review by authorized persons. Personnel records shall not be removed from the HR office or the office of the Executive Director except as designated in policy.

511 Employee Leave Benefits

Leave benefits do not accrue for casual, substitutes, seasonal or temporary employees or independent contractors and employees of such contractors.

511.1 Annual Leave

Personnel employed by the Four Corners REC#1 will accrue annual leave with pay at ~~rates established by the employment contract~~the following rates:

~~260-day contract employees will accrue 22 days per year. Such leave is earned by pay period at the rate of 7.3233 per pay period of 24 pay periods.~~

Part-time Temporary Work Study Hire (no contract required) will accrue leave days on a pro-rata basis (ex. 35 hours per week/10 paid state holidays/5 annual days/5 personal days). No employee who is designated at less than a .5 FTE will accrue annual leave.

Employees are encouraged to take their leave in the year earned. However, unused annual leave may be accumulated and may be carried over to the next fiscal year and subsequent fiscal years. Employees may not accumulate more than 66 days (528 hours) of unused annual leave. Annual leave requests ~~much~~must be approved by the Executive Director.

Requests for annual leave must be submitted to the Executive Director at least two weeks prior to leave and will be granted at the discretion of the executive director.

Exceptional circumstances may be considered by the administrative staff and the Director in applying this policy.

511.2 Paid Sick Leave

Paid sick leave is allowed for illness or medical appointments of the employee, illness in the immediate family (~~i.e., The immediate family is defined as: the~~ spouse, children, grandchildren, parent, sister, brother, grandparent, son-in-law, daughter-in-law, brother-in-law, father-in-law and mother-in-law, or other persons residing in the same household as the employee, or other person considered to be a guardian of the employee); arranging for hospitalization or nursing care for member of immediate family; and emergency situations. In addition, sick leave may be taken for religious holidays.

An employee claiming sick leave who is absent more than four consecutive days shall submit a physician's certificate attesting to said illness, if such certification is requested by the ~~Four Corners~~ REC#1 Director. If at any time there is a question regarding the propriety of a request for sick leave or a question as to the ability of an employee to perform one's assigned responsibilities, ~~Four Corners~~ REC#1 Executive Director may require an examination by a physician selected by ~~Four Corners~~ REC#1. The Four Corners REC#1 will pay for such a required examination.

Reasonable notice for leave requests must be in writing and presented to the Executive Director prior to the day of the leave requested. Similarly, notice of the request shall be given to the affected supervisor /administration of the

LEA prior to the requested leave date. In considering such requests, the Executive Director may give priority to those employees who have not yet taken leave days. Exceptional circumstances may be considered by the administrative staff and the Director in applying this policy.

This leave is to be accumulated at the rate established by the terms of the employment contract of 11 days (88 hours) on a 192-day contract, and 15 days (120 hours) on a 260-day contract per contract year. Of these days, 2 days are considered personal days which may be taken at the employee's discretion. Sick leave shall accrue to an amount not to exceed 50 days. Sick leave shall be recorded against the employee's accumulated leave benefits at each payroll. Employees will not be paid for unused sick leave upon termination of the employee's contract, whether the contract is ended by the employer or by the employee's resignation.

An employee may use, in advance of accrual, during any fiscal year, the sick leave which will accumulate in the remainder of the fiscal year. If an employee does not complete the yearly contract or work agreement, his or her final paycheck will be reduced on a pro rata basis for unearned sick leave taken. If the final paycheck is insufficient to pay back unearned leave taken, the employee shall repay ~~Four Corners~~ REC#1 pursuant to terms which the employee shall negotiate with the ~~Four Corners~~ REC#1 Executive Director.

511.3 Bereavement Leave/Funeral Leave

In case of death in the immediate family, the employee is allowed leave with full pay for up to three work days immediately following the date of such death. Immediate family includes: spouse, child, grandchild, parents, grandparents, sibling, parent-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law. If requested, one additional day of leave with pay may be granted when travel out of town is required in excess of 400 but less than 800 miles and two additional days if in excess of 800 miles.

Staff may be excused without loss of pay for a period of up to four hours to attend funeral services of relatives other than those defined as immediate family members in the Bereavement Leave section and/or friends, at the discretion of the ~~Four Corners~~ REC#1 Executive Director.

511.4 Family and Medical Leave Act — Leave of Absence

The ~~Four Corners~~ REC#1 provides unpaid leave as required by the federal Family and Medical Leave Act of 1993 (FMLA) and applicable regulations. In the event of any conflict between this policy and the provisions of the FMLA, the FMLA shall prevail.

1. To be eligible for leave under the Act an employee must have worked for the REC#1 for a total of 12 months, during which the employee must have worked a total of 1,250 hours.
2. Employees are permitted up to 12 work weeks of unpaid leave per year during any 12-month period. Family and medical leave can be requested for the following reasons:
 - a. Childbirth and infant care;

- b. Placement of a child with the employee for adoption or placement of a child with the employee by a state agency for foster care. Entitlement to leave for birth or placement of a child expires 12 months after the birth or placement of the child;
- c. Care of the employee's spouse, son or daughter, or parent with a serious health condition; and
- d. The inability of the employee to perform his or her job duties due to his or her own serious health condition;
- e. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;
- f. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.
 - i. The 12-month period within which each employee may take 12 weeks of leave under the FMLA shall be the 12-month fiscal year beginning each July 1.
 - ii. Employees are required to use family/medical leave concurrently with paid leave.
 - iii. An employee requesting leave shall submit a —Request for Leave form to the Executive Director.
 - iv. An employee seeking leave for a foreseeable reason such as the birth or placement of a child or for planned medical treatment shall provide ~~the REC#1~~ with at least 30 days advance notice of the leave. If 30 days advance notice is not possible under the circumstances, the employee shall give such notice as is practicable.
 - v. An employee seeking leave on the basis of the serious medical condition of the employee or the employee's spouse, son or daughter, or parent must provide certification issued by the health care provider of the employee or of the employee's spouse, son or daughter, or parent.
 - vi. All requests for family/medical leave must be approved by the Executive Director.
 - vii. During the period of leave, ~~the REC#1~~ will maintain the employer's coverage for the employee under its group benefits plan if enrolled; however, the employee is responsible for continuing to pay the employee's monthly portion of the premium during any unpaid leave. If an employee fails to make payment of the employee's share of health insurance premiums for 30 days after such payment is due, coverage of such employee for benefits shall be discontinued. If the employee fails to return to work following leave under the FMLA for any reason other than (1) the continuation of the FMLA-qualifying circumstances upon which the need for leave was originally based, or (2) circumstances beyond the control of the employee, the employee shall be required to reimburse ~~the REC#1~~ for the employer's cost of benefit premiums ~~the REC#1~~ paid to maintain coverage for the employee during the leave period.

- viii. Employees will not accrue leave or other benefits during the family/medical leave period.
- ix. The FMLA prohibits interference with employee's rights under the law, legal proceedings, or inquiries relating to an employee's rights.
- x. The REC#1 shall preserve records pertaining to its obligations under the FMLA in accordance with FMLA recordkeeping requirements and shall maintain such records for at least three years.
- xi. Records and documents related to certification, recertification, and medical histories of employees or employees' family members created for FMLA purposes shall be maintained as confidential medical records in files that are separate from the usual personnel files.

511.5 Court or Jury Duty Leave

Court/Subpoena – Leave shall be granted an employee to respond to a subpoena which requires that employee's absence from duty. Leave will be granted only in response to a subpoena and not for the purpose of legal consultation or voluntary courtroom attendance.

Jury Duty – REC#1 employees are subject to jury duty if summoned and accepted by the District Court. Employees who are called to jury duty will be released to serve as requested by the judicial system. The employee's pay will not be reduced, but any compensation received for serving as a juror must be turned over to ~~the~~ REC#1 within 10 days of receipt of said compensation. This does not include reimbursement for travel.

If an employee, upon reporting for jury duty in the morning, learns that s/he is dismissed from jury duty for the remainder of the day, s/he is to report for duty at the REC/assigned school and resume duties or do work as assigned by the Executive Director for the remainder of the day.

A leave request must be submitted with a copy of the subpoena or the letter from the court assigning jury duty.

511.6 Workers' Compensation Benefits

Employee Accidents – All employees are covered under the provisions of the Workers' Compensation Act for injuries occurring on the job. Accident report forms ~~are available in the HR office and in the halls of the REC and~~ must be completed and forwarded to the HR Manager as soon as practicable after the time of injury.

Workers' Compensation Coverage – Statutorily required workers' compensation leave benefits are provided through the Risk Management division of the state General Services Department. This program covers loss of wages and disability for work-related injuries only. The program coordinates with paid personal leave benefits in that accumulated paid personal leave is used when workers' compensation leave benefits are not available. The day of injury is considered as a full day worked; no paid personal leave will

be charged regardless of the time of injury if the employee seeks medical treatment. When an employee is off work for more than seven days due to a work-related incident, workers' compensation benefits may be paid by the workers' compensation carrier. An employee may use his paid personal leave for the initial seven-day period (normally five working days). If an employee is off work more than four weeks, compensation is retroactive to the date of disability and paid personal leave is reinstated.

If a job-related injury results in the employee receiving payment from the workers' compensation carrier for lost wages, the employee's paid personal leave record will be adjusted for that fraction of the time paid by the carrier so that the payment for paid personal leave days will be adjusted on a pro rata basis. In no event will an employee receive a combined salary and workers' compensation salary benefit in excess of the employee's regular salary.

At the time of a qualifying disability, the employee will be removed from the REC#1's payroll and will receive workers' compensation benefits from the insurance carrier according to Workers' Compensation Administration rules. In order to continue current personal insurance benefits (health, dental, etc.), it will be necessary for the employee to pay directly to ~~the~~ REC#1 the amount of his payroll deduction or insurance premiums once he or she has been removed from the payroll to be placed on workers' compensation. The premium payment will be due in the payroll office on or before the first working day of each month. The REC#1 will continue payment of its portion of this insurance premium while the employee is under contract.

A worker injured on the job is entitled to necessary medical care in accordance with the Workers' Compensation Act. Either the worker or the employer may choose the health care provider for the initial 60-day period. The party who did not choose the initial health care provider may select the health care provider for the remaining medical benefit period beyond the initial 60-day period. Either may challenge the health care choice of the other by notifying the Executive Director of the Workers' Compensation Administration in writing.

511.7 Professional Leave

Professional leave is available for those Four Corners REC#1 staff members representing ~~the~~ REC#1 or a participating district in a particular instructional area. Such leave is subject to approval by the Executive Director. All such leave is subject to review based on budget availability.

After professional leave is approved, the staff member will be entitled to travel and per diem and workshop costs as approved by the Executive Director and as permissible under the Per Diem and Mileage Act. Professional leave is intended to provide an opportunity for staff to participate in professional organizations, meetings, and in-services on a local, district, state, and national basis and when serving as a leader in such an activity. Permission for such absence is to be requested two weeks in advance. Special consideration on an individual basis shall be given to those elected or appointed as a state or national officer.

511.8 Military Leave

Employees shall be granted a leave of absence to perform their military duties. Employees granted a military leave of absence are entitled to participate during the leave period in insurance and other benefits offered by the employer to the same extent as employees granted other types of leave. The REC#1 will discontinue contractual payments to the employee when military leave begins.

Employees retain employment rights over a period of up to five years of active duty. An employee who leaves his position voluntarily or involuntarily has the right to return to employment if certification of reemployment is made as follows: regular military personnel released from active duty must apply for reemployment within 90 days; reserve personnel called to active duty for an initial period of 90 days or less, or for a period of 180 days or less if extended, must apply for reemployment within 31 days of release from active duty; reserve personnel called for active duty for more than 180 days must reapply within 90 days from release.

Four Corners REC#1 employees who are members of the National Guard (Army or Air) or Reserves (Army, Air Force, Navy, Marine Corps or Coast Guard) shall be given military leave with pay when they are ordered to duty for training. Such leave shall not exceed 15 working days per federal fiscal year. This leave shall be in addition to other leave or vacation time with pay to which such employees are otherwise entitled.

Any regular employee of ~~the~~ REC#1 who is a member of a military reserve unit and who is ordered to active duty shall be given military leave. Such military leave for active duty will be granted as follows:

1. Leave with Pay: Leave with pay will be given for a period not to exceed 15 working days in any one calendar year or in any one continuous period for such absence.

During the 15 days of paid leave, ~~the~~ REC#1 will continue the co-payment amount of the employee's insurance payment(s).

2. Leave without Pay: Should an employee need to be on extended military leave for active duty, leave without pay will be granted.

Once the 15-day period of paid military leave and all accrued annual or personal leave has been exhausted, the employee must pay the full premium for insurance.

Upon application for reemployment, the employee shall be placed in his/her former position or in one which is of like seniority, status and pay. No employee will be subject to loss of seniority or benefits because of such leave.

In order to exercise the above rights, an employee must apply for reemployment within 90 days following an honorable discharge or release from active duty or within a period of one year should hospitalization continue after honorable discharge.

511.9 Emergency Leave

Emergency leave of up to two days per year is granted to an employee in the case of a bona fide emergency. An emergency is defined as a —sudden and unexpected situation requiring prompt action. The leave shall not be used for doctor’s appointments, sickness, or any type of non-emergency use.

This leave must be approved by the Executive Director and is not accrued.

511.10 Administrative Leave for Health and Safety Reasons

In the event of a health or safety reason or other unforeseen situation that requires temporary closure of the REC#1 offices or delay in opening the REC#1 offices on an established business day, affected employees may be deemed to be on paid administratively-granted leave for that day or those hours, as determined by the Executive Director. Such health or safety reason or other unforeseen situation may include but is not limited to severe weather making travel dangerous or impossible or emergency closure for health reasons such as quarantine or an outbreak of a communicable disease. ~~Four Corners REC#1 office will follow the Albuquerque Public Schools closure notifications (all related service employees will follow their perspective district closure notifications).~~

If, prior to the closure or delay, the employee had already arranged for leave, the leave time previously arranged will still apply. This administrative leave may not be combined with any other authorized leave.

512 Health Insurance Benefit Programs

The REC will offer insurance benefit programs for employees as required by the New Mexico General Services Dept, Risk Management Division. The REC#1 may also offer optional benefit programs as approved by the Council. Such benefit programs are available to full-time employees or part-time employees as determined by the Executive Director.

The Council will pay the required percentage of the insurance premium on contributory insurance programs it offers. Other programs may be provided to employees on an employee-pays-all basis. The Council will pay the employer’s share only for those employees collecting workers’ compensation benefits.

513 Retirement

Four Corners REC#1 employees are provided retirement benefits through the New Mexico Educational Retirement Board under the Educational Retirement Act. Required deductions for such benefits shall be made from employee paychecks.

514 Staff and Student Health and Safety Issues

514.1 Harassment and Discrimination

1. General Statement of Policy

It is the policy of the Four Corners REC#1 Council to maintain a learning and working environment that is free from unlawful harassment or discrimination. The Council prohibits any form of harassment, retaliation, or discrimination against employees, participants in REC#1 administered programs, or visitors to REC#1 programs or activities based on:

- race, color, religion, national origin, ancestry, or sex;
- age (40 and over);
- physical or mental disability or serious medical condition;
- service, membership, or application for membership in the United States armed forces;
- communication to the REC#1 or third party information about an act or failure to act that the employee believes in good faith constitutes an unlawful or improper act.

~~The Council prohibits REC personnel from engaging in any form of unlawful harassment or discrimination against participants in or visitors to the REC's programs or activities based on:~~

- ~~• race, color or national origin;~~
- ~~• sex; or~~
- ~~• disability.~~

It shall be a violation of this policy for REC#1 personnel to unlawfully harass or discriminate against a pupil, teacher, administrator or other school or REC#1 personnel member through conduct or communication of a sexual nature or regarding any other personal characteristic covered by this policy. For purposes of this policy, personnel includes Council members, REC employees and administrators, volunteers, contractors and other persons subject to the supervision and control of the Council.

The Council will act to investigate all complaints, formal or informal, verbal or written, of unlawful harassment or discrimination, and to discipline or take appropriate action against REC#1 personnel who are found to have violated this policy.

2. Definitions

- a. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical contact or communication of a sexual nature when:
 - i. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education;

- ii. Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual's employment; or
 - iii. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or of creating an intimidating, hostile or offensive employment or educational environment.
- b. Sexual harassment may include but is not limited to:
- i. Unwelcome verbal harassment or abuse;
 - ii. Unwelcome pressure for sexual activity;
 - iii. Unwelcome, sexually motivated, or inappropriate physical contact, other than necessary restraint of pupil(s) by teachers, administrators, or other personnel
 - iv. Unwelcome sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - v. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - vi. Unwelcome behavior or words directed at an individual because of gender.
- c. Harassment based on race, color, religion, national origin, ancestry, sex, age (40 and over), physical or mental disability, serious medical condition or membership in the United States armed forces consists of physical or verbal conduct relating to one or more of those characteristics of an individual when the conduct:
- i. Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
 - ii. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance; or
 - iii. Otherwise adversely affects an individual's employment opportunities.

3. Reporting Procedures

Any person who believes he or she has been the victim of unlawful harassment or discrimination should report the alleged act(s) immediately to an appropriate administrator or Council member designated by this policy. Nothing in this policy shall prevent any person from reporting unlawful harassment or discrimination directly to the Executive Director or Council chair.

4. The Investigation

By authority of the Council, the Executive Director, upon request of a report or complaint alleging prohibited conduct, shall promptly undertake or authorize an investigation.

5. Council Action

Upon receipt of a report, the Council will take appropriate action. Action taken for violation of this policy will be consistent with law and policy.

6. Reprisal

No employee will discriminate or retaliate against any person communicating to the REC#1 Council-Board or Executive Director or a third party information about an act or failure to act that the employee believes in good faith constitutes an unlawful or improper act; provides information to, or testifies before, a public body as part of an investigation, hearing, or inquiry into an unlawful or improper act; or objects to or refuses to participate in an activity, policy, or practice that constitutes an unlawful or improper act, as defined by the Whistleblower Protection Act.19

7. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include initiating civil action or seeking redress under state criminal statutes and/or federal law.

8. Dissemination of Policy and Training

- i. This policy shall be distributed to all employees in the policy handbook and shall be posted in the REC#1 offices.
- ii. The REC#1 shall develop appropriate methods of discussing this policy with students and employees.
- iii. This policy shall be reviewed at least annually for compliance with state and federal law.

514.2 Staff/Student Relations

Staff members of Four Corners REC#1 are encouraged to take a professional interest in students. However, professional ethics require that staff members avoid social situations through which they could exploit their positions of authority over students.

514.3 Child Abuse Reporting

It is the responsibility of each and every Four Corners REC#1 employee to report reasonable suspicions of child abuse directly to the appropriate agencies as per state law. It is recommended that the appropriate district superintendent and Four Corners REC#1 executive director also be notified.

514.4 Drug-Free Schools and Campuses/Drug-Free Workplace

The purpose of this policy is to ensure a drug-free environment for all employees; to provide assurances to state and federal government agencies that the REC is complying with the Drug-Free Schools and Communities Act, as amended, and all regulations promulgated hereunder; and to declare that the REC shall make a good faith effort to maintain a drug-free workplace through implementation of this policy.

1. No employee or contractor engaged by Four Corners REC#1 shall unlawfully manufacture, distribute, dispense, possess, or use alcohol or controlled substances in the workplace.
Compliance with this policy is mandatory; violation of this prohibition may result in termination of employment with the REC or other appropriate disciplinary action, including referral to law enforcement.
2. Definitions:

- a. Alcohol: Any liquor, wine, beer, or other beverage containing alcohol.
- b. Controlled Substance: Any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, or any other controlled substance, as defined in Schedules I through V of Section 202 of the federal Controlled Substances Act and as further defined by federal regulations.
- c. Workplace: The site for the performance of work done in connection with employment shall include any place where work of the REC and its member districts and institutions is performed, including a school building or other premises, or any school or REC-owned vehicle ~~or any other approved vehicle used to transport students for services and away from REC, school district or institutional property during any activity, event or function where students are under the supervision of the REC's employees.~~

All REC#1 employees will notify the Council within 24 hours of arrest and/or conviction of operating a motor vehicle under the influence of drugs or alcohol.

514.5 Reporting Procedures – Known/Suspected Student Alcohol/Drug Use

Four Corners REC#1 employees who know or in good faith suspect any student of using or abusing alcohol or drugs shall report such use or abuse to the appropriate administrator of the school district in which the child attends school.

514.6 Clean Indoor Air Act/Tobacco-Free Policy

Smoking or the use of smokeless tobacco in any form is prohibited in any Four Corners REC#1 facility or vehicle at any time. This policy will be enforced 24 hours a day, seven days a week.

514.7 Exposure to Bloodborne Pathogens

Four Corners REC#1 shall provide training and orientation to employees in relation to a Bloodborne Pathogen Exposure Control Plan to ensure compliance with safety standards and for the safety and protection of its employees and clients.

514.8 School Safety Training

Four Corners REC#1 shall provide training and orientation to employees in relation to a School Safety (active shooter) to ensure compliance with safety standards and for the safety and protection of its employees and clients.

514.9 Health Requirements

Communicable Diseases – Any employee who is infected with any acute communicable disease dangerous to the public health shall absent himself/herself from employment activities during the prescribed period of recovery.

When an employee is identified as having a chronic communicable disease such as HIV/AIDS, hepatitis B, etc., the REC#1 will seek to accommodate the employee's medical condition while maintaining a safe and healthy environment for students and other employees. Decisions in all situations will be made on a case-by-case determination, based on the medical facts of each, and with concern for the best interests of all involved. At least two qualified physicians, including the physician of the employee, will be impaneled by the REC to evaluate each case.

Medical Examination – If at any time there is a question as to the ability of an REC#1 employee to perform essential job-related functions consistent with business necessity, the REC#1 will require a physical or mental examination by an REC#1-appointed doctor to be paid by the REC#1. The examination is for the purpose to determine only whether the employee is able to perform the essential functions of the job, with or without reasonable accommodation.

The Equal Employment Opportunity Commission has identified four situations under which a medical examination or inquiry will be considered job-related and consistent with business necessity and, therefore, permissible:

1. When an employee wishes to return to work following an absence due to illness or injury. An examination may be conducted to determine if the employee, with reasonable accommodation, can safely and effectively perform the essential functions of the job.
2. When an employee requests an accommodation. If an employee requests an accommodation on the basis of a claimed disability, an examination may be conducted to determine if the employee is an —individual with a disability to whom a duty of accommodation is owed and, if so, to help identify potential accommodations.
3. When an examination is required by federal law. Medical examinations or monitoring are required under certain circumstances by regulations issued by the Department of Transportation and the Occupational Safety and Health Administration.
4. The REC#1 may conduct voluntary medical examinations as part of an employee health or—wellness program. All information obtained through medical inquiries or examinations must be treated as confidential employee medical information and filed separately from other personnel information about the employee.

515 Employment Issues

515.1 Employee Contracts

All contracts or employment agreements with employees shall be in writing, and the salary shall be in accordance with adopted salary schedules. The contract or employment agreement is to be signed by the Executive Director after approval by the Council.

Election of licensed/certified and support employees shall be at a regular meeting of the Council each year. Following such action by the Council, the Executive Director shall provide a written offer of employment to each employee approved for re-employment. The offer must be accepted by submitting written acceptance to the Executive Director within 15 calendar days of receipt of such offer.

515.2 Acceptance of Employment

Each employee shall deliver to the Executive Director a written acceptance or rejection of reemployment for the ensuing school year within 15 days from the following:

1. The date written notice of reemployment is served upon the person; or
2. The last day of the fiscal year when no written notice of reemployment or termination is served upon the person on or before the last day of the fiscal year.

For contract employees, delivery of the written acceptance of reemployment by the employee creates a binding contract until the parties enter into a formal written employment contract.

If the employee does not indicate acceptance of reemployment within the 15 days as outlined above, the Executive Director will consider that s/he has rejected the offer of reemployment and will declare that employee's position open.

Written employment contracts for returning employees must be executed no later than ten days before the first day of a contract year.

515.3 Salary Schedules

On an annual basis, the Executive Director will prepare salary schedules for each employee classification, subject to approval of the Council. These schedules will form the basis for determining the annual salary of employees and may include extra compensation in accordance with supplementary increments established by the Council.

Each employee is responsible for verification of applicable training and experience. All verification of experience and training must be in the Executive Director's office by July 1, in order to be counted on current year salary schedules.

Prior experience in approved settings will be credited on the salary schedule as determined by the Executive Director. A full year's experience will be credited on the salary schedule if approved by the executive director; fractional years of experience will be dropped if less than one-half year.

Daily rates of pay are computed based on the contract year.

The implementation of salary schedules is dependent upon the receipt of adequate federal and/or state funds.

515.4 Recruitment and Applications

The Executive Director, within the limits of the REC#1 budget and the approved salary schedules, is committed to the policy of acquiring and retaining the most qualified personnel. Applications will be accepted on a year-round basis. All applicants will become part of the applicant pool and given consideration in filling positions within the REC#1. Applicants will be screened based on information submitted, and selected applicants will be invited for an interview. All applications are kept on file for one year. Applications may be reactivated for an additional year by notifying the REC#1 Executive Director in writing.

Applications, salary schedules, job descriptions, and requirements, will be available at the Four Corners REC#1 office and on the Four Corners REC#1 web site.

515.5 Hiring

Subject to appropriate provision of the New Mexico Open Meetings Act, the Council may require the Executive Director to explain any recommendation or to identify and discuss other applicants for a position. The Council may approve or disapprove any of the Executive Director's employment recommendations. If the Council rejects any recommendations, it shall be the Executive Director's duty to recommend another candidate within a reasonable time.

The Executive Director is authorized to offer employment to prospective employees with subsequent employment approval by Council upon recommendation of the Director at the next scheduled Council Meeting.

515.6 Conditions of Employment

Immigration Reform Act and Homeland Security Act – All persons will be required to prove their legal right to work in the United States as required by the United States Immigration and Control Act and to comply with any additional requirements of the Homeland Security Act.

515.7 Suspension

An employee may be suspended (with or without pay depending on circumstances) from duty pending the outcome of a hearing or the investigation of charges, such suspensions to be made by the Executive Director in accordance with the rights of the individual and any applicable due process procedures.

515.8 Reemployment/Termination Decisions

All contracts or employment agreements with employees shall be in writing and signed by the Executive Director.

Contract Employees:

Employees whose positions require licensure or certification shall serve under one-year contracts or a period determined by the timelines of the source funding for the employee's position.

Classified Non-Certified Employees:

Employees whose positions do not require licensure or certification shall serve under employment agreements that are considered "at-will," which is defined as a working relationship for an indefinite term without property rights to continued employment. Such employment may be terminated at any time for any reason that is not unlawful with ten (10) working days' notice. In lieu of such notice, the Executive Director may terminate the employee with severance pay equivalent to 10 working days.

Re-Employment Decisions:

Re-employment decisions regarding REC#1 employees will be in compliance with state and federal statutes.

On or before the last day of the contract year ~~or on or before the last day of the school year for at-will employees~~, the Council, through the Executive Director, will serve written notice of reemployment or termination of employment by the REC#1.

~~A notice of re-employment for contract employees shall be an offer of employment for the ensuing school year.~~

~~A notice of re-employment for at-will employees shall be an offer of employment to begin on the first day of the ensuing school year.~~

A notice of termination for a contract employee shall be a notice of intention not to re-employ the employee for an additional contract year for the ensuing school year. A notice of termination for an at-will employee shall be a notice that the employment relationship is severed immediately except as provided in the notice provisions of this policy.

Acceptance of Employment:

Each employee shall deliver to the Executive Director a written acceptance or rejection of re-employment within fifteen (15) days from the following:

1. The date written notice of re-employment is served upon the person; or
2. The last day of the fiscal year when no written notice of reemployment or termination is served upon the person on or before the last day of the fiscal year.

Delivery of the written acceptance of re-employment by a certified or licensed

employee creates a binding contract until the parties enter into a formal written employment contract, no later than 10 days before the start of a new contract year~~first day of the ensuing school year~~.

If the employee does not indicate acceptance of reemployment within fifteen (15) days, as outlined above, the Executive Director will consider that he/she has rejected the offer of re-employment and will declare that employee's position open.

Termination Procedures:

Before terminating an employee, the Executive Director will serve the employee with a written notice of termination. For contract employees, such notice shall be provided by the Executive Director on or before the last day of the ~~school contract year~~year of the existing employment contract. For non-contract classified employees, such notice may be provided at any time for any reason that is not unlawful with ten (10) working days' notice. In lieu of such notice, the Executive Director may terminate the employee with severance pay equivalent to ten (10) working days.

1. The Council may terminate an employee with fewer than three years of consecutive service for any reason it deems sufficient in accordance with state law.
2. An employee who has been employed by the REC#1 for three (3) or more consecutive years may be terminated with just cause.
3. Upon request of the employee, the Executive Director shall provide written reasons for the decision to terminate within ten (10) working days of the request. Neither the Executive Director nor the Council shall publicly disclose its reasons for termination. The reasons shall not provide a basis for contesting the decision to terminate under state law.
4. An employee who has been employed by the REC#1 for three (3) or more consecutive years and who receives a notice of termination in accordance with state law may request an opportunity to make a statement to the Council regarding the decision to terminate by submitting a written request to the Executive Director within five (5) working days from the date that written notice of termination was served upon the employee. The employee may also request in writing the reasons for the action to terminate. The Executive Director shall provide written reasons for the notice of termination to the employee within five (5) working days from the date the written request for a meeting and the written request for the reasons were received by the Executive Director.
5. Neither the Executive Director nor the Council shall publicly disclose its reasons for termination.
6. The employee's request under subsection 4 of this section shall be granted if he or she responds to the Executive Director's written reasons as provided in subsection 4, by submitting in writing to the Executive Director a contention that the decision to terminate was made without

just cause. The written contention shall specify the grounds on which it is contended that the decision was without just cause and shall include a statement of the facts that the employee believes support his or her contention. This written statement shall be submitted within ten (10) working days from the date the employee receives the written reasons from the Executive Director. The submission of this statement constitutes a representation on the part of the employee that he or she can support the contentions as well as an acknowledgement that the Executive Director may offer the causes for the decision and any relevant data in the Executive Director's possession in rebuttal of the employee's contentions.

7. The Council shall meet to hear the employee's statement in no less than five (5) or more than fifteen (15) working days after the Executive Director receives the statement. The hearing shall be conducted informally in accordance with the provisions of the Open Meetings Act. The employee and the Executive Director may each be accompanied by a person of his or her choice. First, the Executive Director shall present the factual basis for the determination that just cause exists for the termination of the employee, limited to those reasons provided to the employee under subsection 4. Then the employee shall present his or her contentions, limited to those grounds specified in subsection 5. The Executive Director may offer such rebuttal testimony as the Executive Director deems relevant. All witnesses may be questioned by the Council, the employee or representative and the Executive Director or representative. The Council may consider only such evidence as is presented at the hearing and need consider only such evidence as it considers reliable. No record shall be made of the proceeding. The Council shall notify the employee and the Executive Director of its decision in writing within five (5) working days from the conclusion of the meeting.
8. An employee who is aggrieved by the decision of the Council may appeal such decision to a qualified independent arbitrator as provided by statute.

These procedures do not apply to:

1. A certified ~~employeeschool instructor~~ employed to fill the position of a certified ~~employeeschool instructor~~ entering military service;
2. A person who is employed as a certified school administrator; or
3. A noncertified employee employed to perform primarily REC#1-wide management functions.

515.9 Discharge during Term of Contract – Certified/Licensed Employees

Definitions:

The term "discharge" means the act of severing the employment relationship with a certified employee prior to the expiration of the current employment contract.

The term “just cause” includes, but is not limited to, any misconduct or reason that constitutes an employee’s lack of competence to perform his or her job, an incident of moral turpitude, failure to properly perform his/her duties, insubordination or failure to comply with policies or directives, deficiencies pointed out in any written or oral communications that have not been corrected, failure to meet standards of professional conduct as set out in state law or regulations, any misconduct that undermines the employee’s effectiveness in his or her REC#1 employment whether the misconduct occurs on or off duty, or any other misconduct. In any event, just cause does not include any reason that is in violation of the employee’s civil or constitutional rights.

Procedure:

The Council may discharge a certified employee for just cause in accordance with state law and the following procedure:

1. The Executive Director shall serve written notice of intent to recommend discharge on the certified employee in accordance with the law for service of process in civil actions; and,
2. The Executive Director shall state in the notice of intent to recommend discharge the cause for the recommendation and shall advise the certified employee of his or her right to a discharge hearing before the Council.
3. A certified employee who receives a notice of intent to discharge in accordance with the above may exercise his or her right to a hearing before the Council by submitting to the Executive Director written notice of that election within five (5) working days of receipt of the notice to recommend discharge.
4. The Council shall hold a discharge hearing no less than twenty (20) and no more than forty (40) working days after the Executive Director receives the written election from the certified employee and shall give the certified employee at least ten (10) days written notice of the date, time, and place of the discharge hearing.
5. Each party, i.e., the Executive Director and the certified employee, may be accompanied by a person of his- or her choice.
6. The parties shall complete and respond to discovery by deposition and production of documents prior to the discharge hearing.
7. The Council shall have the authority to issue subpoenas for the attendance of witnesses and to produce books, records, documents, and other evidence at the request of either party and shall have the power to administer oaths.
8. The Executive Director shall have the burden of proving by a preponderance of the evidence that, at the time of the notice of intent to recommend discharge, there was just cause to discharge the certified employee.
9. The Executive Director shall present evidence first, with the certified employee presenting evidence thereafter. The Council shall permit either party to call, examine, and cross-examine witnesses and to introduce documentary evidence.
10. An official record shall be made of the hearing. Either party may have

one copy of the record at the expense of the REC#1.

11. The Council shall render its written decision within twenty (20) days of the conclusion of the discharge hearing.

Appeals – An employee who is aggrieved by the decision of the Council to discharge after a discharge hearing may appeal such decision to a qualified independent arbitrator as provided by state law.

515.10 Reduction in Force (RIF)

Applicability

Prior to implementation of a reduction in force (RIF), staff reductions shall be accomplished to the extent feasible with normal attrition and with the termination of employment of staff with less than three consecutive years of service at the REC#1.

A RIF may take place if the Council determines that a financial exigency or program change requires the layoff of one or more employees. This policy applies to termination at any time of a non-certified employee with three or more consecutive years of employment with the REC#1; termination of a contract employee at the end of the contract term; or discharge during the term of a contract, prior to its expiration.

Definitions

Definitions used in this policy are as follows:

—Financial exigency means any event or occurrence that creates a need for the reduction of financial expenditures for personnel including, but not limited to, decreased financial resources, insufficient legislative appropriation or authorization being made by the state or federal government, or decreased enrollment.

—Program change means any decrease or revision of educational programs or services or offerings of the REC#1, including but not limited to a change in legislation, modification or reorganization of staff, a redirection of financial resources to meet the needs of the member districts, legislative revisions to programs affecting the REC#1, or reorganization of individual schools or school districts.

—Employment Area means an individual program, service, function, or department within the REC#1.

Recommendation to and Action by the Council

When a RIF is to be implemented, the Executive Director shall prepare a RIF plan for consideration by the Council that includes:

1. Identification of one or more Employment Areas being recommended for staff reduction;

2. Identification of positions within the Employment Area being recommended for staff reduction; and
3. Identification of individuals within the Employment Area being recommended for termination or discharge, based on the criteria for selection.

Upon approval of the RIF plan by the Council, affected employees will be accorded the procedures consistent with applicable termination or discharge requirements as provided by law and REC#1 policy.

Criteria for Selection

The Executive Director shall identify individuals within the Employment Area being recommended for termination or discharge, based upon the criteria set forth below. These criteria are listed in order of importance. The Executive Director shall apply them sequentially to the extent necessary to identify the employees who least satisfy the criteria and are therefore subject to the reductions; i.e., if all necessary reductions can be accomplished by applying the first criterion, it is not necessary to apply the second criterion.

1. Credentials, such as levels of education, licensure, and/or certification specifically relevant to the position.
2. Employment performance, based on effectiveness in the position held as reflected in evaluations and other written evaluative information. If the Executive Director determines that the documented performance differences between two or more RIF prospects are too insubstantial to rely upon, he or she may proceed to apply to criterion 3.
3. Length of service or seniority, defined as consecutive length of service in the REC#1, as measured from the employee's most recent date of hire.

Existing Vacancy

Once the Executive Director has identified the appropriate employees in the affected area(s), those employees may apply for other available positions for which they are qualified. An employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with REC#1 procedure to be considered for a particular vacancy.

Up until the date of a hearing requested in accordance with REC#1 policy, an employee who applies for an open position must be offered the position if the employee meets the REC#1's objective criteria for that position consistent with the academic or operational necessities of the REC#1.

515.11 Resignation

Four Corners REC#1 employees shall file a written notice of resignation with the Executive Director 30 days prior to the effective date of resignation. Failure to do so may result in a complaint being filed against the employee's license with the Public Education Department.

The Executive Director may waive the period of time due to extenuating circumstances.

515.12 Conduct in the Workplace

Bullying and/or harassing conduct by employees of the REC#1 is prohibited. The effective operation of the REC#1 requires that employees strictly avoid subjecting other employees to violence, other forms of harassment, intimidation, or any threat of violence, communicated by words or conduct. REC#1 employees shall comply with the standard practices and ethical conduct toward coworkers, professional colleagues, school officials and members of the community in compliance with law and REC#1 policies and procedures.

Complaints of prohibited harassment or discrimination based on disability, sex, age, race, and religion are addressed under REC#1 policies 501 and 5130.

Prohibited Conduct

Prohibited conduct includes all acts and omissions set forth in 6.60.9 NMAC and/or all other policies of the REC#1, including but not limited to the following:

- An employee shall not disclose personal, medical, or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law. 6.60.9.9(C)(6) NMAC (2006).
- An employee shall not knowingly make false or derogatory personal comments about an educational colleague, although first amendment protected comments on or off campus are not prohibited. 6.60.9.9(C)(7) NMAC (2006).
- An employee shall not, when on school property or off campus while representing the REC#1, or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace. 6.60.9.9(C)(20) NMAC (2006). An employee shall not engage in unprofessional conduct such as striking, assaulting, or restraining a student for no valid reason or using any spoken words in public schools that are inflammatory, derogatory, or otherwise demonstrate a bias against a person or group, on the basis of their race, religion, culture, ethnicity, sexual preference, sexuality or physical disability. 6.60.9.9(C)(23) NMAC (2006).
- An employee shall not engage in aggressive conduct such as observable behavior, verbal or non-verbal, which can depreciate, threaten, or hurt a person or destroy an object.

If an on-duty employee is threatened with an assault upon himself or another and has a reasonable method of retreating or causing the other to retreat so as to avoid the assault, the employee shall retreat or cause the other to retreat.

Reporting Harassment/Bullying in the Workplace

Employees shall immediately report instances of harassment or bullying suffered by them in connection with their employment to his/her immediate

supervisor.

New Mexico law requires that any school administrator, teacher, or other school employee who observes or has direct knowledge from a participant or victim of an act of violence upon any employee of the Board engaged in the lawful discharge of duty or of vandalism to public school property shall file a report describing the incident pursuant to procedures established by the NMPED and REC#1 procedures. NMSA 1978, § 22-10A-33(A) (2011). Any person who files such a report shall not be discriminated against in any manner or discharged because he/she has filed that report. NMSA 1978, § 22-10A-33(B) (2011).

An employee who is found to have violated this policy may be subjected to discipline, which may include discharge.

While performing professional duties at school districts, REC#1 employees shall adhere to the policies and procedures of that school district.

For reporting procedures regarding employees who believe he or she has been the victim of religious, racial, or sexual harassment or violence.

Reporting Harassment/Bullying in the Workplace:

Employees shall immediately report instances of harassment or bullying suffered by them in connection with their employment to his/her immediate supervisor to attempt to address and resolve the complaint at the lowest level. Reports may be oral or in writing. Complainants aggrieved by any proposed resolution may report directly to the Executive Director.

516 Work Requirements

516.1 Work Day/Year

~~Work Year — The work year will begin on July 1 and end on June 30 for year-round employees. Licensed Support Personnel assigned to local educational agencies will begin August 1 and end June 30.~~

~~The yearly calendar will indicate days to be worked for school year employees, and employee contracts will reflect the number of days of contract accordingly.~~

Work Day – Length of work day and schedule of hours of work for all employees shall be determined by the Executive Director and based on assignment. REC#1 staff assigned to the REC#1 office will follow hours established for that office by the Executive Director.

~~Time sheets for REC non-certified office personnel will be signed by the Executive Director and submitted by the end of the day for that pay period.~~

516.2 Assignment/Duty Station

~~Employees shall be assigned by the Executive Director to such duty and location as may be in the best interest of the school districts and students served.~~

~~All related service staff will have an assigned duty station for the school year unless unforeseen circumstances require a reassignment during the year.~~

~~516.3~~ **516.2 Overtime**

The Fair Labor Standards Act will be followed in regard to overtime payment or compensatory time allowance for all personnel as delineated in administrative regulations.

~~516.4~~ **Extra Duty**

~~The REC Executive Director will inform employees of after-school hours activities they are expected to attend.~~

~~516.5~~ **516.3 Supervision and Evaluation**

The Executive Director shall be responsible for designing and implementing effective personnel supervision and evaluation program in compliance with the Public Education Department rules governing RECs. The goal of the staff evaluation plan is the improvement and development of staff.

~~516.6~~ **516.4 Staff Meetings**

All members of the REC #1 staff must attend ~~the following:~~

~~The pre-opening school workshops and all in-service activities indicated on the Four Corners REC#1 calendar. Appropriate deductions for nonattendance will be made, or the employee may use paid personal leave if ill.~~

All staff meetings called by the Executive Director unless excused by the Executive Director.

517 Professional Organizations

Membership in all professional associations is voluntary (NMAASBO is required for Four Corners REC#1 business manager). Professional association activities shall not interfere with a staff member's accepted responsibilities to the REC #1.

600 FISCAL ACCOUNTABILITY

1. Determination
The REC #1 serves as its own fiscal agent and shall employ such personnel as necessary to provide required fiscal administration and accountability.
2. Responsibilities

Fiscal accountability responsibilities shall include:

- ~~1. Preparation of the member district's applications for federal IDEA-B funds and other federal flow through funds, and/or any application with which a member district requests assistance;~~
- ~~2. Receipt of IDEA-B and other federal funds disbursed according to the application process, as well as other direct or federal flow through funds, state appropriations, local and other funds;~~
- ~~3.1.~~ Disbursement of funds at the Executive Director's direction and in compliance with grant applications, approved budgets, and all applicable federal and state

laws and regulations; and

4.2. Budgeting, managing, and accounting for all funds received in compliance with applicable federal and state laws, rules, and regulations, including but not limited to:

- a. the Individuals with Disabilities Education Act (IDEA), the General Education Provisions Act (GEPA), and other funding statutes and requirements administered by the U.S. Department of Education or other federal agencies;
- b. the New Mexico Public School Finance Act and the Public Education Department's rules, Manual of Procedures for Public School Accounting and Budgeting, Flow through Procedures Manual (including detailed lists of applicable state and federal requirements), and any supplemental instructions for RECs;
- c. the Procurement Code and other applicable statutes administered by the State General Services Department;
- d. the Joint Powers Agreements Act, the Per Diem and Mileage Act, and other applicable statutes administered by the State Department of Finance and Administration;
- e. the Audit Act; and
- f. the Public Records Act and other applicable statutes administered by the State Records Center and Archives.

601 Program and Budget Development

~~1. IDEA B and Other Programs~~

~~LEAs and the REC use budget figures provided by the PED for federal flow-through funds, and budget figures provided by the agencies responsible for other programs such as the Family, Infant and Toddler and Medicaid.~~

- ~~a. The REC will inform the districts of any carryover funds that must be expended or that may be available for rebudgeting.~~
- ~~b. Each LEA develops its application through:
 - ~~i. Needs assessments and district EPSS accountability data;~~
 - ~~ii. Local or region-wide advisory groups;~~
 - ~~iii. Developing local goals and activities for each application-section;~~
 - ~~iv. Developing a balanced budget for each activity; and~~
 - ~~v. Submitting planned activities and budget figures to the REC for incorporation into the application.~~~~
- ~~c. The REC will provide assistance to districts in the development of their applications by submitting them to the Public Education Department or other agencies for approval. If any changes or corrections are necessary in the approval processes, REC staff will be responsible for completing these. Upon final approval, the Executive Director will insert any corrected pages and distribute a copy of the completed application to each LEA.~~
- ~~d. Program Amendments — Changes to approved applications shall be made by action of the Council upon request by the superintendent of the district requesting such change, the submission of documentation reflecting any required approval by the local school board, and a corresponding recommendation of the Executive Director.~~

~~2. Medicaid in the Schools~~

- ~~a. The proposed Medicaid in the Schools budget will be based on the previous year's revenues and estimates of any increases in numbers of Medicaid eligible children.~~
- ~~b. The REC will assist districts in obtaining Medicaid Direct Service and Administrative Time Study reimbursements. The REC will administer the Medicaid budget and be accountable for accurate distribution of individual district monies, including verification that all expenditures are in compliance with Medicaid policies and the REC collaborative plan before reimbursing districts.~~
- ~~c. The Executive Director or designee will keep the Council informed of any changes or new developments regarding Medicaid, provide technical advice to the Council, and serve as the REC's official representative at meetings with the Department of Health or other Medicaid-related agencies.~~
- ~~d. The Medicaid reimbursement program records that contain personally identifiable student information are subject to the requirements of the Family Educational Rights and Privacy Act (FERPA).~~

~~3. Related Services/State Appropriations Funding~~

~~Each district will budget a proposed reimbursement to the REC for purchases of special education and related services at Council-approved rates based on estimated personnel needs.~~

~~4.1. Annual Operating Budget Development~~

- a. Chart of Accounts – The REC#1 will follow the PED's regulations, Uniform Chart of Accounts, Manual of Procedures for Public School Accounting and Budgeting, Flow through Procedures Manual, current year audit rules and any supplemental instructions for RECs in the development and submission of budgets. As required by the PED, the REC#1 will submit individual program budgets as well as a combined total budget for all funds to be expended.
- b. The budget will show an estimate of total anticipated revenue for the ensuing year and will include any program approved by the Council to be administered or staffed by REC#1 personnel or contractors.

602 Budget Review and Approval

~~1. Budget Approval – Each LEA's portion of the REC budget(s) will be approved by the individual board of education prior to submission.~~

~~2.1. Each program's budget and the REC#1 total operating budget will be reviewed and approved by the Council before final submission to the PED. Copies of each program's budget will be entered into the official minutes and will be available to any person for inspection.~~

~~3.2. Budget Submission – The REC#1 budget will be submitted in accordance with PED timelines.~~

~~4.3. The PED will provide final budget approval on behalf of the DFA.~~

~~5.4. Budget Amendments – The Council may amend any program's budget if deemed necessary to meet unforeseen program requirements or changes in preliminary budget figures. Changes will be made by action of the Council at a regularly scheduled meeting upon submission of such proposed changes by the REC#1. Each amendment will be recorded in official Council minutes.~~

~~6.5.~~ Budget adjustment requests (BARs) that require PED approval, must be submitted to the PED.

603 Procurement Requirements

The Four Corners REC will adhere to all applicable requirements of the NM Procurement Code in its purchasing practices. RECs are excluded from the requirements of procurement through the state purchasing agent, but not from the other requirements of the Procurement Code. Purchasing policies and procedures for grant funding shall comply with requirements of the grant as well as the Procurement Code.

1. Procurement Officer – The Executive Director or appointed designee is designated as the procurement officer for Four Corners REC#1 and is authorized to enter into or administer contracts within the approved budget, subject to any other necessary Council approval, and to make written determinations regarding procurements.
2. Purchases and Reimbursements for Districts ~~—Each district has approved budget amounts in the REC budget adopted by the Council, which requires separate accounting.~~
 - a. Purchases Made through the REC
 - i. Any purchases made through the REC must have the prior approval of the Executive Director.
 - ii. The Procurement Code must be followed for all purchases to which it applies.
 - vi. Requisitions from school districts must have the signature of the superintendent or other authorized administrator.
 - vii. Requisitions and/or travel requests shall be submitted by district Business Managers to the REC Business Manager for verification that budgeted funds~~budget money is are~~ available.
 - b. Purchases Reimbursed by the REC—Districts may request reimbursement for services or purchases approved in program applications up to the limit of their individual pre-approved district budgets.
 - i. Purchase Reimbursements
District Business Managers may submit requests on a monthly or quarterly basis to the REC for REC reimbursement of allowable expenses under each district’s program and budget approval. Such requests will be accompanied by district purchase documents, e.g., i.e., a copy of the warrant showing payment, copies of appropriate purchase orders or approved travel requests as well as procurement information (quotes or bids as necessary). The REC will determine if funds are available in the proper function/object codes and prepare a purchase order to the district for the Executive Director’s approval. The Executive Director is responsible for assuring that such purchases meet approved program requirements. Upon the Executive Director’s approval, the district will be reimbursed for reimbursable purchases.
 - ii. ~~—Each district will keep a running record of requisitions and expenditures in a Budget Register. The REC will submit at a minimum Quarterly Budget Reports for all funds to each district for reconciliation with REC records.~~

~~iii. The REC Medicaid Coordinator and Business Manager will report to each district on a quarterly basis direct service and time study reimbursement requests on the district's behalf. They will also report quarterly on Medicaid cash revenues available to each district for cash request and expenditure.~~

c. REC Purchases

All purchase procedures will comply with the NM State Procurement Code, any applicable federal procurement requirements and any other requirements of the PED or other agencies administering the funds being used.

i. Contracts for Services

The Council may enter into employment contracts or contract with a school district, institution, or independent contractor for the procurement of services. Employment contracts and contracts with other governmental entities are exempt from the Procurement Code. Contracts for the services of independent contractors are subject to the Procurement Code. All contracts shall be subject to ~~the IDEA nonsupplanting requirements and~~ any applicable state licensure requirements for the services to be performed.

All contracts for services are subject to periodic monitoring by the Business Manager to determine compliance with contract requirements and quality of services.

ii. Procurement Policies

The Procurement Code requires sealed bids for all purchases of tangible personal property ~~and~~ services of non-employees or construction, except for the following: procurement through competitive sealed proposals, small purchases, sole source procurement, emergency procurements, procurement under existing contracts and purchases from antipoverty program businesses. Procedures for all types of procurements are governed by the regulations of the Purchasing Division of the State General Services Department.³⁰ The REC will follow the current procurement regulations for all purchases, including but not limited to ensuring that vendors are not currently suspended, disbarred, or otherwise unauthorized to participate in conducting business with RECs or school districts.

iii. Purchase Order Requirement

Purchase orders are required for all purchases other than employee contracts for services, employee-authorized deductions from payroll, and federal/state required deductions, such as educational retirement, Social Security, and insurance program payments. Blanket purchase orders may be used for items purchased on a recurring basis from the same vendor within a specified time frame including purchases under existing contracts between vendors and the State Purchasing Division or federal General Services Administration.

REC Materials and Equipment

REC equipment, furniture, and other property are used for REC purposes. Cell phones, computers, and other electronic equipment are subject to the Acceptable Use policy as set out in the Employee Manual. Personal use of REC property is prohibited.

Electronic mail transmissions and other use of the electronic communications system (e-mail) shall not be considered private.

604 Cash Basis Accounting

The Four Corners REC#1 will not issue cash disbursements. Disbursements will be made via vouchers/checks as follows:

- Invoices for goods and services received;
- Disbursement for employment of casual or other labor not under contract;
- Disbursements for contracts; contracted payroll disbursements; and
- Authorized reimbursements for expenses incurred while performing duties on behalf of the REC.

1. Approval of Vouchers

In order to assure timely payment of REC obligations and in fairness to REC vendors, the Executive Director is authorized to approve vouchers for payment from funds budgeted and available for those purposes.

2. Cash Reconciliation

All operating Accounts Payable bank accounts shall be reconciled monthly by the REC Business Manager and/or accounts payable clerk, and payroll bank accounts shall be reconciled by the Payroll Manager.

3. Separation of Duties

The Executive Director shall establish procedures that assure segregation of duties between Accounts Payable processing and payroll processing.

4. Security of Checks and Checkwriter

All vouchers/warrants shall be stored in fireproof locking vaults or cabinets. The ability to have one of the two required signatures printed on the checks when processing them will be secured/controlled by restricted access via the Four Corners REC#1 accounting software system. Only the Executive Director, Business Manager, and Financial Specialist will have access to that function. All checks issued will also be signed by one "live" authorized signatory (the second required signature). Vouchers will be signed by the Executive Director and the Business Manager prior to checks being distributed.

605 Travel and Training

Four Corners REC#1 Council will set mileage rates for employees consistent with NM Department of Finance and Administration (DFA), Financial Control Division, for the use of a private automobile in the discharge of official duties and rules governing travel and per diem. (Ref: NMAC 2.42.2.11) The Council can approve for individual entities to pay at a different rate. Actual expenses for travel and training may be reimbursed within the limitations established by Federal/Joint Travel Regulations (FTR/JTR) if approved in advance by the Executive Director.

~~Employees who are required to drive as part of their duties for the REC may check out vehicles owned by the REC through the check-out process as outlined in the Employee~~

~~Manual. The Employee is responsible for maintenance of the vehicle while he or she is driving it.~~

~~The Business Manager shall monitor the driving record of each employee who drives an REC-owned vehicle at least once a year to ensure current driver's license status.~~

606 Fixed Assets Inventory

The REC#1 will maintain a fixed assets inventory of items with an initial value of more than \$5,000 in a format that meets the requirements of the PED and the State of NM General Services Department. Any additional inventory information required under the Education Department General Administrative Regulations (EDGAR) for federal grant purchases will be maintained.

A separate inventory of small and attractive items (formerly, supply assets) valued under \$5,000 will be maintained for accountability purposes. Such inventory items shall include but not be limited to laptop computers, storage cabinets, i-pods, tools, cameras, and electronic or other items.

Equipment/property disposition procedures will be according to statute and applicable rules.

607 Financial and Compliance Audits

The State Auditor requires that state agencies maintain adequate accounting records, prepare financial statements in accordance with the Governmental Accounting Standards Board (GASB), Generally Accepted Accounting Principles (GAAP), and in cooperation with the Independent Public Accountant (IPA) by providing to the IPA, in a timely manner, the information the IPA requires to express an opinion on the agency's financial statements.

The REC#1 will annually contract with an IPA to perform a financial compliance audit as required by the State Auditor. The audit report will be formally accepted by the Council at a regular meeting, and a copy of the approved audit shall be forwarded to the PED by the date in the State Auditor rule.

608 Records Retention and Disposition

The following current and prior-year items are to be secured in fireproof/theft proof storage daily:

1. All blank warrants/checks
2. Council minutes
3. Employees' earnings records
4. Insurance policies and statements of value
5. Motor vehicle titles
6. Deeds and abstracts
7. Audits
8. Bank statements
9. Canceled checks
10. Paid vouchers (bids, quotations, purchase orders, invoices, etc.)
11. Software/databases

The Executive Director is responsible for assuring that all permanent financial and programmatic documents are protected from fire and theft. ~~The Four Corners~~ REC#1-1 uses one of the state mandated enterprise level accounting software systems, and all financial records (both legacy and current) are stored electronically with redundant back-up systems in place.

REC records that contain personally identifiable student information will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA) and the confidentiality requirements of the Individuals with Disabilities Education Improvement Act (IDEA).

700 RISK MANAGEMENT AND LOSS PREVENTION

701 Minimizing Work-Related Accidents, Incidents, or Complaints

Work-related accidents, incidents, or complaints related to employees or the districts and students they serve can result in bodily harm, loss of work and instructional time, property damage, and legal actions that can distract REC employees from their primary work duties.

To guard against such occurrences, the Board desires that precautions be taken to protect the safety of all employees, visitors, and others served by ~~the~~ REC#1 on REC#1 property or at REC#1-related functions at other locations. The Executive Director shall develop administrative guidelines and processes to meet the intent to take precautions and avoid such work-related accidents, incidents, or complaints in the areas of REC facility inspections; fire, traffic, and parking safety, accident record-keeping, first aid and emergency care, and inclement weather. (See grievance policy for formal complaint process.)

702 Accident and Incident Reports

Adequate and prompt accident reporting is essential if similar accidents or incidents are to be prevented. In the event there is an injury, property damage or any other loss, such accident or incident must be promptly reported to the Executive Director who will ensure that appropriate reports are made to the REC#1 insurance authority and the Nm Worker's Compensation Division. The Executive Director must also report to the Board Chairman. For work-related accidents or incidents involving employees working at a location other than the REC#1 offices, a report must also be made to the supervisor at that location or with law enforcement authorities as applicable.

703 Quarterly Review

At least quarterly, the Executive Director shall review any and all work-related accidents or incidents involving REC#1 employees, and grievances filed by or against REC#1 employees for any reason, regardless of disposition. Such review is for the purpose of determining whether changes should be made to REC#1 operating procedures and policies in order to avoid or minimize such accidents or incidents in the future.

704 Legal Assistance To Personnel Against Whom Claims Are Made

In the event that a claim or suit is brought against an REC#1 employee for acts committed in the discharge of the employee's official duties, in the absence of governing statutes expressly allowing the REC to pay the employee's legal defense

fees in the specified circumstances, the Executive Director or the Council may, but is not required to, elect to pay the employee's legal expenses if such payment is in accordance with state law. The Executive Director shall notify the members of the Council in the event that such a claim is made to the REC#1's insurance carrier.

705 Insurance Coverage

The REC#1 participates in the New Mexico General Services Department - Risk Management Division (ERISA) insurance pool for liability and Errors and Omissions (E&O) insurance coverage and complies with the requirements and regulations established under state law and regulations. The insurance coverage for the REC#1, its Board, and its employees is governed by the State of NM regulations, including paying for defense of a claim and protection of the REC#1, its Board Council, and employees from liability under state and federal law in accordance with the terms of the insurance pool coverage. Such coverage is intended to protect against claims for property damage, personal injury or death proximately caused by the negligence, wrongful act, or omission of the REC#1 Board Council members or employees, acting within the course and scope of their employment or office.

706 Safety Procedures and Emergency Preparedness

It is the intent of the Board Council to create a systematic means to minimize the negative impact of an emergency or disaster on employees, visitors, and others while on REC property. An REC#1 Emergency Response Plan for the REC#1 shall be implemented that details risk assessment and establishes plans and procedures to manage an emergency event after it has occurred and includes but is not limited to emergency routes, staff assignments as they relate to immediate actions, effect on staff not currently working at the REC#1 facility, delayed actions, facility evacuations, and facility re-entry. Such Plan shall also include periodic fire safety inspections by the local fire department, periodic inspection and maintenance of fire extinguishers, and training of staff in responses to emergencies and first aid.

800 Miscellaneous

801 ~~Child and Family Support Services~~

~~The REC Procedures Manual provides specific information and requirements regarding service to certain children and families, including but not limited to screening and assessment procedures; processes for linking individuals to services and subsequent monitoring and follow up; case closing; and procedures and criteria used for assigning and evaluating staff workloads.~~

Endnotes -- Legal References

Citations below are to the 1978 Compilation of New Mexico Statutes Annotated (NMSA 1978), the New Mexico Administrative Code (NMAC), or the United States Code (USC). To minimize duplicate references, most statutes or rules are only cited under the first policy to which they apply.

- 1 22-2B-1 *et seq.*, NMSA 1978, Regional Cooperative Education Act
- 2 10-15-1 *et seq.*, NMSA 1978, Open Meetings Act
- 3 42 USC 2000d, Title VI of the Civil Rights Act of 1964
- 4 20 USC 1681, Title IX of the Education Amendments of 1972
- 5 29 USC 794, Section 504 of the Rehabilitation Act; 42 USC 12132, Americans with Disabilities Act
- 6 6.23.3 NMAC, Regional Education Cooperatives; *see also* footnote 1
- 7 11-1-1 *et seq.*, NMSA 1978, Joint Powers Agreements Act; *see also* footnote 6
- 8 14-2-1 *et seq.*, NMSA 1978, Inspection of Public Records Act
- 9 22-11-1 *et seq.*, NMSA 1978, Educational Retirement Act
- 10 28-1-7 NMSA 1978, New Mexico Human Rights Act—Unlawful Discriminatory Practice; 42 USC 2000e, Title VII of the Civil Rights Act of 1964
- 11 28-1-7 NMSA 1978, New Mexico Human Rights Act—Unlawful Discriminatory Practice; 29 USC 631, Age Discrimination in Employment Act
- 12 28-1-7 NMSA 1978, New Mexico Human Rights Act—Unlawful Discriminatory Practice; 42 USC 12132, Americans with Disabilities Act
- 13 38 USC 4311, Discrimination against persons who serve in the uniformed services
- 14 22-1-2 NMSA 1978, Public School Code—Definitions
- 15 28-2-1 *et seq.*, NMSA 1978, Criminal Offender Employment Act
- 16 1.15.6.118 NMAC, General Records Retention and Disposition Schedules, Grievance Personnel Records, Grievance/Complaint Files (Unfair Labor Practice)
- 17 29 USC 2612(a); 29 C.F.R Section 825.112
- 18 29 C.F.R. 825.500
- 19 HJC/HB 165 2010
- 20 21 U.S.C. § 812, 21 C.F.R. §§ 1300.11-1300.15.3
- 21 22-1-2 NMSA 1978, Public School Code—Definitions
- 22 22-10A-2 NMSA 1978, School Personnel Act—Definitions
- 23 22-10A-22 NMSA 1978, Notice of Reemployment—Termination
- 24 22-10A-24(A) NMSA 1978, Termination Decisions
- 25 22-10A-22 NMSA 1978, 22-10A-24 NMSA 1978
- 26 22-10A-25 NMSA 1978, Appeals
- 27 22-10A-26 NMSA 1978, Excepted from Provisions
- 28 22-10A-27 NMSA 1978, Discharge Hearing; procedures
- 29 6.23.3 NMAC, Regional Education Cooperatives
- 30 1.4.1 NMAC, Procurement Code Regulations
- 31 1.5.3 NMAC
- 32 See Title 6, Chapter 50, NMAC
- 33 22-13-14 NMSA, 59A-52-1 NMSA, 6.12.6, NMAC, 6.30.2.10 NMAC
- 34 Conduct in the Workplace NMSA 1978, §§ 30-3-1 (1963), 30-3-4 (1963), 30-3-9 (1989), 22-10A-33 (2011) 6.60.9.9 NMAC (2006)

APPENDIX A

Conflict of Interest Policy

For Director, Council Members, and other Four Corners REC#1

Employees

Article I -- Purpose

1. The purpose of this Council conflict of interest policy is to protect Four Corners REC#1's interests when it is contemplating entering into a transaction or arrangement that might benefit the private interests of the director or Council member of Four Corners REC#1 or might result in a possible excess benefit transaction.
2. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to state agencies, nonprofit and charitable organizations.

Article II -- Definitions

1. Interested person -- Any director or member of a committee with governing council delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.
2. Financial interest -- A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
 - a. An ownership or investment interest in any entity with which Four Corners REC#1 has a transaction or arrangement,
 - b. A compensation arrangement with Four Corners REC#1 or with any entity or individual with which Four Corners REC#1 has a transaction or arrangement, or
 - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which Four Corners REC#1 is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. A financial interest is not necessarily a conflict of interest. A person who has a financial interest may have a conflict of interest only if the Council decides that a conflict of interest exists, in accordance with this policy.

Article III – Procedures

1. Duty to Disclose -- In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Council.
2. Recusal of Self – Any Council member may recuse himself or herself at any time from involvement in any decision or discussion in which the Council member believes he or she has or may have a conflict of interest, without going through the process for determining whether a conflict of interest exists.
3. Determining Whether a Conflict of Interest Exists -- After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Council meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Council members shall decide if a conflict of interest exists.
4. Procedures for Addressing the Conflict of Interest
 - a. An interested person may make a presentation at the Council meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest. The Chairperson of the Council shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
 - b. After exercising due diligence, the Council shall determine whether Four Corners REC#1 can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
 - c. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Council shall determine by a majority vote of the disinterested Council member whether the transaction or arrangement is in Four Corners REC#1's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.
5. Violations of the Conflicts of Interest Policy
 - a. If the Council has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
 - b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Council determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Article IV – Records of Proceedings

The minutes of the Council with delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Council's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Article V – Compensation

- a. A voting member of the Council who receives compensation, directly or indirectly, from Four Corners REC#1 for services is precluded from voting on matters pertaining to that member's compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from Four Corners REC#1 for services is precluded from voting on matters pertaining to that member's compensation.
- c. No voting member of the Council or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from Four Corners REC#1, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Article VI – Annual Statements

1. ~~The Executive Director~~ Each director and each member of the Council with delegated powers shall annually sign a statement which affirms such person:
 - a. Has received a copy of the conflict of interest policy,
 - b. Has read and understands the policy,
 - c. Has agreed to comply with the policy, and
 - d. Understands Four Corners REC#1 is a state agency and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

2. Each voting member of the Council shall annually sign a statement which declares whether such person is an independent director.
3. If at any time during the year, the information in the annual statement changes materially, the director shall disclose such changes and revise the annual disclosure form.
4. The Council shall regularly and consistently monitor and enforce compliance with this policy by reviewing annual statements and taking such other actions as are necessary for effective oversight.

Article VII – Periodic Reviews

To ensure Four Corners REC#1 operates in a manner consistent with state agency purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information (if reasonably available), and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations, if any, conform to MNA's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in impermissible private benefit or in an excess benefit transaction.

Article VIII – Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, Four Corners REC#1 may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Council of its responsibility for ensuring periodic reviews are conducted.

I certify that I have received a copy of the Conflict of Interest Policy, understand the terms and conditions of said policy, and agree to comply with said policy. Furthermore, I understand that the Four Corners REC#1 is a state agency and in order to maintain its federal tax exemption must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Name: _____

Signature: _____

Date: _____