

ROCKWELL CHARTER SCHOOL

Hiring and Employment Policy

Purpose

The Board of Directors of Rockwell Charter School has established this policy to ensure that the Board of Directors and the Administration follow federal and state laws in hiring and terminating employees, as well as best practices and standards. The policy also establishes procedures designed to help hiring committees to select the strongest teachers and staff members possible based on the identified needs of the school, school divisions, school departments, or school teams.

Nondiscrimination Statement

Rockwell Charter School is an equal opportunity employer. In accordance with Federal law. The school does not discriminate on the basis of race, ethnicity, color, national origin, ancestry, gender, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, religion, socioeconomic status, immigration status, language, genetic information, pregnancy, breastfeeding, medical conditions related to pregnancy or breastfeeding, income derived from a public assistance program, political beliefs, or reprisal or retaliation.

Definitions

The definitions below may be found in Utah Code §53G-5-409 unless otherwise indicated:

- Charter School Officer: a member of a charter school's governing board; a member of the board or an officer of a nonprofit corporation under which a charter school is organized and managed; or the chief administrative officer of a charter school;
- Employee: means a person who performs a service for wages, salary or other remuneration under an agreement of hire per Utah Code §67-21-2;
- Employment: means a position in which a person's salary, wages, pay, or compensation, whether as an employee or contractor, is paid from charter school funds. Employment does not include a charter school volunteer;
- Relative: means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

Charter School Exemptions from School District Employee Requirements

As a charter school, Rockwell Charter School is not required to comply with Utah Code §53G-11-501 regarding employment and employee definitions, employment contracts,

dismissal, staff reduction actions, evaluations, or other provisions within this section of code.

Charter School Employment Requirements and Allowances

Per Utah Code §53G-5-407, the school must meet specific requirements and has been provided specific allowances related to employment and employees:

- The school may select its own employees;
- The Board of Directors shall determine the level of compensation and terms and conditions of employment: all hiring of new positions must be within the Board-approved budget guidelines except in circumstances where compliance to State or Federal Law requires a new position.
- The school is exempt from the following laws governing public employees and officers:
 - Chapter 11, Part 5, School District and Utah Schools for the Deaf and the Blind Employee Requirements;
 - Title 52, Chapter 3, Prohibiting Employment of Relatives.
- The school must employ teachers who are licensed in order to accommodate differentiated staffing and better meet student needs.
- The school must disclose the qualifications of its teachers to its parents and students.
- The school is not required to hire and employ administrators or supervisors who hold an administrative license or certification.
The school is required to hire a Director of Special Education who holds an appropriate license issued by the state board under Title 53E, Chapter 6, Education Professional Licensure.

A charter school may hire a school district employee who has requested a leave of absence in order to work in a charter school upon approval of the local school board. An employee hired under such leave may retain seniority accrued in the school district and may continue to be covered by the benefit program of the district if the school and the local school board mutually agree.

- The school's Board of Directors shall ensure that, prior to the beginning of each school year, each school employee signs a document acknowledging that:
 - The employee has received the disclosure required under Section 63A-4-204.5., if the school participates in the Risk Management Fund; or,
 - The employee has received a written disclosure similar to the disclosure required under Section 63A-4-204.5, if the school does not participate in the Risk Management Fund; and understands the legal liability protection provided to the employee and what is not covered, as explained in the disclosure; and.

- That the employee understands the legal liability protection provided to the employee and what is not covered, as explained in the disclosure
- The school is required to have at least one of the school's employees or another person assigned to resource management duties, as defined in Section 17B-1-805; and the assigned employee or person must receive human resource management training as defined in Section 17B-1-805.

At-Will Employment in Utah

Utah is an at-will employee state which means the employer and employee have no employment contract. Either party may end the relationship at any time for any reason without penalty. Under at-will employment laws, employers can terminate an employee for any reason, for no reason at all, and at any time; and the employee can leave employment at any time with or without notice. An agreement established between the school and the employee is not an employment contract and does not represent a guarantee of employment or compensation, nor does it create any expectation of continued employment.

Exceptions to at-will employment include public policy exceptions, covenant of good faith and fair dealing exceptions, and statutory exceptions. The school is also responsible for adhering to both federal and state employment laws such as wage standards, work hours, overtime regulations, workplace discrimination, hiring processes, payment of wages, and managing complaints against retaliation.

Categories of Employees

Per federal law, the school uses the employee classifications listed below based on job duties, responsibilities, and compensation which are used by the school to maintain compliance with the Fair Labor Standards Act(FLSA).

- Exempt: means an employee that is a salaried, professional worker who is exempt from overtime pay and other labor laws including FLSA.
- Non-Exempt: means an employee that is an hourly worker who is entitled to overtime pay and other legal protections.
- Full-Time: Employees who work 40 hours per week.
- Part-Time: Employees who work less than 40 hours per week.
- Fair Labor Standards Act (FLSA): A federal labor law that establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments.

Required Criminal Background Checks

Per Utah Code §53G-5-408 and the school's Background Check and Reporting Policy, the following individuals are required to submit to a criminal background check and

ongoing monitoring as provided in Utah Code §53G-11-402:

- An employee of a charter school who does not hold a current Utah Educator license issued by the Utah State Board of Education under Title 53E, Chapter 6, Education Professional Licensure;
- A volunteer for a charter school who is given significant unsupervised access to a student in connection with the volunteer's assignment;
- A contract employee, as defined in Utah Code §53G-11-401, who works at a charter school; and,
- A charter school governing board member.

Reference Check Requirements for Employment and Volunteers

The school shall follow all reference check requirements for Local Education Agency ("LEA") applicants and volunteers as per Utah Code §53A-15-1511. Before hiring an applicant or giving an unsupervised volunteer assignment to a potential volunteer, the school shall:

- Require the applicant or potential volunteer to sign a release authorizing the applicant or potential volunteer's previous qualifying position employers to disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the LEA applicant or potential volunteer;
- Request that the applicant's most recent qualifying position employer disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the applicant;
- For a potential volunteer, request that the potential volunteer's most recent qualifying position employer disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the potential volunteer; and,
- Document the efforts taken to make a request described above.
- The school may not hire an applicant who does not sign a release as described above;
- The school may not give an unsupervised volunteer assignment to a potential volunteer who does not sign a release described above;
- The school shall expend best efforts to request information as described above before hiring an applicant; or giving an unsupervised volunteer assignment to a potential volunteer.

Regulated Employment Transactions and Relationships

Per Utah Code §53G-5-409, a relative of a charter school officer may not be employed

at a charter school except as provided below:

- If a relative of a charter school officer is to be considered for employment at the school, the charter school officer shall:
 - Disclose the relationship, in writing, to the other charter school officers;
 - Submit the employment decision to the school's charter school officers;
 - Submit the employment decision to the charter school's governing board for the approval, by majority vote, of the charter school's governing board;
 - Abstain from voting on the issue; and,
 - Be absent from the portion of the meeting where the employment is being considered and determined.
- Except as provided below, a charter school officer or a relative of a charter school officer may not have a financial interest in a contract or other transaction involving a charter school in which the charter school officer serves as a charter school officer.
- If a charter school's governing board considers entering into a contract or executing a transaction in which a charter school officer or a relative of a charter school officer has a financial interest, the charter school officer shall:
 - Disclose the financial interest, in writing, to the other charter school officers;
 - Submit the contract or transaction decision to the charter school's governing board for approval, by majority vote, of the charter school's governing board;
 - Abstain from voting on the issue; and,
 - Be absent from the portion of the meeting where the contract or transaction is being considered and determined.
- The provisions concerning contracts and executing a transaction do not apply to a reasonable contract of employment for the chief administrative officer of a charter school, or to a relative of the chief administrative officer of a charter school, whose employment is approved in accordance with the process described above.
- Per this policy and the school's Employee Handbook, the school does not allow an employee of the school to supervise, evaluate, or make recommendations on the salary or wages of another employee who is a relative of the supervisor.
- The school resolves such conflicts by forming a supervisory committee with non-conflicted employees to supervise, evaluate, and make recommendations on the salary or wages of the employee. The supervisory committee may include a board member.

Hiring and Terminating the Executive Director

In the case of the hiring of the Executive Director, the Board of Directors will have full authority to form a Transition or Hiring Committee that may include board members (fewer than a quorum), administrators, teachers, staff, and/or parents, as well as community members, as deemed necessary to assist in hiring. This Transition or Hiring Committee will accept applications, determine the interview schedule and process, evaluate candidates, and recommend a candidate or candidates to the full Board of Directors for consideration.

The Board of Directors will confirm the choice of Executive Director by a majority vote of board members and authorize the Board Chair to negotiate and execute an agreement with the Executive Director. The Board of Directors also has the authority to terminate an agreement with the Executive Director by a majority vote of board members.

Hiring Committee and Process

- Postings for open positions must remain open for at least two weeks unless the health and safety of students requires that a hire be sooner than two weeks.
- Postings may remain open until a vacancy is filled.
- When a vacancy occurs and a position is posted, the Executive Director will establish an *ad hoc* Hiring Committee of 3-5 staff members and appoint a Hiring Committee Chair.
- The Executive Director may invite a board member to serve on a hiring committee at the Executive Director's discretion.
- The Executive Director may serve as the Hiring Committee Chair or appoint another administrator, supervisor, or staff member.
- Members of the Hiring Committee must disclose any conflicts they have with applicants or candidates for a position and must recuse themselves from the Hiring Committee when such conflicts arise.
- The Hiring Committee will invite a minimum of two candidates for a second interview, unless two qualified candidates do not apply and/or cannot be found for the position.
- Each member of the Hiring Committee must be present for all interviews.
- If for any reason a committee member cannot participate for each interview, the committee's interview schedule may be adjusted or a committee member must recuse themselves from the process.
- Alternatively, the Executive Director or a designee may replace a committee member with someone who can participate in each interview.
- Prior to engaging in the interview process, the Hiring Committee Chair must do the following:
 - Outline the committee's hiring process, timeline, and the matrix or scoring tool that will be used to evaluate each candidate;

- Identify screening criteria and select and screen applications from candidates;
- Review the job description for the relevant position.
- Each candidate interviewed by the committee should be asked the same questions and given the same opportunity to answer as other candidates.
- The committee should build reasonable time for discussion, breaks, and preparation for the next candidate.
- The Hiring Committee will continue to interview qualified candidates as necessary to fill the position with a highly qualified candidate.

Hiring Decisions

Hiring committees should base their decisions on the needs of the school, each candidate's qualifications, and candidate interview responses.

- All available information should be considered before the committee decides on a recommendation.
- The Chair of the Hiring Committee should ensure that all committee input is focused on the candidates, the position that needs to be filled, and the relevant criteria.
- Committee members should be reminded that their final recommendation should reflect a comprehensive view of the candidates and how each could add value to the school, division, department, or program.
- The Hiring Committee should attempt to reach consensus.
- If no consensus is reached, the recommendation of the majority of committee members should be submitted to the Executive Director.
- If the Executive Director is the Chair of the Hiring Committee, the Executive Director should prioritize the recommendation of the Hiring Committee.
- The Executive Director makes the final decision on any hiring at the school unless the Executive Director has delegated this decision to another administrator or supervisor.
- The Executive Director will offer candidates a salary within parameters established by the school's salary schedule and the budget approved by the Board of Directors.
- The salary schedule is subject to change based on the school's enrollment, adjustments made at the discretion of the Executive Director, and Board directives.
- The Executive Director will base hourly wages for staff positions on the skills and experience of the individual being hired, the school's budget, market rates for the position, and performance.

Internal Hiring, Re-Assignment, and Elimination of Positions

- The Executive Director may make internal re-assignments in lieu of posting a position externally.
- When posting a position internally or externally, the Executive Director must follow the hiring practices described above.
- The Executive Director may eliminate positions at the school when the Executive Director determines that the school's curricular, co-curricular, program, or budgetary needs require a position to be eliminated.

Separation and Termination

Job Abandonment

Employees absent for more than two consecutive days without notifying a direct supervisor or the Executive Director are considered to have voluntarily abandoned their employment with the school. The effective date of termination will be the last day the employee reported for work.

Termination

The school does not provide tenure or any expectation of guaranteed employment. The employee or the school may terminate employment at any time for any reason.

Termination may occur for any of the following reasons, for other reasons not listed, or at the discretion of the Executive Director:

- Corrective action measures, which include infractions for violation of school policies;
- Layoffs, which include the elimination of an employee's job function or headcount reduction due to redundancy or cost reduction;
- Involuntary dismissal, which may include poor performance reviews or failure to demonstrate an acceptable attitude or professionalism in the workplace;
- Involuntary dismissal for inappropriate, unprofessional, or unethical behavior.

Termination Process

- The school requires employees to return all documents, files, computers or devices, uniforms, school tools, business credit cards, keys, and other school-owned property on or before the last day of employment.
- After all school-owned property has been collected, and as set forth in the Employment Agreement and the Employee Handbook, the employee will receive a final paycheck.
- An employee leaving the school must engage in an exit interview with a supervisor or the Executive Director as required by Utah State Board of Education rule.