

RESTATED AND AMENDED  
JOINT POWERS AGREEMENT TO ESTABLISH AN EDUCATIONAL COOPERATIVE  
doing business as  
COOPERATIVE EDUCATIONAL SERVICES

BOARD POLICY

ADOPTED: October 21, 2020

EFFECTIVE: October 21, 2020

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## I. FOUNDATIONS AND BASIC COMMITMENTS

### A. CES Legal Status

#### 1. JPA Approval

The Joint Powers Agreement to Establish an Educational Cooperative (JPA) was approved by the Department of Finance and Administration (DFA) in December 1984. Effective July 1, 1986, the parties to the Joint Powers Agreement will do business under the name "Cooperative Educational Services", which is the administrative agency of the JPA.

#### 2. Comply with Applicable DFA and Public Education Department Regulations.

#### 3. Members

Members are defined as a party to the Restated and Amended Joint Powers Agreement to Establish an Educational Cooperative.

### B. Offices

#### 1. The Principal Office of CES

The principal office of CES shall be located at 4216 Balloon Park Road NE, City of Albuquerque, County of Bernalillo, State of New Mexico. CES may have such other offices within or outside the State of New Mexico as the Board of Directors may determine from time to time.

### C. Membership

#### 1. Qualifications and Process

Only public educational institutions as defined in the most recent version of the Restated and Amended Joint Powers Agreement to Establish an Educational Cooperative within the State of New Mexico shall be eligible for membership in CES. Eligible institutions interested in becoming a member of CES shall submit a written application for membership.

#### 2. Types of Membership

(a) Vested Membership shall be granted to member institutions that have had continual membership prior to July 1, 1999.

- (b) Standard Membership shall be granted to member institutions that have had continual membership beginning on or after July 1, 1999.

3. Representation

- (a) The Superintendent of Schools, President or Chief Executive Officer, or their designee, shall represent the member in all matters affecting or involving CES.

- (b) The Superintendent of Schools, President, or Chief Executive Officer, or their designee, of Vested Members, and the immediate Past President shall cast all votes in meetings of the Board of Directors and if so elected or appointed, may serve on the Executive Committee and other ad hoc committees.

- (c) Ex-Officio Membership is extended to educational organizations whose purpose and mission is the advancement of the interests of CES' members. Ex-Officio membership is extended to the following organizations:

- (1) The New Mexico Coalition of Educational Leaders, the New Mexico School Boards Association, the New Mexico Association of Community Colleges, the New Mexico Public Education Department, the New Mexico Commission on Higher Education, and the Public Charter Schools of New Mexico
- (2) A representative of each ex-officio member organization is invited to serve on the CES Executive Committee.
- (3) Ex-officio members may vote on any matter before the Executive Committee except for matters related to the Executive Director.
- (4) Ex-Officio members shall not vote on any matter brought before the general Board of Directors
- (5) Ex-officio representatives may serve on Executive Committee subcommittees and ad hoc committees, but they may not hold office on the Board of Directors, or on the Executive Committee.

- (6) Ex-officio member organizations, upon signing a cooperative purchase agreement and approval of the CES President, may purchase goods and services from CES.

#### 4. Termination

- (a) The Executive Committee, by affirmative vote of two-thirds of all the voting members of the Board of Directors, may suspend or expel a member for cause.
- (b) Upon written notice to the President of a resolution by the Governing Board of any Vested Member that the member desires to withdraw from membership, the termination of such membership shall be effective 30 days after receipt of written notice.
- (c) DFA shall be notified immediately of any terminated members.

#### 5. Transfer of Membership

Membership in CES is not transferable or assignable.

#### 6. Participating Entities

- (a) The following, whether within or outside New Mexico, are eligible for Participating Entity status:
  - (1) Educational institutions, municipalities, and counties
  - (2) Non-profit institutions.
  - (3) Local public bodies, tribal entities, and state agencies
- (b) Process for Participation
  - (1) Any eligible entity defined above interested in becoming a Participating Entity shall submit a signed CES Cooperative Purchasing Agreement.

- (2) Upon submission of a signed CES Cooperative Purchasing Agreement, the eligible entity becomes an authorized Participating Entity upon written approval of the CES President.

(c) Termination

- (1) The Executive Committee, by affirmative vote of two-thirds of its voting members, may suspend or expel a Participating Entity for cause.
- (2) An authorized representative of the Participating Entity wishing to terminate the cooperative purchasing agreement with CES may do so by written notice to the President. Termination of the agreement shall be effective 30 days after receipt of written notice.

(d) Limits of Participation

- (1) Participating Entities, while not eligible to be a party to the Joint Powers Agreement, are nonetheless eligible to access the goods and services provided by CES.
- (2) Participating Entities collectively are afforded two representative seats on the CES Executive Committee. The representatives for Participating Entities may cast a vote on matters before the Executive Committee except for matters concerning CES personnel.
- (3) The New Mexico Counties and the New Mexico Municipal League shall each be entitled to select a representative to serve on the CES Executive Committee.
- (4) Identified representatives of Participating Entities may serve on Executive Committee subcommittees and ad hoc committees but may not be officers on the Executive Committee or on the CES Board.

D. Seal

The Board of Directors shall provide an organizational seal, which shall be two concentric circles with the initials CES and the words AGENCY SEAL in the



center, and the words, “Cooperative Educational Services” and “New Mexico” between the concentric rings.

E. Internal Revenue Service Compliance

1. Exempt Purposes

CES shall have the power to carry out, directly or indirectly, either alone or in conjunction with, and in cooperation with others, any or all lawful actions and performances and to engage in any lawful activities which may be necessary, suitable, desirable or proper for the furtherance, accomplishment, fostering or attainment of any or all of the purposes for which CES is organized, and to aid or assist other organizations whose activities are such as to further, accomplish, foster or attain any of such purposes.)

2. Effect of Dissolution

Upon the dissolution of CES, the Board of Directors shall, after making provisions for the payment of all liabilities of CES, dispose of all of the assets of CES exclusively for the purposes of CES in such manner authorized by law and in accordance with these policies.

F. Waiver of Notice

CES will comply with any notice requirements under the provisions of state law or when otherwise dictated under the provisions of Board Policy.

II. BOARD GOVERNANCE AND OPERATIONS

A. Board Operational Goals

1. Cooperative Procurement

CES shall establish and maintain a system for identifying and providing cooperative purchasing services, which may include, but are not limited to, ancillary services, special education services, placement services, food procurement, needs assessments, supplemental employee benefits, construction services, professional services, training services and general consultancy for member organizations.

## 2. Planning and Accountability

- (a) As requested, CES shall strive to assist member organizations to assess needs and to implement educational and fiscal accountability programs as required by the PED or local governing board.
- (b) As requested, CES shall strive to provide leadership for educational planning and evaluation for member organizations, including long-range development of programs and services to meet emerging needs of schools.
- (c) CES shall be organized and operated to be accountable to its Board of Directors.

## 3. Staff Development

- (a) As requested, CES shall strive to assess staff development needs of member organizations and conduct activities to meet those needs.
- (b) As requested, CES shall strive to assist member organizations to design and implement staff development programs based upon the educational needs of their students.

## 4. Innovative Programs

- (a) As requested, CES shall strive to assist member organizations to assess needs and to develop or adapt programs to meet unique needs of their students.
- (b) CES shall strive to provide leadership in implementing programs to enhance the quality of education to member organizations.
- (c) As requested, CES shall strive to assist member organizations to develop programs and proposals.

## B. Legal Status

### 1. Governance

The governance of CES shall be vested in the Board of Directors, in accordance with its Policy and the Restated and Amended Joint Powers Agreement to Establish an Educational Cooperative.

2. Board of Directors

The Board of Directors is the legal body through which the functions governing the operations of CES are exercised. It shall retain full authority over CES.

3. Executive Director

The Board of Directors shall assign the administrative function of CES to the Executive Director.

4. Policy

In the performance of its governance functions, the Board shall consider, formulate, and act on policies governing CES.

5. Executive Committee

The Board of Directors shall delegate to the Executive Committee any and all powers and duties except election of the President Elect and approval of Board Policy.

C. Powers and Duties and Responsibilities

1. Officers

The officers of CES shall have such powers and shall perform such duties as may from time to time be specified in resolutions or other directives of the Board of Directors or in absence of express directives, as directed by the Executive Committee.

2. Executive Committee

The Executive Committee shall perform the following functions:

- (a) Select and evaluate the Executive Director
- (b) Require an annual operating budget for CES
- (c) Approve all fiscal arrangements and agreements in accordance with the New Mexico Procurement Code, the New Mexico Joint Powers Act, and the Policy and Procurement Guidelines of CES

- (d) Establish a systematic procedure by which board policy may be amended as required to govern the operation of CES. All revisions to policy require approval by the Board of Directors
- (e) Conduct an annual review of the activities of CES
- (f) Acquire, hold title and sell real property for CES purposes in accordance with statutes.

### 3. Role of Board of Directors

- (a) The Board of Directors shall provide for a program of services of CES and establish the Board Policy for its administration in accord with the needs of the member organizations and the requirements of state law.
- (b) The Board of Directors shall not be bound in any way by any statement or action on the part of an individual board member of the Board of Directors except when such statement or action involves the execution of specific instructions of the Board of Directors.
- (c) The act of a majority of the voting directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these Policies.

### 4. Rules and Procedures

- (a) Any individual or group, having previously addressed the Executive Committee on a matter, still desiring to address the Board, shall request of the Executive Director to be placed on the Board agenda.
- (b) Presiding Officer
  - (1) The President shall preside at Board meetings. Any person or group addressing the Board must be recognized by the President. The President shall have the following powers:
    - (a) To rule motions in or out of order, including the right to rule out of order any motions offered for

purposes of preventing or delaying reasonable action.

- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to entertain and rule on objections from other members on such grounds.
  - (c) To entertain and answer questions of parliamentary law or procedure.
  - (d) To call a brief recess at any time.
  - (e) To adjourn in an emergency.
  - (f) To recommend to the Executive Committee that an Executive Committee member be replaced when the member's attendance is either erratic or altogether lacking.
- (2) The President shall preside at Board meetings, unless he/she becomes actively engaged in debate on a particular proposal, in which case he/she shall designate another Board member to preside over the debate. The President shall resume the duty to preside as soon as action on the matter is concluded.

#### D. Membership Elections/Appointment

##### 1. Board Member Status

Board of Directors as such shall not receive any stated salaries for their services but, by Resolution of the Board of Directors, a fixed sum and expenses of attendance, if any, may be allowed for attendance at any regular or special meeting of the Board of Directors. Nothing herein contained shall be construed to preclude any Director from serving CES in any other capacity and receiving compensation, therefore.

##### 2. Board of Directors Membership Qualifications

The Board of Directors shall consist of the Superintendents, Presidents, or Chief Executive Officers or designees from each of the Members, it being understood that each Member shall be entitled to one seat on the Board of

Directors. Immediate past President currently serving as the Superintendent, President, or Chief Executive Officer of a public educational institution in New Mexico shall serve on the Board of Directors.

3. Board Member Oath of Office

The oath of office shall be administered to every person elected or appointed to any CES office before entering upon his/her duties as provided for in the Constitution of the State of New Mexico (Article XX, Section 1).

4. Board Member Termination

- (a) If during the tenure of a member of the Board of Directors, that person is no longer employed by the Member, they shall be removed from the Board of Directors.
- (b) An individual resigning as an Officer of the Board of Directors shall tender his/her written resignation to the President of the Board. The President, upon receipt of the notification, shall immediately inform the Executive Director. Action to accept the resignation shall occur at the next scheduled Executive Committee meeting.
- (c) Any Officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever, in its judgment, the best interests of CES would be served thereby.

E. Board Member Conduct

1. Ethics

- (a) In performance of their official duties, members of the Board of Directors shall observe and abide by:
  - (1) The standards of conduct set forth in the code of ethics for state offices; and
  - (2) Other applicable rules and statutes relating to conduct

F. Organization of the Board

1. Annual Board Organizational Meeting

At its annual Board Meeting, the Board shall, when necessary, install the new President and elect the President Elect; and adopt a resolution regarding compliance with the provisions of the New Mexico Open Meetings act.

2. Board Officers and Committees

(a) The officers of CES shall be a President, a President Elect, a Secretary, and a Treasurer. The Board of Directors may elect or appoint such other officers as it shall deem desirable. Such officers shall have the authority to perform the duties prescribed, from time-to-time, by the Board of Directors. Any two or more offices may be held by the same person except the offices of President and Secretary. All officers of CES must be actively serving superintendents in a New Mexico K-12 public educational institution.

(b) President

(1) The President of the Board of Directors shall preside at meetings, appoint committees which are not either standing or selected by a majority vote, and perform other duties prescribed by the Board of Directors.

(2) The President shall serve at the pleasure of the Board of Directors.

(a) The President of CES shall be the previous President Elect unless the office of the President Elect is vacated.

(b) The President shall not serve more than two consecutive full terms.

(c) The term of the President shall end at the conclusion of the Annual meeting unless terminated earlier by the Board or through resignation or is no longer employed by a New Mexico public

education institution as Superintendent, Chief Executive Officer, or President:

- (i) If, during the year, the office of the President is vacated, the President elect shall immediately assume the office of President.
- (ii) If, during the year, the offices of the President and President Elect are simultaneously vacated, the Secretary shall immediately assume the office of President.
- (iii) If, during the year, the offices of the President, President Elect and Secretary are simultaneously vacated, the Treasurer shall immediately assume the office of President.
- (iv) If, during the year, the offices of the President, President Elect, Secretary and Treasurer are simultaneously vacated, the Executive Committee, chaired by the Executive Director, shall elect the President from one of its members.

(3) President Elect

- (a) The President Elect shall perform the duties of the President in case of resignation, absence or disability.
- (b) The President Elect shall be elected by the full Board of Directors. A nominating committee composed of members from the Executive Committee shall select the nominee(s); however, nominations may be taken from the floor. Without any other notice, the elected person shall take office at the conclusion of the Annual Meeting unless filling a vacancy, when the elected person shall take office immediately.
- (c) If the office of President Elect is vacated, the Board of Directors shall elect a replacement for the President Elect. The election may occur either by



mail, email, fax, or other electronic means at a regular meeting or special meeting of the Board of Directors. A nominating committee composed of members of the Executive Committee shall select the nominee(s).

- (d) The President Elect shall work with the Executive Director in the annual evaluation and review of CES Board Policy.

(4) Secretary

- (a) The Secretary shall perform all duties as required by law and such other duties as the Board of Directors may request.
- (b) The Secretary shall be elected annually by the Executive Committee from one of its members, at the first meeting after July 1.
- (c) If the office of the Secretary is vacated, the Executive Committee shall immediately elect a new Secretary from one of its members.

(5) Treasurer

- (a) The Treasurer shall perform all duties as required by law and such other duties as the Board of Directors may request.
- (b) The Treasurer shall be elected annually by the Executive Committee from one of its members, at the first meeting after July 1.
- (c) If the office of the Treasurer is vacated, the Executive Committee shall immediately elect a new Treasurer from one of its members.
- (d) The Treasurer shall chair any committee of the Board of Directors related to CES finances or scholarship activities.

G. Board and Committees Meetings

1. Standing Committees

(a) Regional Committees

- (1) Each Member shall belong to one Regional Committee.
- (2) All Charter Schools shall compose one region.
- (3) Each Regional Committee shall biannually elect an Executive Committee Representative.

(b) Executive Committee

The president, president-elect, the immediate past president, if currently employed by a public educational institution in New Mexico, and regional representatives shall be standing members of the Executive Committee. A representative of the NM Public Education Department; the NM Commission on Higher Education; the NM School Boards Association; the NM Community College Association; the Public Charter Schools of New Mexico; the NM Coalition of Educational Leaders; the NM Counties; and the NM Municipal League are invited to serve as ex-officio members of CES' Executive Committee.

2. Ad Hoc Committees

- (a) The Board President shall be empowered to appoint ad hoc committees for specific assignments and to dissolve such committees upon completion of their assignment or report of their findings.
- (b) Ad Hoc committees serve in an advisory capacity to the Board of Directors or Executive Committee.

3. Board and Committee Meetings

(a) Regular Annual Board Meetings

The Board of Directors meets once annually in regular session. The meeting is held in a central location within the State.

(b) Special Board Meetings

Special meetings of the Board of Directors may be called by, or at the request of the President or any four (4) Executive Committee members and shall be held at the principal office of CES, or at such other place as the President or Executive Committee members may determine.

(c) Executive Committee Meetings

The Executive Committee shall hold its meetings at least four times a year.

(d) Regional Meetings

Each Regional Committee shall meet as needed.

(e) Executive Sessions

The Board of Directors, the Executive Committee, or any other committees of CES may enter into executive session as provided for by State Law.

(f) Meeting Procedures

(1) All meetings will be held in accordance with the New Mexico Open Meetings Act 10-15-1 to 10-14-4 NMSA.

(a) Agenda

(i) The Executive Director shall prepare a Tentative Agenda of business for all Board of Directors and Executive Committee meetings.

(ii) The Tentative Agenda shall be submitted to each appropriate member of the Board of Directors at least 10 days before the regular meeting.

(b) Quorum

- (i) One third of the Vested Members of the Board of Directors or one third of the members of the Executive Committee comprised of a majority of Board Members, either present or participating electronically as defined by the New Mexico Open Meetings Act and as permitted by these policies, shall constitute a quorum for the transaction of business at any meeting.
- (ii) Those members of an ad hoc committee in attendance shall constitute a quorum for the transaction of business at any duly called ad hoc committee meeting.

(c) Electronic Participation

A member of the Board of Directors, an Executive Committee member, or ad hoc committee member may participate in a meeting of the Board of Directors, an Executive Committee meeting, or Ad-Hoc committee meeting respectively, by electronic means when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating electronically can be identified when speaking and all participants and attendees, both in person and electronically are able to hear each other. Executive sessions are excluded from this provision.

(d) Rules of Order

- (i) The Board of Directors shall operate under Robert's Rules of Order.
- (ii) The Board of Directors shall observe other rules and policies as adopted by CES.

(e) Voting Method

- (i) At any meeting of the Board of Directors, Executive Committee or ad hoc committee, a member entitled to vote may vote by proxy provided that the person giving the proxy advises the Board of Directors, Executive Committee or ad hoc committee of such fact in writing prior to the meeting, and said writing is filed with the minutes.
- (ii) Any vote coming before the Board of Directors, Executive Committee or ad hoc committee may be conducted electronically or any other such manner the Board of Directors, Executive Committee or ad hoc committee deems appropriate.

(f) Minutes

- (i) The Secretary of the Board of Directors shall be responsible for official records of each Regular Meeting, Executive Committee Meeting and Special Meeting of the Board of Directors using the format approved by the Board.
- (ii) The minutes of the previous meeting shall be reviewed and, upon approval of the majority vote of quorum in attendance and voting, shall constitute the official record of the business transactions of the Board of Directors or committee meetings.
- (iii) Signatures of the Secretary and the President shall be attached to the minutes of each meeting.
- (iv) Official minutes shall be kept in the office of the Executive Director.
- (v) Pursuant to the New Mexico Open Meetings Act (NMSA 10.15.1-G), written minutes

shall be kept of all CES board meetings and all minutes shall be open to public inspection. Draft minutes shall be prepared within 10 working days after the meeting and shall be approved, amended, or disapproved at the next meeting where a quorum is present and will be made available to the public, but shall not become official until approved by the Board at its next regular meeting.

- (vi) Minutes shall include the following:
  - (a) The nature of the meeting (regular, special, or emergency), the date, time, place, members present, and members absent.
  - (b) The substance of all proposals considered.
  - (c) A record of any decisions made.

#### H. Public Participation at Board and Committee Meetings

The Agenda of any regular meeting shall include an opportunity for parties aggrieved by action of CES to address the Board of Directors within the time allotted at the discretion of the President or of the presiding officer in the absence of the President.

The Board of Directors does not obligate itself to act on any request or proposal unless such request or proposal is submitted in writing, has been reviewed by the Executive Director, and has been reported by the Executive Director with recommendations to the Board of Directors for its consideration.

##### 1. Policy Adoption

- (a) The formal adoption of policies shall be recorded in the minutes of the Board of Directors. Only those written statements so adopted and so recorded shall be regarded as official Board Policy.
- (b) The Board of Directors may amend its Board Policies by a majority vote of the Board of Directors at any meeting provided

that each member shall have been supplied a copy of the proposed amendment at least seven (7) days in advance of said meeting.

2. Policy Revision and Review

- (a) The Board of Directors shall review Board Policy annually.
- (b) Board Policy is effective the date adopted or amended by the Board of Directors, unless otherwise specified.

3. Policy Dissemination

The CES most currently approved Board Policy Manual shall be published on the CES Web site within 30 days after adoption.

III. GENERAL ADMINISTRATION

A. Administration Goals/Priority Objectives

1. Administrative Goals

- (a) Administrative goals shall be established on an annual basis with the assistance of staff and with Executive Committee input.

B. Executive Director

1. Qualifications of Executive Director

The Executive Director shall hold a graduate degree in education and be a person who has a high degree of ability in administration, business, and program development to carry out and implement CES' vision and mission.

2. Recruitment of Executive Director

- (a) In order to select the best qualified person as Executive Director, the Board of Directors will adhere to the following procedures:
  - (1) CES will notify all members that a vacancy exists.
  - (2) The Executive Committee will agree upon a list of skills and qualities they expect an Executive Director to possess.

- (3) The purpose of this list is to provide a guide that will assist the Executive Committee in identifying and employing the best- qualified applicant.
- (4) Only those skills and qualities considered to be essential to successful performance in the position of Executive Director will be listed.
- (5) A proposed job vacancy notice, which includes the list of skills and qualities, will be distributed to each member organization.
- (6) Notices of the job vacancy will be posted until the vacancy is filled and for a period of at least 10 days.
- (7) The President will appoint a Search Committee to assist with the selection process.
- (8) All applicants will be given equal consideration and no person will be excluded on the grounds of race, religion, color, national origin, gender, sexual orientation, handicap or age.
- (9) The Search Committee will narrow the field of applicants to three to five (3-5) finalists and will inform the Executive Committee of the selected finalists.
- (10) The Search Committee will interview each of the finalists, select the best qualified applicant and recommend its selection to the Executive Committee for approval.

### 3. Executive Director Authority and Responsibilities

- (a) The Executive Director will organize the staff in the most effective manner to implement the policies of the Board of Directors.
- (b) The Executive Director shall serve as the Chief Executive Officer of CES and shall perform all duties and functions required by the Board of Directors. The major functions are as follows:
  - (1) Develop and recommend to the Executive Committee the services to be provided by CES



- (2) Consult, advise and recommend to the Board of Directors policies which she/he considers necessary for the operation of CES, and supply the Board of Directors and Executive Committee with information needed in its deliberations
  - (3) Maintain records pertinent to all functions as identified within Board policies and established by the Executive Director
  - (4) Employ all CES staff members
  - (5) Recommend the structure of CES to the Executive Committee for its approval
  - (6) Prescribe procedures for staff evaluation and report to the Executive Committee on activities directed toward the improvement of staff members performance
  - (7) Recommend an annual budget for the operation of CES to the Executive Committee
  - (8) Develop appropriate procedures for the evaluation and analysis of CES program effectiveness in meeting the needs of CES members and participating entities
  - (9) Promote regional planning and participate with other groups engaged in planning functions which affect all or a portion of the member organizations
  - (10) Implement policy of the Board of Directors.
- (c) The Executive Director shall develop and present to the Executive Committee a plan outlining the kinds of professional and clerical positions needed to carry out the functions of CES. This plan should include:
- (1) A description of the duties of each position
  - (2) Qualifications for each position
  - (3) Designation of person to whom each position is responsible

- (4) An organizational plan showing relationship between positions
- (5) A salary structure for each position
- (6) The Executive Director is authorized to recruit, select and employ personnel as needed to conduct CES business and programs.

(d) Executive Director's Contract

The Executive Director shall serve under an annual contract issued by the Board of Directors; however, the Board of Directors may contract with the Executive Director for a term not to exceed two (2) years beyond the current year in which the Board takes action to extend the contract offer.

(e) Executive Director's Salary, Compensation and Benefits

- (1) The Executive Director shall be compensated in a manner commensurate with the position's duties as determined by the Board of Directors.

(2) Evaluation of Executive Director

The Executive Committee shall annually evaluate the performance of the Executive Director. The evaluation shall be based on the extent to which the Executive Director has fulfilled his/her duties, and responsibilities and accomplished CES goals.

(3) Executive Director's Termination of Employment

- (a) The Executive Director shall give not less than one (1) months' notice of any decision to resign to the President of the Board of Directors.
- (b) The Executive Director may be terminated in accordance with his/her contract or discharged for misconduct upon a majority vote of a quorum of the Executive Committee.

4. Administrative Organization

(a) Organization Charts

An organizational chart will be established by the Executive Director and submitted to the Executive Committee, on an annual basis or when there are organizational changes. Such chart shall be distributed to staff and members upon request.

5. Administrative Cabinets and Committees

(a) Administrative Cabinet

- (1) The Administrative Cabinet shall be comprised of the Executive Director and all other directors.
- (2) The Cabinet shall meet at the pleasure of the Executive Director.
- (3) The Cabinet shall address those items identified by the Executive Director.

(b) Administrative Committees

Committees shall be formed as needed upon the approval of the Executive Director.

6. Policy Implementation

(a) Development of Rules and Procedures

- (1) The Executive Committee shall delegate to the Executive Director the function of formulating administrative rules and procedures under which CES shall operate.

(2) Drafting of Rules and Procedures

- (a) Rules and procedures must be consistent with Board Policy.
- (b) CES staff shall participate when appropriate in the drafting of recommendations for rules and procedures.

(3) Rules and Procedures Adoption

- (a) Rules and procedures will be established and maintained by the Executive Director.
- (b) Current rules and procedures shall be made available to staff upon initial employment and within 30 days of modifications.
- (c) CES shall keep a complete and correct record of policies, rules, and procedures, with an indication of any changes adopted and the dates of those adoptions.

(b) Board Review of Regulations

CES' administrative regulations will be available for review on its website.

(c) Administration in the Absence of Policy

The Executive Director shall have the power to make decisions in the absence of policy if failure to make a decision would compromise the effectiveness of CES. She/he shall report any such decisions to the Executive Committee at the next regular meeting and recommend policy, if needed, to avoid such contingencies.

7. Administrative Intern Programs

(a) Agreements

The Executive Director shall have the power to enter into any agreement with institutions of higher education to sponsor graduate interns.

(b) Intern Qualifications

An intern shall be working on an advanced degree in an area applicable to the work that she/he would be assigned in CES.

(c) Remuneration

The intern shall be remunerated no more than other graduate assistants for similar assignments from the same university.

8. Administrative Records

(a) Contents and Review

CES shall keep complete and correct books and records of accounts and shall also keep minutes of the proceedings of its Executive Committee and Board of Directors and shall keep at the principal office a record giving the names and addresses of the members entitled to vote. All books and records of CES may be inspected by any member, or their agent or attorney, for any proper purpose at any reasonable time.

(b) Administrative Responsibility

The Executive Director shall maintain records required by the Board of Directors and statutes.

(c) Public Access

The public shall have access to all public records as defined by law.

(d) Filing and Maintenance

All records shall be filed and maintained as provided by law.

(e) Compliance

It is the responsibility of the Executive Director to comply with federal, state and local reporting requirements.

(f) Contractual Arrangements

(1) All contracts and other agreements into which CES enters shall be consistent with Board Policy

(2) The Executive Director shall have authority to enter into any contract or execute and deliver any instrument in the name of and on behalf of CES, the Executive Committee, and the Board.

(g) The Board of Directors or the Executive Committee in accordance with their respective duties and authorities, may authorize any officer or officers, agent or agents of CES, in addition to the officers so authorized by these policies, to enter into any contract or execute and deliver any instrument in the name of and on behalf of CES and such authority may be general or may be confined to specific instances.

#### IV. FISCAL MANAGEMENT

##### A. Fiscal Management Goals/Priority Objectives

Evaluation of Fiscal Management

##### B. Annual Budget

###### 1. Budgeting System

The Executive Director will submit an annual budget to the Executive Committee for approval.

(a) The administration of the business affairs of CES shall be executed in accordance with statutory provisions and terms, CES Policies and prescribed administrative regulations and procedures.

(b) The Executive Committee shall hold the Executive Director accountable for fiscal management.

###### 2. Fiscal Year

The fiscal year shall be July 1 to June 30.

###### 3. Budget Planning, Preparation, and Schedules

(a) Preparation

The Executive Director shall complete preparation of the budget and submit it to the Executive Committee for its approval before the beginning of the fiscal year.

(b) Dissemination

A copy of the budget document shall be entered into the official minutes and shall be made available for inspection.

(c) Budget Transfers

- (1) The Executive Committee may amend the budget if deemed necessary to meet unforeseen contingencies.
- (2) Budget adjustments within individual programs, funds, functions and objects may be made after budget adjustment requests are submitted and approved by the Executive Director.
- (3) Budget adjustments between funds will be made with the approval of the Executive Committee.

4. Revenue Sources

(a) Local

- (1) The Executive Committee establishes annual contributions from Members and Participating Entities on a scale as developed by the Executive Committee.
- (2) Additionally, an administrative fee as determined by the Executive Committee will be assessed to all CES' awarded vendors for procurement for all construction, tangible personal property and other goods or services provided through CES' contracts.
- (3) For any services requiring fees, other than those of the CES Procurement Program, the Executive Director will establish the fee structure for Members and Participating Entities.

(b) State

- (1) The Executive Director shall keep the Executive Committee informed of available sources of state funds as well as statutory eligibility requirements with which CES must comply.
- (2) The Executive Director shall recommend to the Executive Committee the feasibility of application by CES for available state funds.

(c) Federal

- (1) The Executive Director shall keep the Executive Committee informed of available sources of federal funds as well as statutory eligibility requirements with which CES must comply.
- (2) The Executive Director shall recommend to the Executive Committee the feasibility of application by CES for available federal funds.

(d) Other

The Executive Director shall keep the Board of Directors and Executive Committee informed on available funds from private foundations and other sources and shall recommend to the Executive Committee the feasibility of application by CES for such funds.

(e) Gifts

The Executive Director, on behalf of CES and its Board of Directors may accept any contribution, gift, bequest, or device for any purpose of CES.

5. Banking Services

(a) Authorization Signatures

- (1) All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of CES shall be signed by such officer or officers, agent or



agents of CES and in such a manner as shall from time to time be determined by Resolution of the Executive Committee.

(2) In the absence of a fiscal agent other than CES, any two (2) of the individuals occupying the offices indicated below are authorized to sign checks against the funds of CES.

(a) President of the Board

(b) President Elect of the Board

(c) Treasurer of the Board

(3) In the event of a fiscal agent other than CES, signatures shall be authorized by the fiscal agent.

(b) Procurement Cards

The Executive Committee may authorize the Executive Director to establish and administer procurement card accounts to conduct CES financial transactions.

(c) Depository Bank

(1) The Executive Committee shall select a depository bank, treasurer for CES' funds or fiscal agent, according to the regulations provided for Member organizations in selecting depository banks.

(2) All funds of CES shall be deposited no later than the next business day to the credit of CES or its agent in such banks, trust companies or other depositories as the Executive Committee or its agent may select.

6. Bonded Employees and Officers

CES shall obtain and maintain bonds on its employees and officers who are authorized to administer and disburse CES' funds.

7. Fiscal Accounting and Reporting

(a) Accounting System

- (1) The Executive Director shall establish a centralized and standard accounting system for CES, keyed to and correlated with revenue and expenditure classifications in the budget, and consistent with statutory provisions and regulations.
- (2) Budget Adjustments will be made to ensure that postings to an expense account do not exceed the amount budgeted for that line item.

8. Types of Funds

(a) Operational Fund

CES shall maintain a general operational fund and any additional types of funds as determined by the Executive Director.

9. Financial Reports and Statements

- (a) The Executive Director shall present a statement of financial condition of CES at each regular meeting of the Board of Directors and Executive Committee, or at any other time at the discretion of the President or upon the request of the Board of Directors.
- (b) Monthly Accounts Receivable Statements will be provided to all Members and Participating Entities with outstanding balances.

10. Inventories

- (a) The Executive Director shall always maintain a continuing inventory of all capitalized property and computer assets and have a report available.
- (b) Periodic summaries of losses or damages to equipment shall be reported to the Executive Committee by the Executive Director.
- (c) Items with a useful life of three (3) or more years and a value of One Thousand Dollars (\$1,000) or more shall be inventoried.
- (d) Items valued at Five Thousand Dollars (\$5,000) or greater and have a useful life greater than one (1) year shall be capitalized and depreciated according to GAAP guidelines.

- (e) Items valued at less than Five Thousand Dollars (\$5,000) shall be expensed.

11. Insurance Programs

Adequate liability insurance s hall be carried to protect CES' property and interests on behalf of the Board of Directors.

12. Security

The Executive Director shall establish a system for building security.

13. Equipment and Supplies Management

The Executive Director shall establish administrative procedures for issuing and tracking equipment and supplies utilized by CES employees and/or CES members during the normal operation of CES activities.

14. Audits/Financial Monitoring

(a) Audits

An annual audit of the fiscal accounts of CES shall be made by an independent certified public accountant approved by both the CES Executive Committee and the Office of the State Auditor. The Audit will be filed with appropriate agencies as required.

(b) Fiscal Review

The Executive Committee shall be responsible for reviewing CES' financial reports submitted at each Executive Committee meeting to monitor the financial health of CES and to recommend fiscal changes as necessary.

15. Purchasing

(a) Purchasing Authority

The Executive Director shall strive to ensure that maximum value be obtained for each dollar expended. All purchasing shall comply with all provisions of all State Codes.

(b) Purchasing Procedures

(1) The Executive Director shall establish guidelines pertaining to:

- (a) Requisition and selection of goods and services
- (b) Relations with vendors
- (c) Specifications
- (d) Bids and price quotations
- (e) Award of open-market orders or contracts.

(c) Petty Cash

The Executive Director shall establish procedures and guidelines governing and accounting for a petty cash fund. The petty cash fund must be administered in accordance with state and local regulations and shall be administered by the director overseeing financial operations.

16. Payment Procedures

(a) Payroll Procedures/Schedules

- (1) Payday shall be determined by the Executive Director and approved by the Executive Committee.
- (2) Equivalent hourly rates for employees with an annual salary or wage shall be calculated by dividing the annual amount (excluding bonus or PTO adjustments) by 2,080 hours.
- (3) Equivalent Daily Rates for Employees shall be calculated by dividing the annual salary or wage amount (excluding bonus or PTO adjustments) by 260 days.
- (4) Equivalent hourly and daily rates will be determined by the Employee's FTE.

(b) Payroll Deductions

The Executive Director shall establish procedures and guidelines managing and authorizing payroll deductions available to CES employees.

(c) Payments by Member & Participating Entity Organizations

- (1) Payments are to be made by member organizations and Participating Entities to CES according to the terms of the sale indicated on its invoice for services and/or personal tangible property that is delivered and acceptable.
- (2) Payments not received within invoice terms shall be delinquent. Member organizations and Participating Entities whose accounts are more than 60 days delinquent may lose procurement privileges.
- (3) Members and Participating Entities will lose procurement privileges upon recommendation of Executive Director and upon the President's approval.
- (4) The Executive Director, with Executive Committee approval, may choose to implement another purchasing delivery model that would be a benefit to CES and its members.

1.

(d) Member's Accrued Value

- (1) Each Vested Member organization shall accrue value in CES in proportion to the Member's use. Member organizations that used CES from June 1994 through June 1999 shall accrue value in CES proportionate to their use during those years. The total of the accrued value shall be the retained earnings of CES as of June 30, 1999.
- (2) The remaining CES retained earnings shall be allocated in proportion to the Members organizations' total payments to CES since July 1, 1999. For accounting purposes, member organizations shall accrue earnings from July 1st of the year of their membership. No accrued value shall be paid to any member unless CES is dissolved and totally liquidated. Accrued value shall only be paid to those member

organizations who were a party to the Restated and Amended Joint Powers Agreement to Establish an Educational Cooperative on the first day of the fiscal year in which CES is dissolved.

17. Expense Authorization/Reimbursement

(a) Travel and Subsistence

- (1) Travel and per diem rates shall be set annually by the Executive Committee at the recommendation of the Executive Director, as a part of the annual budget.
- (2) Travel and per diem rates shall be adopted by the Executive Committee and may not exceed the state-authorized rates.

Staff will be reimbursed for allowable expenses incurred while conducting business on behalf of CES. Reimbursement will be the rate set in conjunction with the Executive Committee's approval of CES' annual budget.

- (a) Reimbursement may be made for actual expense of commercial carrier at less than First class and Business class rates unless reservations can be achieved only in First class or Business class accommodations. First class and Business class commercial travel must be approved in advance of ticket purchase by Executive Director; the President will approve upgrades in ticket for the Executive Director, in advance of ticket purchase.
- (3) Other necessary expenses incurred by CES staff in connection with official CES business, and approved by the Executive Director, are recoverable through reimbursement.
- (4) Expense claims must be accompanied by a signed expense report in accordance with the CES reimbursement procedures.
- (5) Staff whose travel reimbursement is regulated by the state or federal level are exempted from this policy, and

reimbursement shall be made according to the directions of the agency concerned.

- (6) Any Officer of the Executive Committee may approve expense reimbursements claimed by the Executive Director.

## V. PERSONNEL

### A. Employment Categories

#### 1. Office Staff

##### (a) Definitions of exempt and nonexempt

- (1) Exempt employees are salaried, and work under contract. They may be employed on a full-time (0.8 FTE or greater) or part-time basis.
- (2) Nonexempt – Nonexempt employees are at-will hourly employees. They may be employed on a full-time (0.8 FTE or greater) or part-time basis.

##### (b) Ancillary Staff

Ancillary staff work at-will under service contracts at tasks which require Public Education Department licensure, and/or other professional license, at locations as assigned, at an hourly rate or on a fixed amount for the school year.

##### (c) Occasional Staff

Occasional staff are hired on an hourly basis for a period of less than one year.

##### (d) Professional Services Staff

- (1) Professional services staff are employees of CES whose compensation is a percentage of the fee charged to members and participating entities. The percentage of compensation is established by the Executive Director and will be applied consistently to all Professional Services Staff.

- (2) Professional Services staff can also be hired for a program run by CES at which point they are paid in accordance with that program's rate schedule.

## B. General Personnel

### 1. Corrective Action and Discipline

#### a.) Disciplinary Action

CES has the option to take disciplinary action against any employee which may include verbal or written reprimand(s) and/or suspension with or without pay, and termination or discharge.

#### b.) Alternative Disciplinary Action

As part of an alternative disciplinary action, CES may establish a written growth plan for the employee. Such a plan is intended to clearly define the areas in which the employee's performance is deficient, and the corrective measures the employee must take. Additionally, the growth plan will establish a timeline and/or deadline during which the employee's progress is assessed. Failure to comply with the conditions of the growth plan may result in termination of employment. These alternatives to termination are options that belong solely to CES and employee has no right to expect that any of these options might be exercised by CES.

#### c.) Nothing herein affects an employee's employment status as "At-Will", if applicable.

### 2. Open Hiring/Equal Employment Opportunity

#### (a) As an equal opportunity employer, CES is committed to compliance with EEOC rules and regulations.

#### (b) The Executive Director may determine whether a position is to be filled internally or from outside CES. When appropriate and/or necessary, notice of vacancies shall be posted either internally or publicly on CES' web site for a period of at least ten (10) days. When necessary, CES will advertise by any other means deemed appropriate by the Executive Director.

### 3. Americans with Disabilities Act

CES will follow Federal and State guidelines regarding disability accommodations in the workplace.



4. Staff Compensation

(a) Salary

- (1) The Executive Committee shall annually adopt a compensation plan for all employees, except the Executive Director. The salary, benefits and terms and conditions of employment of the Executive Director shall be separately negotiated with the Executive Committee.
- (2) The Executive Committee may adopt performance pay programs, as deemed appropriate.

(b) Fringe Benefits

<b>EMPLOYMENT BENEFITS</b>	<b>FT</b>	<b>PT</b>	<b>ANC</b>	<b>OCC</b>	<b>Professional Services</b>
FICA, Medicare, Worker's Compensation	Yes	Yes	Yes	Yes	Yes
Unemployment State and Federal	Yes	Yes	Yes	Yes	Yes
Cafeteria Plan (IRS Sec. 125)	Yes	C	C	No	No
Health Insurance	Yes	C	C	No	No
Dental & Vision Insurance	Yes	C	C	No	No
Retirement (Employer Contribution)**	Yes	No	No	No	No
Retirement (Employee Contribution)	Yes	Yes	Yes	No	No
Paid Holidays	Yes	*PRB	No	No	No
Paid Time Off (PTO)	*Yes	No	No	No	No

Legend:

FT= Full-time Staff

PT=Part-time Staff

ANC=Ancillary Staff

OCC=Occasional Staff

PRB=Prorated Basis

C= Available, but must meet criteria of plan \*=Based on the individual's FTE

\*\*=Employer match and cap are determined by Executive Director

(1) Section 125 Cafeteria Plan

- (a) CES may elect to participate in a Section 125 Cafeteria plan approved by the Executive Committee.

- (b) If a Section 125 Cafeteria plan is established, the option to participate shall be available to all employees qualifying as per IRS regulations.

(2) Health Insurance

- (a) Employees that meet New Mexico Public Schools Insurance Authority (NMPSIA) eligibility criteria will be offered health insurance for the employee and eligible family members.
- (b) Full-Time CES Office Staff that qualify for New Mexico Public Schools Insurance Authority (NMPSIA) health, dental, and vision benefits will be given a “benefit allowance”, which is to be used only for the purchase of NMPSIA benefits, retirement under the 403(b) or 457(b) plans, or other Cafeteria Plan premium payments.

(3) Retirement

Eligible employees may participate in a retirement program under the terms and conditions as sponsored by CES.

(4) Dental/Vision and Other

Employees that meet New Mexico Public Schools Insurance Authority (NMPSIA) criteria will be offered dental and vision insurance for the employee and eligible family members.

(5) Education

CES may provide reimbursement for approved education expenses. Classes must be taken from an accredited institution, and classes must offer degree or certification credit. Employees shall schedule classes during non-working hours unless the Executive Director authorizes attendance during the workday.

(6) Cell Phones

All directors, managers, and other employees at the discretion of the Executive Director will have the option to receive a stipend, providing they have an accessible cell phone. The only condition of the benefit is that participating staff maintain an accessible cell phone during the period the benefit is received.

5. Communications with Staff

Staff meetings will be held at the discretion of the Executive Director.

6. Staff Ethics/Conflict of Interest

- (a) CES employees shall be prohibited from requesting or receiving and accepting a gift or loan for themselves or another that tends to influence them or appear to influence them in the discharge of their duties.
- (b) CES employees shall, in their interaction with all customers, both internal and external, maintain conduct of the highest professional and ethical standards. Employees shall not engage in activities which violate federal, state, or local laws or which, in any way, diminish the mission, vision, and values of CES.
- (c) CES employees shall disclose known potential conflicts of interest in connection with vendor contracts, purchases, payments, or other pecuniary transactions in writing to the Executive Director on an annual basis. New employees shall be notified of this policy upon employment. Employees shall notify the Executive Director if conditions regarding potential conflicts of interest change.
- (d) Solicitations shall be defined as the sale of goods or services or requesting money or services for non-CES purposes. Solicitations must be approved by the Executive Director and must not be disruptive to other employees.

7. Staff Conduct

- (a) Staff shall always conduct themselves in a professional manner while in the office or representing CES.

- (b) Conducting personal business on CES property is not appropriate.
- (c) Conducting personal business that results in a reduction of productivity on the part of an employee may be grounds for disciplinary action including termination.

8. Staff Dress Code

- (a) Employees shall dress in a manner that does not detract from the professional business presence of CES. Formal business or business casual attire is permissible. An employee shall be sent home to change his/her attire if the Executive Director, a Director or the employee's immediate supervisor determines the employee's attire deviates from the professional business presence of CES. Time away from the office on these occasions shall be charged to the employee's P.T.O. If P.T.O. time is not available, time away from the office will be without pay.
  - (1) Professional personnel, in particular, should be aware of individual dress standards of the schools in which they visit, and groom and dress themselves accordingly.
  - (2) Extremely liberal and/or casual apparel and personal grooming are not permitted.
  - (3) CES will maintain a fragrance-free workplace. CES employees that work at CES' main office should not use or wear fragranced products such as, but not limited to, perfumes, colognes or scented lotions.

9. Gifts to and Solicitations by CES

- (a) There is no restriction to the value of gifts received by CES. Gifts to CES in excess of \$100 must be reported to the Executive Committee. Employees shall not, except for meals, receive gifts of service, tangible personal property or construction in a value greater than \$50 annually from a single individual or company having any current or anticipated fiduciary relationship with CES. An exception may occur if there is an agency benefit and such gift is approved in writing by the Executive Director, or, if the Executive Director is the recipient, then approved, in writing, by the Executive Committee. Gifts to CES or its employees shall conform to state and federal program guidelines.

- (b) Solicitations may only be made on behalf of CES for support of CES- sponsored educational events or programs

10. Substance Abuse

- (a) Definition: “Substance abuse” means the unauthorized possession, distribution, dispensing, manufacture, sale, or use or being under the influence of controlled substances that are identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC, Statute 812 (United States code, Title XXI, Chapter 13) or in implementing regulations, 21 CFR Sections 1308.11 to 1308.15 where the use is neither authorized by law nor a valid prescription, or the misuse of a legal substance, including but not limited to prescription drugs, that may affect an individual’s ability to perform his or her job in a safe, adequate and secure manner. Controlled substances include, but are not limited to marijuana, barbiturates, anabolic steroids, cocaine, (including crack), amphetamines, heroin, PCP hallucinogens, and prescription drugs not authorized by a physician. Substance abuse shall also include the use of or being under the influence of, alcohol or alcoholic beverages on CES premises or during CES events except to the extent provided herein. Also included are solvents or inhalants used for intoxication and any substances that are represented to be controlled or illegal substances.
- (b) Substance abuse as defined in Section V is prohibited in the workplace or while on CES business.
- (c) Workplace includes any CES property, and any CES-owned or rented vehicle used to transport staff members to and from the CES buildings or on CES business. The workplace includes any CES-sponsored or CES-approved activity, event, or function where staff members are required to attend. In addition, the workplace shall include all property owned, leased, or used by CES for any business purpose.
- (d) CES administration may provide alcohol at appropriate social functions that are not held on CES property and at times when attendance is optional by CES staff.

(e) Disciplinary Actions for Substance Abuse

Willful violation by an employee of the prohibited practices identified herein may result in disciplinary action up to and including dismissal, reprimand, suspension with or without pay, termination or discharge from employment and referral for investigation and/or prosecution by law enforcement agencies. A disciplinary action may also include the satisfactory completion of a rehabilitation program at the individual's expense.

(f) Use of Authorized Prescriptions and Drugs

Authorized prescription drugs and "over the counter" legal drugs may be used at the workplace so long as prescribed dosage and recommended use is not exceeded and the use of these drugs do not adversely affect the employee's ability to perform required work in a safe and secure manner. When such legal drugs are to be used at the workplace and may impair performance, employees shall inform their supervisors.

(g) CES employees who use a personal vehicle in the performance of their duties shall

- (1) Maintain an insurable driving record.
- (2) Submit verification of current auto insurance to the Human Resource Department.
- (3) Notify the Executive Director of any arrest or charges for DWI or driving while impaired; or arrest for criminal drug use, possession, or distribution no later than five (5) days after such arrest or charges.

11. Employee Performance/Supervisor Referrals

- (a) Supervisors will observe employee performance and on-the-job conduct to detect behavior that could compromise the health and safety of the employee or others. When that observation indicates cause to believe that substance abuse is a factor in performance or conduct, supervisors are to take appropriate action as directed in this policy if:

- (1) Behavior is observed that may pose an immediate threat to the health and safety of the employee or of others and the supervisor reasonably suspects that substance abuse may be a contributing factor.
- (2) The use of controlled substances, the misuse of legal substances, or unauthorized use of alcohol has been observed in the workplace; or,
- (3) A work-related accident or incident occurs where the supervisor reasonably suspects that substance abuse, misuse of legal substances, or alcohol abuse may be a contributing factor.

## 12. Standards of Conduct

All employees are expected to cooperate fully with CES' objective of maintaining a Drug-Free Workplace. Failure to do so is deemed to be a violation of this policy and the standards of conduct prescribed therein. Accordingly, in the event that an employee violates this policy, refuses to submit to a required evaluation for substance abuse when there is "individualized reasonable suspicion" of substance abuse, refuses rehabilitation, fails to complete a prescribed rehabilitation program, fails to submit required documentation relative to evaluation, or falsifies any record relative to abuse of any substance, such employee will be subject to disciplinary action up to and including discharge.

## 13. Drug Testing

- (a) The obligation of employees in certain positions to perform their duties unimpaired holds direct consequences for the safety of the students treated by ancillary staff, the staff of CES and of the general public. CES reserves the right to require the submission of blood, breath, or urine samples by any such employees for testing by an authorized testing laboratory designated by CES when there is individualized reasonable suspicion of drug abuse.
- (b) Confidentiality and Due Process
  - (1) CES will exercise due diligence in maintaining the confidentiality of employees involved in substance rehabilitation. Actions taken in enforcement of this policy shall comply with such hearing or due process procedures

as may be required by CES or state laws. Nothing herein affects an employee's employment status as an "At-Will" employee, if applicable.

- (2) If there is reasonable suspicion of substance abuse on the part of the Executive Director, or he/she is exhibiting erratic behavior associated with substance abuse, the President shall be notified by any CES director.

14. Tobacco-Free Workplace

Use of tobacco and e-cigarettes shall be prohibited within the facility and permitted only at designated locations on CES property.

15. Outside Employment

- (a) Staff members may accept additional employment, provided such employment occurs outside their regularly established work schedules.
- (b) Outside employment shall not interfere with the employee's performance of regular duties.
- (c) While employed by CES, employees shall not accept employment directly with Members, Participating Entities or awarded CES vendors without written approval of the Executive Director.
- (d) Outside employment shall not violate conflict of interest statutes or policies of CES.
- (e) No CES staff shall use or attempt to use their CES employment status or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available.

16. Sexual Harassment and Discrimination

- (a) Training

CES is committed to providing a safe, secure, and respectful work environment. Key to this commitment are efforts to foster and nurture an environment of civility and mutual respect by discouraging and preventing sexual harassment. To this end, CES will require and provide training to all its employees to educate



them about sexual harassment. The culmination of the training will be individual certification of satisfactory completion of the training, and demonstration, by assessment, that the employee is aware of the legal requirements and implications regarding sexual harassment.

(b) Sexual Harassment Defined

- (1) Sexual harassment occurs when a person is subject to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature to such an extent that it alters the conditions of the person's employment and creates an abusive or hostile working environment.
- (2) Sexual harassment may include touching, feeling, groping and/or repeated unpleasant, degrading and/or sexist remarks directed toward an employee, implying that employment status, promotion or favorable treatment depends upon the employee's assent. Pornography displayed in the workplace or emailed to coworkers may also constitute sexual harassment.

(c) Reporting

- (1) Employees who feel that promotions, increases in wages, continuation of employment, or other terms or conditions of employment are contingent upon their agreement to accept unwelcome conduct of a sexual nature, are encouraged to report these conditions as identified herein to their immediate supervisor, the Human Resources Department, any CES director, or the Executive Director.
- (2) Employees who believe that the CES Executive Director is involved in behavior constituting sexual harassment as described herein should report these conditions to the President of the Board of Directors.
- (3) An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

(d) Investigation

- (1) In determining whether any alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be properly investigated. The Executive Director or designee has the responsibility of investigating and resolving all complaints of sexual harassment. In the event the allegation involves the Executive Director, the President shall determine who shall conduct the investigation.
- (2) The confidentiality of employees reporting sexual harassment will be maintained to the extent permitted by state law and to the extent that a full and complete investigation can be accomplished. No reprisals or retaliation will be permitted to occur as a result of the good faith reporting of charges of sexual harassment.

(e) Discipline

Upon investigation, any employee deemed to have engaged in sexual harassment of other employees, vendors, CES patrons or students; or tolerated such conduct, is subject to disciplinary action, including the possibility of termination or discharge.

17. Staff Welfare/Protection

(a) Staff Health

- (1) The Executive Director will ensure a safe working environment to the greatest extent practicable.
- (2) CES will provide availability to group health insurance.
- (3) Staff that, in the opinion of their supervisor, a Director or the Executive Director, provide a health risk to themselves or others, may be asked to leave the premises.
- (4) Employees who are asked to leave for the above reason(s) will be paid for the lost time using their allotted P.T.O. If the employee has no P.T.O. available, the leave or remainder thereof will be unpaid. Employees who are

asked to leave for the above reason(s) will be allowed to return to work at the discretion of the Executive Director.

(b) Workers' Compensation

CES shall maintain workers' compensation insurance as required by law.

(c) Safety Regulations

The Executive Director shall develop and implement regulations that provide for the safety and well-being of staff, as well as visitors and the facility itself. The regulations shall include protocols for managing critical emergent incidents.

18. Staff Participation in Political and/or Public Appearance Activities

Staff members representing CES in political and/or public appearance activities shall obtain prior approval of the Executive Director

19. Personnel Records and Files

(a) The contents of employee personnel files are the property of CES and contain confidential information related to an employee's employment relationship with CES. Additionally, employee personnel files shall contain any documents required by law, statute, and/or regulation, and sound personnel practices. It shall be CES' responsibility to safeguard the information contained within employee personnel files from unauthorized access.

(b) Information in personnel files may be accessed by any member of CES' management with a legitimate interest in reviewing its contents. Disclosure to any other entity shall occur only when CES is served with a duly executed subpoena/warrant, or otherwise required by law.

(c) Employee personnel records are available for inspection and review by active employees of CES under the following guidelines:

(1) An employee must submit to the Human Resource Department a written request to review his/her personnel file at least five (5) days prior to the review. Anyone

reviewing their file will be accompanied by a member of CES' Director Staff.

- (2) An employee may not review pre-employment documents of a confidential nature such as references.
- (3) Employees may request copies of documents in their file that are not confidential pre-employment documents.

20. Staff Concerns/Complaints/Grievances

- (a) Following an unsuccessful attempt to resolve a concern regarding the application of Board policies by meeting with the Executive Director, an employee has the right to further address said concern by submitting a letter to the Executive Director requesting the opportunity to make a statement at the next scheduled meeting of the Executive Committee. At-will employees, however, may not exercise this policy to appeal termination.
- (b) The employee shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his/her appeal as long as the employee does not become unruly or disruptive.

21. Termination of Employment

(a) Unauthorized Absence

An unauthorized absence for a period of three (3) consecutive working days, subsequently determined to be without reasonable cause, will be considered by the Executive Director as job abandonment and is reason for immediate dismissal.

(b) Termination

- (1) The Executive Director may terminate or discharge an employee under the following circumstances:
- (2) Employees who are not At-Will employees and have an expectation of continued employment through an annual contract may be discharged for just cause including but not limited to employee misconduct or uncorrected, unsatisfactory work performance. An employee with an

annual contract has no expectation of continued employment once the contract has expired.

- (3) Employee misconduct is cause for termination or discharge. In general, employee misconduct means the wanton, willful, reckless or repeated acts of disregard for CES' interests or the health, safety, integrity and secure work environment of fellow employees. It can include but is not limited to: violation of CES rules and policies; disregard of standards of behavior reasonably expected by CES and fellow employees; violence or extreme abusive behavior; unauthorized alcohol or drug use; disruption of the work place; abusive and disrespectful behavior displayed toward CES members and contractors; embezzlement or stealing; internet fraud or identity theft; violation of federal, state or local laws.
- (4) Exempt employees as defined above shall be informed, in writing, of the discharge action, and he/she shall have the right to a hearing before the Executive Committee.
- (5) Exempt employees who have been discharged, and who desire such a hearing, must make their request in writing to the Executive Director. The hearing will be conducted by the Executive Committee at its next regularly scheduled meeting.
- (6) If the Executive Director's action is not sustained, the contract employee will be reinstated with back pay for any compensation lost due to the discharge.
- (7) Voluntary termination by an exempt employee shall be, at the least, a 30-day notice unless otherwise specified by individual contract.

(c) Notification and Pay

- (1) The Executive Director may require a staff member to leave immediately upon termination or discharge.
- (2) At-will employees whose employment is being discontinued will be notified of such action as soon as practicable.

(3) Employees who separate shall receive payment of all earned salary or wages and accrued unused PTO and compensatory time as provided herein minus deduction for indebtedness to CES.

(d) Employment Status

A contract of employment becomes effective when signed by the employee and the Executive Director.

C. Operational Guidelines

1. Office Hours/Work Week

(a) Regular office hours are observed Monday through Friday from 8:00 a.m. to 5:00 p.m. The normal workday is eight hours long and the normal work week is forty hours, with the office being closed Saturdays, Sundays, and designated holidays. Staff shall be allocated at least one-half hour for lunch. Deviations to regular office hours may on occasion be implemented by supervisors for the benefit of CES, or, with prior supervisory approval, at the request of the employee.

(b) The work week for CES office staff shall commence at 12:01 a.m. on Saturday and conclude at 12:00 p.m. on Friday.

2. Overtime Work and Compensation

- a.) Exempt personnel are not eligible for overtime compensation.
- b.) All overtime work for non-exempt personnel must have the prior written or verbal approval of the Executive Director or employee's immediate supervisor. Compensation for overtime in excess of forty hours per work week as defined herein shall be at the rate established by law.

3. Staff Leaves and Absences

(a) Paid Time Off

(1) PTO begins to accrue immediately upon employment.

- (2) The only paid leave available to an employee during the first 90 days of employment is accrued PTO, Voting Leave and Bereavement Leave.
- (3) An employee taking PTO, for purposes other than for illness/injury of self or an immediate family member, for an emergency, or for a court-ordered appointment, must have the prior approval of his or her supervisor. An employee taking PTO for five or more consecutive days must either provide a doctor's excuse or court order for all days missed or has the prior approval of the Executive Director.
- (4) PTO accrues on a monthly basis.
  - (a) The maximum PTO accrual is 320 hours.
  - (b) Only employees working a 0.8 FTE or greater are eligible to accrue PTO.
  - (c) PTO is accrued at the end of each calendar month. Employees working less than a full calendar month, at either the beginning or end of their employment, will earn PTO prorated based on the percentage of time worked during the month.
  - (d) PTO will accrue at 176 hours per year during the first five years of continuous employment.
  - (e) Beginning with the sixth year of continuous employment, PTO will accrue at 192 hours per year.
  - (f) Beginning with the eleventh year of continuous employment, PTO will accrue at 208 hours per year.
- (5) Employees may be financially compensated for accrued PTO by one of these methods:
  - (a) Employees may elect on an annual basis to place an amount not to exceed 100 hours of their current PTO accrual balance in a tax-sheltered account approved by the Executive Director, or they may elect to contribute this amount toward their CES retirement account.

- (b) Upon resignation, termination, or reduction in FTE below 0.80, an employee is entitled to be paid for a maximum of 120 hours of their current PTO accrual balance.

- (b) Bereavement Leave

Employees are allowed bereavement leave with pay for up to three (3) days for each occurrence of the death of employee's immediate family as defined herein. For part-time employees, bereavement leave will be paid for any leave occurring during the employees regularly scheduled work hours. If the death is of a spouse, parent or child, the employee will be allowed up to five (5) days of paid leave.

- (1) Immediate family is defined as employee's spouse, mother, father, son, daughter, sister, brother, grandmother, grandfather, grandchild, aunt, and uncle.
- (2) Step and in-law provisions shall apply to bereavement leave.

- (c) Military Training Leave

Full-time employees with military training obligations shall be granted military training leave without pay, not to exceed thirty working days in any calendar year, for discharge of such obligation. Employees must provide at least thirty days advance notice to the Executive Director.

- (d) Military Leave

Full time employees will be entitled to a military leave of absence without pay for service with the armed services of the United States. If, and when, an employee formerly on military leave is returned to active employment, seniority and benefits will be reinstated as if no leave had occurred. In order to exercise the above rights an employee must apply to the CES Executive Committee for re-employment within 90 days following an honorable discharge or release from duty.



(e) Jury Duty Leave and Witness Leave

Jury duty and witness leave with pay will be provided to employees called to jury duty or witness stand during their established work schedule, provided the employee is not a potential beneficiary of the court action. If the employee takes jury duty/witness leave and is reimbursed by the Court for anything other than mileage/per diem, the employee will surrender that payment to CES.

(f) Voting Leave

(1) Early voting is encouraged.

(2) Voting leave will be granted for up to two hours (depending on work schedule and at the discretion of the supervisor) during the regular workday for voting on an official election day. This time should be reported as time worked and is not charged against PTO, compensatory time or salary. The employee shall provide a leave request form, with the reason for needing to vote during their eight-hour workday. Documentation is to be maintained with their monthly leave records for the applicable month.

(g) Family and Medical Leave Act of 1993 (P.L. 103-3)

Federal FMLA guidelines will be posted in the workplace.

(h) Leave of Absence

(1) A leave of absence is a temporary suspension of employment initiated at the request of the employee. Each request will be considered individually. An employee on leave for less than one full calendar month will retain all benefits to which he/she was entitled previous to the leave and will continue to accrue PTO. Employees must use accrued PTO simultaneously with any granted extended leave. When PTO is exhausted during the course of the leave, the remainder of the leave will be unpaid.

(2) Employees granted a non-FLMA leave of absence for a period exceeding one calendar month, but not exceeding one year, may continue insurance coverage by making the

premium payments beginning the first of the month after accrued PTO is expended.

(i) Annual Staff Vacations and Holidays

- (1) Year-round employees are allowed the following as paid holidays: New Year's Day, President's Day, Good Friday (p.m. only), Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday immediately following Thanksgiving Day, Christmas Eve, and Christmas Day.
- (2) During the period between December 15th and January 15th of each year, full-time office employees with at least one year of continuous employment shall be provided an additional three (3) days off with pay. Part-time office employees with at least one year of continuous employment will receive that portion of the three (3) days that is commensurate with their FTE. Office employees may take these days at any time during the above time period as approved by the Executive Director and/or supervisor. These three days, or any portion thereof, do not accrue if not used.

(j) Community Service Leave

CES supports its office staff employees who wish to devote time to charitable organizations, or for the benefits of the public or its institutions. To that end, CES will provide compensated release time from work for this purpose, not to exceed four (4) hours per month per employee, for an aggregate total of not more than forty (40) hours per fiscal year per employee.

4. Staff Assignments and Transfers

Assignment shall be at the discretion of the Executive Director. The Executive Director may immediately transfer staff to assignments at his/her discretion. Staff may request transfer of assignment in writing to their immediate supervisor at any time. Such request shall be transmitted to the Executive Director for consideration.

5. Staff Development

The Executive Director may implement staff development programs as he/she determines are needed to improve skills, morale, effectiveness, employee relations, self-awareness, and/or customer service. The Executive Director may implement staff development by department or the entire staff.