

Gardner Valley School

Charter Employee Policy

Employment: Employment at Gardner Valley School is expressly “at-will” and for an indefinite term. This means that the school or the employee may terminate the employment relationship at any time, with or without cause, for any lawful reason. The school may seek and receive waivers of certain laws, regulations, and policies that might otherwise prescribe the employee’s employment status or rights. As a charter, the school is not subject to all laws governing employment of personnel by Colorado school districts.

Non-renewals or reductions in the number of employee positions or reduction in salary and benefits may occur when the Charter Board determines that a fiscal exigency exists and/or program change is to be made that, in the Board’s determination, requires the non-renewal or reduction of one or more employee positions. “Fiscal exigency” means any significant decline in the Charter Board’s ability to fund the operations of the school as a result of a decline in student enrollment, restrictions on revenues, increased costs or any other action, event or condition that may cause the school’s current or projected budget to be insufficient to adequately meet the school’s current or projected needs. A fiscal exigency may exist based solely upon current revenue and expenditure projections. “Program change” means the elimination, curtailment or reorganization of curriculum, programs or operations, or a reorganization or consolidation of two or more individual schools. A program change may or may not be related to a fiscal exigency. A determination of fiscal exigency or program change can be made in the Board’s sole and absolute discretion. Determination of a fiscal exigency or program change is not a prerequisite to any decisions regarding non-renewal or reduction in employee positions, as these decisions remain solely in the discretion of the Board.

Distributed Decision-making: The Charter Board believes that the school’s employees play an important role in the success and sustainability of the school. Employees are encouraged to be actively involved in the setting of school goals by the Board and in the determination of appropriate strategies for achieving the goals.

Professionalism: All individuals affiliated with the school represent the image of the school. Employees shall fully comply with all policies, regulations, bylaws, rules, and practices of the Gardner Valley School and the Gardner Valley School Corporation, and with applicable state and federal laws and regulations. During the workday and at all work-related activities, employees shall demonstrate professionalism in conduct, standard of dress and appearance. Employees shall perform their duties and responsibilities in a trustworthy, ethical, legal, and diligent manner, consistent with the standards for care and quality that accompany the highest norms of the profession.

Conflicts of Interest: All employees shall adhere to *Article V, Section 5.3 Conflicts of Interest* of the Gardner Valley School Bylaws and the *Conflicts of Interest Policy* of the Gardner Valley School and Gardner Valley School Corporation.

Compensation

Salary: Employees working at Gardner Valley School are employed “at will.” The school does not follow a salary schedule. Salaries are determined individually, based on an employee’s job duties,

Drafted in accordance with authorizing district policy.

experience, qualifications, needs, and performance, and based on comparison to salaries for comparable positions in other schools or districts. Salaries are defined through individual employment agreements, based on an annual salary or hourly rate, as recommended by the Head of School and approved by the Charter Board. While a salary is earned on the basis of work days in the school year, the Charter Board recognizes that there is mutual benefit in paying employees an annualized salary in equal amounts over the course of a 12 month pay-period. The monthly payment is based on one-twelfth of the gross salary and is paid on the last business day of each month. If employment is terminated prior to the completion of all of the work days in a school year, the salary paid for the employee's final paycheck will be prorated to reflect the percentage of the number of work days actually worked or the minimum amount required to comply with FLSA, whichever amount is greater.

Benefits: As part of an employment package, all full-time employees who elect to participate are provided with benefits that include health, dental, and vision insurance. Gardner Valley School shall make a monthly contribution toward an employee's health, dental and vision benefits package in accordance with the school's health insurance benefits plan, in an amount equal to the employee's insurance premium but not to exceed the set amount within the charter board approved budget. For a qualifying employee who does not elect to participate in the health benefits package (as a whole) and can provide proof of comparable insurance obtained elsewhere, a portion of the school's health benefit contribution will be directed to the employee by means of taxable compensation in the amount of a \$150 monthly payment (subject to PERA).

Employees shall be a member of the Colorado Public Employees Retirement Association (PERA). The school and the employee shall contribute the appropriate respective amounts as required by the fund of the Association.

Supplementary Pay: Employees may be assigned to duties which require extra time or responsibilities over and above their job description obligations and shall receive extra compensation in accordance with a recommendation by the Head of School and approval of the Charter Board. Most stipends shall be paid on an annual or seasonal basis, although certain assignments performed at irregular or infrequent intervals may be paid at an hourly rate.

Part-Time and Substitute Professional Staff: Gardner Valley School shall maintain an authorized list of personnel to be used for substitute or part-time employment. Prior to adding a person's name to the list, a background check shall be carried out in accordance with state law, as represented in the substitute certification process.

Staff Leave

Staff Personal Leave: Employees shall be entitled to up to four paid personal leave days per school year, accrued at a rate of one day per quarter of time worked. Personal leave may be rolled over from one year to the next, with a maximum cap of no more than eight days that may be accrued at any given time. If an employee is at the maximum cap they will not accrue any additional paid leave days until accrued days are used, at which time they will continue to accrue more days (up to the cap) at the rate of one day per quarter of time worked. Employees will be paid for any accrued paid personal leave days accrued at the time of separation (never to exceed the maximum cap).

Staff Sick Leave: In accordance with the Colorado Healthy Families and Workplaces Act (“CHFVA”), any employee who does not currently earn and/or accrue paid leave or sick leave at a rate greater to or equal to the following requirements will receive paid sick leave in a manner so as to meet the following minimum requirements (NOTE: Paid sick leave granted under this policy is for employees who do not already earn or accrue some form of paid leave at the minimum requirements of the CHFVA, and paid sick leave under this policy is not in addition to other forms of paid leave already granted to employees).

For employees receiving paid leave under other employer policies at a rate greater than or equal to the rate required by the CHFVA, up to 48 hours per year of that leave will be available for use as paid sick leave at the employee’s election, and all provisions applicable to paid sick leave in this policy and the CHFVA will similarly apply to those 48 hours. Those employees will continue to earn paid sick leave, above and beyond any other provided leave, at a rate of 1 hour per 30 hours worked, even if other paid time off benefits stop accruing.

Employees shall be provided with up to seven days of sick leave, on the start date of employment (exceeding the minimum requirements of one hour of paid sick leave for every 30 hours worked) and at the beginning of each fiscal year thereafter, which is the maximum amount of paid sick leave that can be earned and rolled over within the fiscal year. The maximum amount of sick leave that can be used within the fiscal year is 14 days (if accrued). Because this is *sick* leave, accrued hours must be used for a qualifying reason and unused hours will not be paid to an employee at the end of any year or at separation of employment. The School will not prohibit use of paid sick leave or retaliate against any employee for their lawful use of paid sick leave, if for a qualifying reason. The allowable reasons for use of paid sick leave are limited to the following:

1. An employee has a mental or physical illness, injury, or health condition that prevents the employee from working;
2. An employee needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
3. An employee needs to obtain preventative medical care;
4. An employee needs to care for a family member who has a mental or physical illness, injury, health condition; or who needs to obtain a medical diagnosis, care, or treatment; or who needs to obtain preventative medical care.
5. An employee or an employee’s family member has been the victim of domestic abuse, sexual assault, or harassment and the use of the leave is to seek medical attention for the employee or the employee’s family member to recover from a mental or physical illness, injury, or health condition caused by the domestic abuse, sexual assault, or harassment; or for the employee or employee’s family member to obtain services from a victim services organization, mental health or counseling, or to seek relocation due to the domestic abuse, sexual assault, or harassment; or to seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.
6. Due to a public health emergency in which a public official has ordered the closure of the Employer or the school or place of care of an employee’s child and the employee needs to be absent from work to care for the employee’s child.

7. To grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member.
8. To care for a family member whose school or place of care has been closed—or to evacuate the place of residence—due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in closure or the need to evacuate.

Paid sick leave can be used in one-hour increments. When the need for leave is foreseeable, employees must make a good faith effort to provide advance notification and make a reasonable effort to schedule leave so as not to be unduly disruptive to their job requirements. If the need for leave is not foreseeable then the employees must provide notice as soon as practicable. The employee may be required to provide documentation of the reasons for taking the paid sick leave if for four or more consecutive days, in accordance with the CHFVA. The School will not prohibit use of paid sick leave or retaliate against any employee for their lawful use of paid sick leave, if for a qualifying reason.

Paid sick leave will not be counted as an “absence” that may result in firing or another kind of adverse action. An employee will not be required to find a “replacement worker” or job coverage when taking paid sick leave. If an employee separates from employment and is rehired within six months after the separation, the employee will have reinstated any paid sick leave that the employee had accrued but not used during the employee's previous employment. Employees are not entitled to any financial compensation at any time in exchange for any unused/accrued paid sick leave.

Accumulated Sick Leave: At the end of each year, employees may roll over accrued sick leave. However, they may still only use sick leave subject to the limitations of this policy.

Public Health Emergency Leave

In addition, on the date a federal, state or local public health emergency is declared and until four weeks after the official termination or suspension of the public health emergency, each employee's accrued paid sick leave will be supplemented, as necessary, to ensure that an employee may take the following amounts of paid sick leave for the additional purposes defined below:

1. For employees who normally work forty or more hours in a week, at least eighty hours of paid sick leave;
2. For employees who normally work fewer than forty hours in a week, at least the greater of either the amount of time the employee is scheduled to work in a fourteen-day period or the amount of time the employee actually works on average in a fourteen-day period.

Accrued paid sick leave counts toward the total described above, meaning the total described above is the new maximum and not in addition to existing, accrued paid sick leave. Employees may use supplemental leave before other forms of leave. Employees are only eligible for the supplemental paid sick leave in the amount described above once during the entirety of a public health emergency.

Additional purposes for taking paid sick leave during a public health emergency include an employee who needs paid time off to:

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1. Self-isolate and care for oneself because the employee is diagnosed with a communicable illness that is the cause of a public health emergency;
2. Self-isolate and care for oneself because the employee is experiencing symptoms of a communicable illness that is the cause of a public health emergency;
3. Seek or obtain medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency;
4. Seek preventive care concerning a communicable illness that is the cause of a public health emergency; or
5. Care for a family member who is self-isolating after being diagnosed with a communicable illness that is the cause of a public health emergency; is self-isolating due to experiencing symptoms of a communicable illness that is the cause of a public health emergency; needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency; or is seeking preventive care concerning a communicable illness that is the cause of a public health emergency; or
6. With respect to a communicable illness that is the cause of a public health emergency:
 - a. A local, state, or federal public official or health authority having jurisdiction over the location in which the School is located or the School determines that the employee's presence on the job or in the community would jeopardize the health of others because of the employee's exposure to the communicable illness or because the employee is exhibiting symptoms of the communicable illness, regardless of whether the employee has been diagnosed with the communicable illness;
 - b. Care of a family member after a local, state, or federal public official or health authority having jurisdiction over the location in which the family member's place of employment is located or the family member's employer determines that the family member's presence on the job or in the community would jeopardize the health of others because of the family member's exposure to the communicable illness or because the family member is exhibiting symptoms of the communicable illness, regardless of whether the family member has been diagnosed with the communicable illness;
 - c. Care of a child or other family member when the individual's child care provider is unavailable due to a public health emergency, or if the child's or family member's school or place of care has been closed by a local, state, or federal public official or at the discretion of the school or place of care due to a public health emergency, including if a school or place of care is physically closed but providing instruction remotely; or
 - d. An employee's inability to work because the employee has a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of the public health emergency.

After the four week period following a public health emergency, any remaining supplemental paid sick leave will be removed from the employee's paid sick leave total.

Records

The School will retain records for each employee for a two-year period, documenting hours worked, paid sick and personal leave accrued, and paid sick and personal leave used. The School will provide documentation of the current amount of paid leave employees have (1) available for use, and (2) already used during the current benefit year, including any supplemental PHE leave. Information may be requested once per month or when the need for paid sick leave arises.

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The School will not require disclosure of details relating to domestic violence, sexual assault, or stalking or the details of an employee's or an employee's family member's health information as a condition of providing paid sick leave. Any health or safety information possessed by the School regarding an employee or employee's family member will be maintained on a separate form and in a separate file from other personnel information; be treated as confidential medical records; and not be disclosed except to the affected employee or with the express permission of the affected employee.

The CHFWA

This policy should be read and understood in conjunction with the entirety of the CHFWA. Any definitions, requirements, or details of the CHFWA shall supersede this policy.

Federally-Mandated Family & Medical Leave: In accordance with all family and medical leaves of absence covered under the Family and Medical Leave Act of 1993 ("FMLA"), to be eligible for a family and medical leave of absence (FMLA), an employee must meet all legally required eligibility requirements, including without limitation that the employee shall have been employed for at least 12 months and shall have worked at least 1,250 hours during the 12-month period preceding the commencement of the leave. An eligible employee shall be entitled to a combined total of 12 weeks' unpaid leave per year for the following reasons: a) the birth and care of the employee's newborn child; b) the placement of a child with the employee for adoption or foster care; c) to care for an employee's child, spouse or parent with a serious health condition; d) when the employee is unable to perform the functions of the position because of the employee's own serious health condition; or e) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on covered active duty in the Armed Forces or has been notified of an impending call or order to covered active duty in the Armed Forces. Leave to care for a child shall include leave for a step-parent or person in loco parentis. The school shall maintain health coverage for any employee who is granted an approved leave of absence under this policy for the duration of the leave. Such coverage shall be maintained at the same level and under the same conditions as coverage would have been provided if the employee were not on leave. The school reserves the right to seek reimbursement for this benefit in the event that an employee elects not to return to work, as allowed by law. The use of FMLA leave shall not result in the loss of any employment benefit that accrued prior to the start of the FMLA leave. FMLA leave runs concurrently with all applicable forms of paid and unpaid leave and use of accrued paid and unpaid leave must be taken with FMLA. The School uses the 12-month period measured forward from the first day of an employee's leave to determine the maximum number of weeks in a 12-month period. An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the School's operations. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable. Leave due to qualifying exigencies may also be taken on an intermittent basis. Appropriate supporting documentation may be required.

Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with School's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

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In the event that this policy or its accompanying regulation conflict or are otherwise inconsistent with mandatory provisions of the FMLA, the mandatory provisions of the FMLA shall control.

Staff Professional Development Leave: The Charter Board recognizes the importance of professional development but cannot grant/guarantee a certain number of days per year. If professional development leave is taken during the school year it will have to meet the following guidelines or staff will have to use personal leave;

Must be approved by the Head of School. Head of School has the authority to approve or decline requested leave in accordance with:

1. Funding availability
2. Must be pertinent to the needs of GVS, students and/or staff, and current/developing curriculum

The process to request professional development leave is in the employee handbook.

Staff Legal Leave: The Charter Board recognizes the important role citizens play in our legal system, including the obligation to serve as jurors under appropriate circumstances and to appear in proceedings pursuant to subpoena or other court order. All employees of the school shall be excused for jury duty or when ordered to appear in a proceeding pursuant to subpoena or other court order with no jeopardy to their employment, compensation, annual leave or other leave. Substitutes, when necessary, for employees shall be obtained in the usual manner and paid by the school.

Staff Extended Personal Leaves of Absence: The Charter Board may grant an extended personal leave of absence without compensation to any employee for a period of one year. Such leave may be granted upon the recommendation of the Head of School. The conditions under which a person may return from such an extended personal leave shall be recommended by the Head of School and approved by the Charter Board.

Policy History

Adopted: 02/10/2021

Revised: 03/16/2022

Revised: 11/15/2023

Huerfano School District Re-1 Board Policies (non-waived)

Policy GBA [Open Hiring/Equal Employment Opportunity](#)

Policy GBAA [Sexual Harassment](#)

Policy GBEB [Staff Conduct \(And Responsibilities\)](#)

Policy GBEC [Drug-Free Workplace](#)

Policy GBEE [Staff Use of the Internet and Electronic Communications](#)

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Policy GBGAB [First Aid Training](#)
Policy GBGD [Workers' Compensation](#)
Policy GCS [Professional Research and Publishing](#)
Policy GDAA [Title I Paraprofessionals](#)
Policy EGAEA-R2 [Regulation of Social Media Use](#)