

# Association of Charter School Education Services Employee Handbook



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## Introduction

### 1.1 Welcome

Welcome to the Association of Charter Schools Education Services (ACES) team. One of the keys to our success is hiring great employees. We have hired you because we believe you have the skills and the potential to help our Company succeed. We expect employees to perform the tasks assigned to them to the best of their abilities. We believe that hard work and commitment will not only benefit ACES **but** will help give all our employees a sense of pride and accomplishment.

We are glad to have you as a member of our team. We hope that your employment proves mutually satisfying. Every employee has an important role in our operations, and we value the abilities, experience, and background that they bring with them. It is our employees who provide the services that our agencies rely upon and enable us to grow and create new opportunities in the years to come.

Our management team intends to provide employees with all the support and resources they will need to perform their job effectively. If, at any time, an employee needs assistance or guidance, the employee should not hesitate to ask any member of the management team.

Once again, welcome to ACES.

### 1.2 About Our Company

The Association of Charter Schools Education Services (ACES) has always emphasized that outstanding people are the key to our success. Our strength and future growth depend on the contributions made by you and each person within our organization. We are proud to have you as part of our team. To ensure continued success, we feel it is important that all employees understand our policies and procedures. This Handbook will familiarize employees with the various aspects of working with us. We encourage all employees to use the Handbook as a valuable resource for understanding our Company.

### 1.3 Purpose of Employee Handbook

This Employee Handbook (together with any state supplements sometimes referred to as the “Handbook”) contains information about the employment policies and practices of ACES (sometimes referred to as the “Company”). These policies reflect the Company's values, and we expect each employee to read this Handbook carefully as it is a valuable reference for understanding your job and ACES.

This Handbook supersedes all previously issued Employee Handbooks. References to this Handbook include any state specific supplements. Except for the policy of at-will employment, the Company reserves the right to revise, delete and add to the provisions

of this Handbook. All such revisions, deletions, or additions must be in writing. No oral statements or representations can change the provisions of this Handbook.

This Handbook does not constitute an express or implied contract guaranteeing continued employment for any employee. No manager or any other employee has any authority to enter into a contract of employment - express or implied - that changes or alters the fact that employment with the Company is at-will. **Only the Executive Director of the Company or their authorized representative has the authority to enter into an employment agreement that alters the fact that employment with the Company is at-will, and any such agreement must be in writing and signed by the Executive Director of the Company or their authorized representative.**

Not all of the Company's policies and procedures are set forth in this Handbook. We have summarized only some of the more important ones. If an employee has any questions or concerns about this Handbook or any other policy or procedure, please ask your program manager, and/or the Executive Director.

Nothing in this Handbook or any other document or policy is intended to violate any local, state or federal law. Nothing in this Handbook is intended to limit any concerted activities by employees relating to their wages, hours, or working conditions, or any other conduct protected by Section 7 of the National Labor Relations Act (NLRA). Furthermore, nothing in this Handbook prohibits an employee from reporting concerns, making lawful disclosures, or communicating with any governmental authority about conduct the employee believes violates any laws or regulations.

## 1.4 Employment At-Will

**EMPLOYMENT WITH THE COMPANY IS AT-WILL, UNLESS STATE LAW PROVIDES OTHERWISE. THIS MEANS THAT EMPLOYMENT MAY BE TERMINATED FOR ANY OR NO REASON, WITH OR WITHOUT CAUSE OR NOTICE AT ANY TIME BY THE EMPLOYEE OR BY THE COMPANY. NOTHING IN THIS HANDBOOK OR ANY ORAL STATEMENT WILL LIMIT THE RIGHT TO TERMINATE THE AT-WILL EMPLOYMENT RELATIONSHIP. THIS AT-WILL EMPLOYMENT POLICY IS THE SOLE AND ENTIRE AGREEMENT BETWEEN THE EMPLOYEE AND THE COMPANY REGARDING THE FACT THAT EMPLOYMENT WITH THE COMPANY IS AT-WILL. NO MANAGER OR ANY OTHER EMPLOYEE HAS ANY AUTHORITY TO ENTER INTO A CONTRACT OF EMPLOYMENT - EXPRESS OR IMPLIED - THAT CHANGES THE FACT THAT EMPLOYMENT WITH THE COMPANY IS AT-WILL. ONLY THE EXECUTIVE DIRECTOR OF THE COMPANY OR THEIR AUTHORIZED REPRESENTATIVE HAS THE AUTHORITY TO ENTER INTO AN EMPLOYMENT AGREEMENT THAT ALTERS THE AT-WILL EMPLOYMENT RELATIONSHIP, AND ANY SUCH AGREEMENT MUST BE IN WRITING AND SIGNED BY THE EXECUTIVE DIRECTOR OR THEIR AUTHORIZED REPRESENTATIVE.**

## 2. Commitment to Diversity

### 2.1 Equal Employment Opportunity

The Association of Charter School Education Services is an equal opportunity employer. In accordance with applicable law, we prohibit discrimination and harassment against any applicant or employee based on any legally-recognized basis, including, but not limited to: veteran status, uniformed servicemember status, race (including traits historically associated with race, such as hair texture and length, protective hairstyles and cultural or religious headdresses), color, religion, sex, sexual orientation, gender identity, age (40 and over) pregnancy (including childbirth, lactation, and related medical conditions), national origin or ancestry, citizenship status, physical or mental disability, genetic information (including testing and characteristics), spousal affiliation, National Guard membership, status as a smoker or nonsmoker, HIV status, or any other consideration protected by federal, state or local law. Our commitment to equal opportunity employment applies to all persons involved in our operations and prohibits unlawful discrimination and harassment by any employee, including managers and co-workers.

## 2.2 Sexual and Other Unlawful Harassment

ACES is committed to providing a work environment that is free of illicit harassment. As a result, ACES maintains a strict policy prohibiting sexual harassment and harassment against applicants and employees based on any legally protected characteristic. ACES's anti-harassment policy applies to all persons involved in its operations, regardless of their position, and prohibits harassing conduct by any employee of the Company, including managers and nonsupervisory employees. This policy also protects employees from prohibited harassment by third parties, such as customers, vendors, clients, or visitors. If such harassment occurs in the workplace by someone not employed by ACES, the procedures in this policy should be followed. The workplace includes actual worksites, any setting in which work-related business is being conducted (whether during or after normal business hours), company-sponsored events, or company owned/controlled property.

### **Sexual Harassment Defined**

Sexual harassment includes unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment also includes various forms of offensive behavior based on sex. The following is a non-exhaustive list of the types of conduct prohibited by this policy:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates).
- Offers of employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.

- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, posters, websites, emails, or text messages.
- Verbal conduct: making or using sexually derogatory comments, innuendos, epithets, slurs, sexually explicit jokes, or comments about an individual's body or dress, whistling or making suggestive or insulting sounds.
- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets, or other social media postings.
- Physical conduct: touching, assault, or impeding or blocking normal movements.
- Retaliation for making reports or threatening to report sexual harassment.

### **Other Types of Harassment**

Harassment based on any legally protected status is prohibited. Prohibited harassment may include behavior like the illustrations above pertaining to sexual harassment. It also includes, but is not limited to:

- Verbal conduct including taunting, jokes, threats, epithets, derogatory comments, or slurs based on an individual's protected status.
- Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages, or gestures, based on an individual's protected status; and
- Physical conduct including assault, unwanted touching, or blocking normal movement because of an individual's protected status.

### **Complaint Procedure**

Any applicant or employee who believes they have been subjected to prohibited harassment or retaliation, or who believes another individual has been subject to such conduct, should report it immediately. Applicants and employees are encouraged to report concerns, even if they relate to incidents in the past, involving individuals who are no longer affiliated with ACES, or concerning conduct occurring outside of work if it impacts the individual at work.

Complaints can be made verbally, or in writing, to the Executive Director or to a specific program manager. Employees are not required to report any prohibited conduct to a manager who may be hostile, who has engaged in such conduct, who is a close associate of the person who has engaged in such conduct, or with whom the employee is uncomfortable discussing such matters.

Employees are encouraged, but not required, to communicate to the offending person that the person's conduct is offensive and unwelcome. Any manager who receives a complaint of harassment or retaliation must immediately report the allegation to the Executive Director.

After a report is received, a thorough and objective investigation will be undertaken. Confidentiality will be maintained to the extent practicable and permitted by law. Investigations will be conducted as confidentially as possible and related information will only be shared with others on a need-to-know basis. The investigation will be completed, and a determination made and communicated to the employee as soon as practical.



If a complaint of prohibited harassment or discrimination is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. If a complaint cannot be substantiated, ACES may take appropriate action to reinforce its commitment to providing a work environment free from harassment.

### **Executive Director and Program Manager's Responsibility**

All managers are responsible for:

- Implementing this policy, which includes, but is not limited to, taking steps to prevent harassment and retaliation.
- Ensuring that all employees under their supervision have knowledge of and understand this policy.
- Promptly reporting any complaints to the Executive Director so it can be investigated and resolved in a timely manner.
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, always, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action, up to and including termination.

### **Protection Against Retaliation**

Retaliation is prohibited against any person by another employee or by the Company for using this complaint procedure, reporting proscribed harassment, objecting to such conduct or filing, testifying, assisting, or participating in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying any employment benefit.

Individuals who believe they have been subjected to retaliation or believe that another individual has been subjected to retaliation, should report this concern to the Executive Director. If a complaint cannot be substantiated, ACES may take appropriate action to reinforce its commitment to providing a work environment free from retaliation.

## **2.3 Disability Accommodation**

ACES will make reasonable accommodations for employees with known physical or mental limitations to enable them to perform the essential functions of their job unless undue hardship and/or a direct threat to the health and/or safety of the employee or others would result.

Any employee who requires an accommodation to perform the essential functions of his or her job, enjoy an equal employment opportunity and/or obtain equal job benefits should contact the Executive Director to request such an accommodation. The Executive Director will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation may be appropriate.

Employees who believe they need accommodation should specify, preferably in writing, what barriers or limitations prompted the request. ACES will evaluate information obtained from the employee, and possibly his or her health care provider or another

appropriate health care provider, regarding any reported or apparent barriers or limitations and will then work with the employee to identify reasonable accommodations, if any. If an identified accommodation is reasonable and will not impose an undue hardship on the Company and/or a direct threat to the health and/or safety of the employee or others, the Company will generally make the accommodation, or it may propose another reasonable accommodation that may also be effective.

## 2.4 Religious Accommodation

ACES will provide reasonable accommodation for employees' religious beliefs, observances, and practices when a need for such accommodation is identified, and reasonable accommodation is possible. Reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the Company.

Any employee who perceives a conflict between job requirements and religious belief, observance or practice should bring the conflict and his or her request for accommodation to the attention of the Executive Director to initiate the accommodation process.

## 2.5 Pregnancy Accommodation

Employees and applicants for employment may request reasonable accommodation for pregnancy, childbirth or related medical conditions. For purposes of this policy, a reasonable accommodation is a modification or adaptation of the work environment, schedule, rules or job responsibilities that is reached through good faith efforts to explore alternatives and that enables the employee or applicant to perform the essential functions of the job. An accommodation is not reasonable if it imposes an undue hardship on the Company.

Employees or applicants for employment who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Executive Director.

# 3. General Employment Practices

## 3.1 Employee Classifications

Employees are classified as either exempt or nonexempt under federal and state wage and hour laws and are further classified for administrative purposes. The following designations are used throughout this Handbook.

### **Exempt Employees**

Exempt employees are employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) and state law and who are exempt from minimum wage and overtime pay requirements. Exempt employees are

compensated on a salary basis; their salary is intended to compensate them for all hours worked at the Company. Employees will be informed whether their status is exempt or nonexempt and should consult with the Executive Director with respect to any questions or concerns regarding this status.

### **Nonexempt Employees**

Nonexempt employees are employees whose job positions do not meet FLSA or applicable state exemption tests, and who are not exempt from minimum wage and overtime pay requirements. Nonexempt employees are eligible to receive overtime pay for hours worked more than 40 hours in a given week, or as otherwise required by applicable state law. Employees will be informed whether their status is exempt or nonexempt and should consult the Executive Director with any questions or concerns regarding this status.

### **Full-Time Employees**

Full-time employees are those who are normally scheduled to work and who do work a schedule of 40 hours per week.

### **Part-Time Employees**

Part-time employees are those who are normally scheduled to work and who do work fewer than 40 hours per week. Part-time employees may be assigned a work schedule in advance or may work on an as-needed basis.

## **3.2 Employment Eligibility and Work Authorization**

ACES is committed to employing only individuals who are authorized to work in the United States and who comply with applicable immigration and employment law. As a condition of employment, every individual must provide satisfactory evidence of their identity and legal authority to work in the United States within three business days of commencing employment. If the employee cannot verify their right to work in the United States within three business days of employment, ACES will be required to terminate their employment immediately.

## **3.3 Access to Personnel Files**

Employees may inspect their own personnel file in the presence of a representative of the Company. Please contact the Executive Director to schedule a time. Employees may not be allowed to view investigation records or any letters of reference that have been prepared or collected by ACES. Employees will be provided access to personnel records in accordance with applicable state law.

Only the Executive Director and authorized members of management may have access to an employee's personnel file. However, ACES will cooperate with, and provide access to an employee's personnel file to, law enforcement officials or local, state, or federal agencies in accordance with applicable law.

## **3.4 Personal Data Changes**

To better assist employees and/or their families in the event of personal emergencies, ACES needs to maintain up-to-date contact information. Maintaining accurate

information in our files is also important for recordkeeping, payroll, and benefits related purposes.

Changes in name, address, telephone number, marital status, number of dependents, next of kin, and/or beneficiaries should be promptly given to the Executive Director.

### 3.5 Voluntary Open Door Policy

We recognize that employees may have suggestions for improving our workplace, as well as complaints about the workplace. We feel that the most satisfactory solution to a job-related problem or concern is usually reached through a prompt discussion with an employee's manager. Employees should feel free to contact their manager with any suggestions and/or complaints. If employees do not feel comfortable contacting their manager or are not satisfied with their manager's response, they should contact the Executive Director.

While we provide employees with this opportunity to communicate their views, please understand that not every complaint can be resolved to the employees' satisfaction. Even so, we believe that open communication is essential to a successful work environment and all employees should feel free to raise issues of concern without fear of reprisal.

Please note that some company policies, such as the Sexual and Other Unlawful Harassment policy, contain specific reporting procedures that should be followed.

Employees should utilize this Voluntary Open-Door policy for reports and ideas that are not addressed through ACES's specific reporting procedures.

## 4. Governmental Conduct and Ethics

### 4.1 Purpose

The purpose of this policy is to affirm the commitment of ACES and its governing bodies to ethical public service and to ensure compliance with the **New Mexico Governmental Conduct Act (NMSA 1978, Sections 10-16-1 through 10-16-18)**. This section outlines the standards of conduct expected of all staff and agents acting on behalf of the organization.

### 4.2 Ethical Standards

Employees of ACES shall conduct themselves with the highest degree of integrity, accountability, and transparency in all actions taken in their official capacity. Decisions shall be made in the best interest of the organization and its member schools, free of personal bias or financial influence.

### 4.3 Conflict of Interest

All employees shall avoid actual or perceived conflicts of interest. A conflict exists when a person's financial, familial, or personal interests could compromise—or appear to compromise—their objectivity or independence.

- Conflicts must be **disclosed in writing** to the Executive Director and the Board President as soon as they are known.
- Individuals with a conflict shall **recuse themselves** from deliberations and voting on the matter.

#### 4.4 Prohibited Use of Position

No person covered under this handbook may use their position to secure privileges, exemptions, benefits, or advantages for themselves, family members, or business associates.

#### 4.5 Use of Public Resources

Public resources (e.g., facilities, funds, staff time, equipment) shall only be used for official purposes directly related to the mission and operations of ACES.

#### 4.6 Political Activities

Employees may not use public resources for political campaign purposes or engage in partisan political activity during official duties or on organizational time.

#### 4.7 Gifts and Honoraria

Gifts, favors, or honoraria shall not be accepted if they could be construed as an attempt to influence official actions. Any gift with a value greater than \$250 must be reported in accordance with state requirements.

#### 4.8 Whistleblower Protection

Retaliation against any individual who, in good faith, reports violations of this or the Governmental Conduct Act is strictly prohibited. Reports should be made to the Executive Director, or, if involving the Executive Director, to the Board President.

#### 4.9 Enforcement and Violations

Violations of this policy may result in disciplinary action, including termination of employment, or referral to legal authorities, as appropriate. The organization shall cooperate with any official investigations related to conduct violations.

### 5. Workplace Conduct

## 5.1 Standards of Conduct

To ensure safety and security and provide the best possible work environment, we expect employees to follow basic, common-sense rules of conduct that will protect everyone's interests and safety. It is not possible to list all forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions that may result in disciplinary action, including suspension, demotion, or termination of employment:

- Falsification of employment records, employment information, or other records;
- Recording the work time of another employee, allowing any employee to record another employee's work time, or allowing falsification of any time sheet, whether yours or another employee's;
- Theft or the deliberate or careless damage of any company property and/or its affiliates or the property of any employee or client;
- Use of company materials, supplies, tools, or products for personal reasons without advanced permission from management;
- Abuse of the Company's electronic resources, including sending personal emails during working time or in a manner that interferes with the employee's work performance;
- Possessing, distributing, selling, transferring or using or being under the influence of illegal drugs in the workplace.
- Provoking a physical fight or engaging in physical fighting during working hours or on premises contracted with or occupied by the Company;
- Carrying or using firearms, weapons or dangerous substances at any time, on premises contracted with or occupied by the Company, unless state law provides otherwise or employee has written permission from management.
- Using abusive, violent, threatening, or vulgar language at any time during working hours or while on premises contracted with or occupied by the Company;
- Violations of the Attendance and Punctuality policy in this Handbook;
- Failing to obtain authorization to leave work during normal working hours;
- Failing to observe working schedules, including meal and rest breaks;
- Abusing or misusing sick leave;
- Failing to provide a certificate from a health care provider when requested or required to do so in accordance with applicable law;
- For non-exempt employees, working overtime without authorization or refusing to work assigned hours;

- Violating any safety, health, or security policy, rule, or procedure of the Company; and
- Committing a fraudulent act or intentional breach of trust under any circumstances.

Although employment may be terminated at-will by either the employee or the Company at any time without following any formal system of discipline or warning, we may exercise discretion to utilize forms of discipline that are less severe than termination. Examples of less severe forms of discipline include verbal warnings, written warnings, demotions and suspensions. Although one or more of these forms of discipline may be taken, no formal order or procedures are necessary. ACES reserves the right to determine which type of disciplinary action to issue in response to any type of performance issue or rule violation.

## 5.2 Reporting and Anti-Retaliation Policy

ACES is deeply committed to promoting a culture of ethical conduct and compliance with:

- Our Standards of Conduct, core values, ethical standards, and policies;
- The laws, rules, and regulations that govern our business operations; and
- Best practices in accounting, auditing, and financial reporting matters.

Consistent with our commitment to ethics, compliance, and the law, we encourage and welcome your good faith questions and concerns about any conduct you believe may violate our Standards of Conduct, ethical obligations, policies, or the laws and regulations under which we do business. It is our goal to promote an environment that fosters honest, good faith communications about matters of conduct related to our business activities, whether that conduct occurs within the Company, involves one of ACES's contractors, suppliers, consultants, or clients, or involves any other party with a business relationship to ACES.

Any employee who is aware of any violations of these standards, or who is asked to authorize, make, or agree to a payment or conduct business that may be contrary to our policies, must report the information to the Executive Director. Reports may be made anonymously, but we encourage leaving your contact information so that we can conduct a thorough investigation. All such reports will be promptly addressed and if warranted will be discussed with legal counsel for further investigation.

ACES does not prohibit anyone from electing to report concerns, make lawful disclosures, or communicate with any governmental authority about conduct believed to violate any laws or regulations.

ACES will not tolerate retaliation of any kind because an employee in good faith raises a question or concern about a violation or suspected violation of our Standards of Conduct, ethical obligations, Company policies, or the laws and regulations under which

we do business, or because the employee participates in or cooperates with an investigation of such concerns.

### 5.3 Confidential Company Information

The Company's confidential and proprietary information is vital to its current operations and future success. Each employee should use all reasonable care to protect or otherwise prevent the unauthorized disclosure of such information.

In no event should employees disclose or reveal confidential information within or outside the Company without proper authorization or purpose.

"Confidential information" refers to a piece of information, or a compilation of information, in any form (on paper, in an electronic file, or otherwise), related to the Company's business that the Company has not made public or authorized to be made public, and that is not generally known to the public through proper means.

Confidential or proprietary information includes, but is not limited to, non-public information regarding the Company's business methods and plans, databases, systems, technology, intellectual property, know-how, marketing plans, business development, products, services, research and development, inventions, financial statements, financial projections, financing methods, pricing strategies, customer sources, employee health/medical records, system designs, customer lists, and methods of competing.

Additionally, employees who have the following information by virtue of the performance of their job responsibilities should not disclose such information for any reason, except as required to complete job duties, without the permission of the employee at issue:

Social Security Numbers, driver's license or resident identification numbers, financial accounts, credit or debit card numbers, and security and access codes or passwords that would permit access to medical, financial or other legally protected information.

Confidential information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used by them for purposes protected by Section 7 of the National Labor Relations Act, such as joining or forming a union, engaging in collective bargaining or engaging in other concerted activity for their mutual aid or protection. Confidential Information also does not include conduct that was, or that an employee reasonably believes to be, illegal; conduct that is recognized as against a clear mandate of public policy; or the existence of a non-confidential settlement involving any such conduct. Nothing in this Employee Handbook prohibits an employee from communicating with any governmental authority or making a report in good faith and with a reasonable belief of any violations of law or regulation to a governmental authority, or disclosing confidential information that the employee acquired through lawful means in the course of their employment to a governmental authority in connection with any communication or report, or from filing, testifying or participating in a legal proceeding relating to any violations, including making other disclosures protected or required by any whistleblower law or regulation to the Securities and Exchange Commission, the Department of Labor or any other appropriate government authority.

### 5.4 Personal Appearance



The image ACES projects to the public is reflected in the appearance of our employees. Simply put, employees should look well-groomed and should be dressed appropriately for their specific duties. Employees are expected to use good judgment in their appearance and grooming, keeping in mind the nature of the work, their own safety and the safety of co-workers, and their need to interact with the public.

We encourage employees to seek the advice of their manager or the Executive Director if they have questions regarding appropriate dress or appearance at work. Employees who report to work in a manner that violates this policy may be instructed by their manager to return home to change. The time that nonexempt employees are absent for this purpose will be unpaid unless state law requires otherwise.

ACES will reasonably accommodate an employee's religious beliefs, medical condition or disability by making exceptions to this policy. Employees who need such an accommodation should contact the Executive Director.

## 5.5 Attendance and Punctuality

Employees are expected to be regular in attendance and to be punctual. Any tardiness or absence causes problems for fellow employees, contracted businesses and managers. To limit problems caused by employee absences or tardiness, we have adopted the following policy that applies to absences not previously approved by the Company.

Employees are expected to report to work as scheduled, be on time and be prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for meal or break periods, or when authorized to leave. Non-approved late arrivals, early departures or other absences from scheduled hours are disruptive and must be avoided.

If employees are unable to report for work on any particular day, they must notify their manager as soon as practicable before the time the employee is scheduled to begin working for that day. ACES may inquire about the general reason for absence or tardiness. Unless extenuating circumstances exist, employees must call in each day they are scheduled to work but will not report to work.

Excessive absenteeism or tardiness may result in disciplinary action up to and including termination of employment unless the absence or tardiness is approved or legally protected.

Each situation of absenteeism or tardiness will be evaluated on a case-by-case basis. Even one unexcused absence or tardiness may be considered excessive, depending upon the circumstances. If an employee believes they have been mistakenly subject to disciplinary action for an absence or for tardiness that the employee believes is legally protected, the employee should promptly discuss the matter with their manager or the Executive Director.

Absent extraordinary or unforeseeable circumstances or a legally protected reason, if an employee fails to report for work without notice to their manager and their absence continues for a period of three consecutive days, ACES will consider that the employee has abandoned and voluntarily terminated their employment.

## 5.6 Personal Electronic Devices

Although ACES permits employees to bring personal electronic devices, including cellular phones, smartphones and personal digital assistants, into the workplace, employees are expected to remember that working time is for work. Therefore, employees should only engage in personal phone calls and other use of personal electronic devices during nonworking time, including meal and rest breaks. Outside of this time, personal phone calls and communications should be kept to a minimum and for emergencies only.

## 5.7 Conflicts of Interest

Employees must conduct themselves in such a way as to avoid actual or potential conflicts of interest. The following are examples of prohibited conflicts of interest in any aspect of their jobs:

- Acting as a director, officer, consultant, agent or employee of a supplier, customer, competitor or any entity that engages in business with ACES;
- Owning a material interest in or being a creditor of or having other financial interest in a supplier, customer, competitor, or any entity that engages in business with ACES;
- Receiving from or giving to any supplier, customer or competitor gifts, gratuities, special allowances, discounts, or other advantages not generally available to employees of ACES;
- Having any significant direct or indirect personal interest in a business transaction involving ACES;
- Conducting outside activities that materially detract from or interfere with the full and timely performance of an employee's services for ACES; or
- Influencing commercial transactions involving purchases, contracts or leases in a way that would have a negative impact on ACES or its business.

If employees find that they have, or are considering the assumption of, a financial interest or outside employment relationship that might involve a conflict of interest, or if an employee is in doubt concerning the proper application of this policy, they should promptly discuss the matter with the Executive Director and refrain from exercising responsibility on the Company's behalf in any manner that might reasonably be considered to be affected by a conflict of interest.

Failure to disclose the fact of a conflict or potential conflict may constitute grounds for disciplinary action.

This policy in no way prohibits employee affiliations or activities communications that are protected under applicable state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act, which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

## 5.8 Outside Employment

The Company respects each employee's right to engage in activities outside of employment such as those that are of a personal or private nature, to the extent that such activities do not create a conflict of interest as described in the Conflicts of Interest policy set forth in this Handbook or adversely affect the employee's ability to perform their job. Under certain circumstances, if an employee's personal conduct begins to adversely affect their performance on the job or begins to make it impossible for him or her to carry out any or all of his or her job duties while at work, appropriate disciplinary action up to and including termination of employment may be appropriate. An example of an activity that might adversely affect an employee's ability to perform their job duties is outside employment. While ACES does not prohibit employees from holding other jobs, the following types of outside employment are prohibited:

- Employment that conflicts with the employee's work schedule, duties and responsibilities or creates an actual conflict of interest;
- Employment that impairs or has a detrimental effect on the employee's work performance with ACES;
- Employment that requires employees to conduct work or related activities during working times and;
- Employment that directly or indirectly competes with the business or the interests of ACES.

For the purposes of this policy, self-employment is considered outside employment. ACES will not assume any responsibility for an employee's outside employment. Specifically, ACES will not provide workers' compensation coverage or any other benefit for injuries occurring from, or arising out of, such outside employment.

## 5.9 Social Media

We understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, the use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media and to protect the reputation and operation of ACES, we have established these guidelines for appropriate use of social media.

### **Definitions and General Guidelines**

*Social media* includes all means of communicating or posting information or content of any sort on any internet platforms (for example, Facebook, Twitter (X), Pinterest, LinkedIn, TikTok, YouTube, and Instagram), as well as all other web-based media such as blogs, wikis, and other forms of user-generated media or web-based discussion forums.

The same principles and guidelines found in this Handbook and related Company policies apply to your activities online. Use of social media that violates these policies, such as discriminatory remarks, harassment, and threats of violence, or similar

inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks. Keep in mind that any of your posts that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of ACES, or ACES's legitimate business interests may result in disciplinary action up to and including termination.

In addition to these general guidelines, we have developed the following specific policies governing social media use:

### **Be responsible**

Always be fair and respectful. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our open-door policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that could reasonably be viewed as malicious, obscene, threatening or intimidating, that disparage customers, employees, associates or contracted businesses, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment based on race, sex, disability, religion or any other status protected by law or Company policy.

### **Maintain Confidential Information**

Be aware of and do not disclose Company trade secrets or private or confidential information. Do not post internal reports, policies, procedures, know-how, technology, product development information, business plans, or other internal business-related confidential communications. Any provisions contained in this Handbook or in a separate confidentiality agreement also apply when using social media.

### **Separate Personal and Work- Related Social Media Use.**

Do not create a link from your blog, website, or other social networking site to an ACES website without identifying yourself as an employee of ACES. Do not use your Company email address to register on social networks, blogs, or other social media utilized for personal use. Express only your personal opinions. Never represent yourself as a spokesperson for ACES. If you do publish a blog or post online related to the work you do or subjects associated with ACES, make it clear that you are not speaking on behalf of ACES.

### **Using social media at work**

Refrain from using social media while on work time or on equipment ACES provides, unless it is work-related or as authorized by your manager. Employees should have no expectation of privacy related to any matters stored in, created, received, or sent using company equipment.

**Media contacts**

Employees should not speak to the media on ACES's behalf without the express consent of management. All media inquiries should be directed to the Executive Director.

**Employee Rights**

Nothing in this policy is intended to restrain or interfere with protected concerted activity under Section 7 of the National Labor Relations Act, or any other employee rights under applicable state and federal regulations.

If you have questions or need further guidance, please contact the Executive Director.

## **6. Time Off and Leaves of Absence**

### **6.1 Paid Sick and Safe Leave**

The Company provides paid sick and safe leave to eligible employees in compliance with New Mexico's Healthy Workplaces Act (HWA).

**Eligible Employees**

All employees (including full-time, part-time, and temporary employees) who work for ACES in New Mexico are eligible to accrue paid sick and safe leave.

**Accrual and Use of Paid Sick and Safe Leave**

Eligible employees begin to accrue paid sick and safe leave on their first calendar day of employment with the Company.

Paid sick and safe leave accrues at a rate of one hour for every 30 hours worked. For accrual purposes, exempt employees are assumed to work 40 hours per workweek unless the employee's normal workweek is less than 40 hours, in which case paid sick and safe leave accrues based on that normal workweek. Nonexempt employees accrue paid sick and safe leave for all hours worked, including overtime hours, but do not accrue paid sick and safe leave when using it.

Eligible employees may begin to use paid sick and safe leave immediately upon accrual.

Eligible employees may use a maximum of 64 hours of paid sick and safe leave per benefit year. The applicable "benefit year" for purposes of this policy is the calendar year beginning July 1 and ending June 30.

Employees may use paid sick and safe leave in increments of one hour or more to cover all or part of a workday.

The use of paid sick and safe leave must be recorded in the Company's timekeeping system. To the extent allowed by applicable law, the Company reserves the right to require the use of paid sick and safe leave for one of the reasons specified below. Employees are not required to search for or find a replacement worker to cover the period during which they use paid sick and safe leave.

**Reasons Sick and Safe Leave May Be Used**

Eligible employees may use paid sick and safe leave only during times when they cannot work for the following reasons:

- Because of the employee's or the employee's family member's mental or physical illness, injury, or health condition;
- For the medical diagnosis, care or treatment of the employee's or the employee's family member's mental or physical illness, injury, or health condition;
- For preventive medical care for the employee or the employee's family member;
- For meetings at the employee's child's school or place of care related to the child's health or disability; or
- For absences necessary due to domestic abuse, sexual assault or stalking suffered by the employee or the employee's family member, provided that the purpose of the leave is for the employee to do any of the following or obtain services or assist a family member with any of the following:
  - Obtain medical or psychological treatment or other counseling;
  - Relocate; or
  - Prepare for or participate in legal proceedings.

For purposes of this policy, a covered "family member" includes the employee's spouse or domestic partner or a person related to the employee or their spouse or domestic partner as:

- A child (including a biological, foster, adopted or stepchild; a legal ward; or a child to whom the employee or employee's spouse or domestic partner stands in loco parentis);
- A parent (including a biological, foster, adoptive or stepparent; a legal guardian; or a person who stood in loco parentis when the employee or their spouse or domestic partner was a minor child);
- A grandparent;
- A grandchild;
- A sibling (including a biological, foster, adopted or stepsibling);
- A spouse or domestic partner of a family member; or
- An individual whose close association with the employee or the employee's spouse or domestic partner is the equivalent of a family relationship.

### **Requesting Paid Sick and Safe Leave**

When the need for paid sick and safe leave is "foreseeable" (meaning that the employee is aware of the need to use leave seven or more days in advance), employees must provide three days' advance oral or written notice of the need for leave. Employees must also make a reasonable effort to schedule the use of paid sick and safe leave in a manner that does not unduly disrupt Company operations.

If the need for paid sick and safe leave is unforeseeable, employees must provide notice of the need for leave, either orally or in writing, as soon as practicable.

To provide notice of the need to use sick and safe leave, employees should contact their manager or the Executive Director. When possible, the request must include the absence's expected duration.

In all circumstances, employees are responsible for specifying that the time off is for paid sick or safe leave reasons (as opposed to, for example, vacation), so that the absence may be designated as a paid sick or safe leave absence.

### **Verification of Absence**

For absences of two or more consecutive scheduled workdays, ACES may require employees to provide verification that their use of paid sick and safe leave was for an authorized purpose. Employees must submit any required documentation within 14 days following their return from leave.

Depending on the circumstances, verification may include a doctor's note (for the employee's own or a family member's health condition); a police report, court document or court order of protection (indicating domestic violence, stalking, etc.); and/or other verification as permitted by applicable law.

#### **Rate of Pay for Paid Sick and Safe Leave**

Employees will be paid for sick and safe leave at the same hourly rate that they normally earn during hours worked and will not be less than the applicable minimum wage.

#### **Carryover**

The total amount of accrued paid sick leave and safe leave hours an employee may accumulate over time is unlimited but, following the guidance of the statute, an individual employee may not utilize more than 64 hours of their accumulated paid sick leave in a given calendar year.

#### **Separation From Employment and Rehire**

ACES does not pay employees for accrued but unused paid sick and safe leave at any time, including upon separation from employment for any reason.

If an employee's employment with the Company ends, and the employee is rehired within 12 months of employment ending, the employees previously accrued but unused paid sick and safe leave will be reinstated and made immediately available for use.

#### **Confidentiality**

ACES will keep confidential employees' and their family members' medical or other personal information and will treat such information in accordance with applicable laws.

#### **Discipline for Unprotected Use of Paid Sick and Safe Leave**

Discipline - up to and including termination - may be taken against an employee who:

- Uses paid sick and safe leave for a purpose not covered by, or in a manner not consistent with, the HWA; or
- Violates this policy's requirements concerning requesting, using, recording, verifying and/or documenting use of paid sick and safe leave.

#### **Effect on Other Rights and Policies**

ACES may provide other forms of leave for employees to care for their own or a family member's medical condition or for issues related to domestic violence under certain federal, state and local laws. In certain situations, leave under this policy may run at the same time as leave available under another federal, state, or local law, provided eligibility requirements for that law are met. ACES is committed to complying with all applicable laws. Employees should contact the Executive Director for information about other federal, state and local domestic violence, medical or family leave rights.

#### **No Discrimination or Retaliation**

If the notice provisions outlined above are followed, ACES will not count an employee's use of paid sick and safe leave as an absence or occurrence that may result in discipline under any Company policy.

ACES will not interfere with, restrain, or deny an employee's rights under the HWA and will not discriminate or retaliate against an employee for exercising those rights. ACES

will not discriminate or retaliate against an employee who reasonably alleges violations of the HWA or raises concerns about HWA violations.

## 6.2 Sick Leave to Care for Relatives

Employees may use paid sick leave provided by ACES for absences due to the illness, injury, or medical appointment of a covered relative, on the same terms the employees are able to use the sick leave benefits for their own illness or injury. For the purposes of this policy, sick leave means time off that is paid by ACES and is due to illness, an injury or receiving care from a health professional.

Covered relatives include the employee's spouse or domestic partner, as well as the employee's parent, grandparent, great-grandparent, child, foster child, grandchild, great-grandchild, sibling, niece, nephew, aunt, or uncle by blood, marriage, or legal adoption.

ACES will not terminate, threaten to terminate, demote, suspend or otherwise retaliate or discriminate against an employee because the employee requests or uses sick leave to care for a covered relation in accordance with this policy or for opposing, filing a complaint about or cooperating with an investigation or prosecution of any policy or practice that the employee, in good faith, believes violates the law allowing the use of sick leave to care for covered relatives.

ACES will not consider an employee's use of sick leave to care for a covered relative as a factor in the employee's performance evaluation. Employees with questions or concerns regarding this policy or who would like to request a leave of absence under this policy should contact the Executive Director.

## 6.3 Personal Leave

After an employee's first year of employment, ACES may, in its sole discretion, grant a request for an unpaid personal leave of absence of up to 30 days for reasons that are not covered by other leave policies. The request will be evaluated based on an employee's work record, years of service, staffing needs, performance evaluations, and similar factors. A personal leave of absence must be requested in writing and approved by the Executive Director as soon as the need for such a leave is known. All accrued paid time off must be exhausted before a personal leave of absence will be considered. No benefits, such as sick leave, are earned while the employee is on unpaid leave.

ACES will attempt to return employees to their former position or a comparable position upon return from personal leave, at our discretion. Given changing business needs, however, no guarantee of reinstatement can be made.

Employees on leave are asked to confirm their return date at least two weeks before they return to work. Any requests for additional leave must be made as soon as possible. Employees on leave who do not return as scheduled and fail to request an extension or



cannot show good reason why an extension should be granted, will be considered to have voluntarily terminated their employment as of the day the original leave expired.

## 6.4 Military Leave

Both state and federal law provide employees with the right to take leave to serve in the military. At the federal level, military leave rights are governed by the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as USERRA. This policy discusses military leave under USERRA.

USERRA establishes a "floor" for employees' rights with respect to military leaves. States may provide an employee with greater or additional rights with respect to military leave than those under USERRA. If the employee works in a state that provides rights greater than those provided under USERRA, ACES will provide those rights. If an employee plans to request leave based on military service, they should contact the Executive Director for information on their rights and requirements under federal and state law.

## 6.5 Jury Duty Leave

We encourage employees to serve on jury duty when called. Employees must notify their manager or the Executive Director of the need for time off for jury duty upon receipt of a subpoena, notice or summons from the court. Time spent engaged in attending court for prospective jury service or for serving as a juror is not compensable except that exempt employees will not incur any reduction in pay for a partial week's absence due to jury duty. Employees who are absent from work while participating in the jury selection process or while serving as a juror will not be asked or required to use any sick leave during the absence.

Employees may be required to provide verification of jury duty from the court clerk. Any employee on jury duty is expected to report or return to work for the remainder of the work schedule when dismissed from jury or witness duty.

## 6.6 Time Off to Vote

ACES encourages all employees to fulfill their civic responsibilities and to vote in official public elections. Employees whose work hours begin two or more hours after the polls open or end three or more hours before the polls close are considered to have sufficient time outside of work to vote. Employees whose work schedules do not allow sufficient time may take up to two hours of time off to vote, without loss of pay.

ACES may specify when leave can be taken. ACES may also, in its discretion, adjust work schedules to allow sufficient time outside of work hours for voting, but will do so in a manner that does not result in employees being paid less than their standard wages for a full workday.

ACES asks that employees provide reasonable advance notice of the need for time off to vote so that the time off can be scheduled to minimize disruption to normal work schedules. Proof of having voted may be required.

## 6.7 Bereavement Leave

Employees may take up to five days of unpaid time off to attend the funeral and make any necessary arrangements due to the death of an immediate family member, except where allowed additional time off for bereavement under applicable state law.

"Immediate family members" consist of the employee's spouse, domestic partner, children, siblings, parents, grandparents, and grandchildren, or the child, sibling or parents of the employee's spouse or domestic partner.

Employees must notify their manager or the Executive Director as soon as possible if they need to take bereavement leave. Approval of bereavement leave will occur in the absence of unusual Company operating requirements. Any employee may, with the approval of their manager, use any available paid leave for additional time off beyond the days allowed in this section as necessary.

## 6.8 Domestic Abuse Victim Leave

Employees who are victims of domestic abuse may take up to 14 days of leave per calendar year, with a maximum of eight hours per day, for the purpose of:

- Obtaining a protection order or similar judicial relief;
- Meeting with law enforcement officials;
- Consulting with attorneys or district attorneys' victim advocates; or
- Attending court proceedings related to the employee or the employee's family member.

For purposes of this policy, "family member" includes the employee's minor child or a person for whom the employee is a legal guardian.

Time off will be without pay, except that exempt employees may be paid, as required by applicable law. Additionally, employees may use any accrued sick leave or other available paid time off for leave under this policy.

Employees or their representatives must provide notice within 24 hours of taking leave. ACES may also require verification of the need for leave.

ACES will keep information regarding domestic abuse victim leave strictly confidential and disclose the information only with the employee's consent or as required by law.

## 6.9 Emergency Responder Leave

Employees who are volunteer emergency responders will be allowed up to 10 business days of time off per calendar year for the purpose of responding to an emergency.

For purposes of this policy, a "volunteer emergency responder" means a member in good standing of a volunteer fire department, an emergency medical service, a search and rescue team or law enforcement agency or who is enrolled by the state or a political subdivision of the state for response to an emergency or disaster.

Employees must make reasonable efforts to notify ACES on each occasion when they will be late or absent from work to respond to an emergency or disaster. In addition, ACES may require an employee to provide a written verification from the office of emergency management or a state or local official managing an emergency or disaster of the dates and time that the employee served as a volunteer emergency responder.

Leave under this policy will be unpaid except that exempt employees may be paid, as required by law.

## **7. Pay Practices**

### **7.1 Payment of Wages**

Employees will be paid monthly by direct deposit, with the exception of substitutes, who will be paid every two calendar weeks according to their employment contract. If an employee does not have access to direct deposit, a check will be provided to the employee in person or mailed to the most current address on file.

#### **Paycheck Deductions**

The Company is required by state and federal laws to make certain deductions from your paycheck each pay period. Such deductions typically include federal and state taxes and Social Security.

Deductions will be made in accordance with state and federal law and will require written authorization from the employee.

#### **Reporting Errors and Obtaining More Information**

If any employee, whether exempt or nonexempt, has questions about deductions from their pay, believes they have been subjected to improper deductions, or believes that the amount paid does not accurately reflect the employee's total hours worked or salary, please contact a manager or the Executive Director immediately so that it can be corrected in a timely manner. Every report will be fully investigated, and the Company will provide the employee with any compensation to which the employee is entitled.

### **7.2 Work Schedules**

The Company is normally open for business from Monday through Friday, 8 a.m. to 5 p.m. Your manager will assign your work schedule. All employees are expected to be at their designated work area at the start of their scheduled shift, ready to perform their work. Managers will schedule meal and rest periods as appropriate. The Company complies with federal and state laws in this regard.

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in total hours that may be scheduled each day and week.

### **7.3 Meal and Rest Breaks**

It is the Company's policy to comply with all laws regarding meal and rest breaks. The Company will provide break time as appropriate, subject to operational needs and manager discretion.

Rest breaks of short duration (lasting between five and 30 minutes) will be counted as "hours worked" and paid accordingly. Meal breaks lasting 30 minutes or more are not considered "hours worked" for purposes of federal law and will not be paid for nonexempt employees.

Employees must be completely relieved from work duties during any unpaid meal breaks. Nonexempt employees should record the beginning and ending time of their meal breaks each day on their time records.

## 7.4 Lactation Accommodation

The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. Employees needing breaks for lactation purposes may use ordinary paid rest breaks or may take other reasonable break times when needed. If possible, the lactation break time should run concurrently with scheduled meal and rest breaks already provided to the employee. If the lactation break time cannot run concurrently with meal and rest breaks already provided or additional time is needed for the employee, the lactation break time will be unpaid for nonexempt employees.

Employees will be relieved of all work-related duties during any unpaid break. Where unpaid breaks or additional time are required, employees should work with their manager or the Executive Director regarding scheduling and reporting the extra break time. When state law imposes more specific requirements regarding the break time or lactation accommodation, the Company will comply with those requirements.

Because exempt employees receive their full salary during the weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break time as "unpaid."

The Company will provide employees with the use of a room or a private area, other than a bathroom or toilet stall, which is shielded from view and free from intrusion from co-workers and the public. The Company will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk. This location may be the employee's private office, if applicable.

The Company will otherwise treat lactation as a pregnancy-related medical condition and address lactation-related needs in the same manner that it addresses other non-incapacitating medical conditions, including requested time off for medical appointments, requested changes in schedules, and other requested accommodations. Employees should discuss with their manager or the Executive Director the location for storage of expressed milk. In addition, employees should contact a manager during their pregnancy or before their return to work to identify the need for a lactation area.

## 7.5 Timekeeping

### **Nonexempt Employees**

Employees who are classified as nonexempt must accurately record the time they work each day, including arrival, departure, and meal break times.

When employees receive their paychecks, they should verify immediately that their working time was recorded accurately and that they were paid correctly for all hours worked.

Nonexempt employees must report *all* time worked and *not* work any time that is not authorized by their managers. This means nonexempt employees must not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless directed to do so. Employees who have questions about when or how many hours they are expected to work should contact their manager or the Executive Director.

It is a violation of the Company's policy for anyone to instruct or encourage another employee to work "off the clock," to incorrectly report hours worked, or to alter another employee's time records. If any employee is directed or encouraged to incorrectly report hours worked, or to alter another employee's time records, the employee should report the incident immediately to a manager or the Executive Director.

### **Exempt Employees**

Employees who are classified as exempt must record absences from work for reasons such as leaves of absence or paid time off.

Exempt employees are paid on a salary basis, which is intended to compensate employees for all hours worked at the Company. In general, an exempt employee will receive their salary for any week in which the employee performs any work, regardless of the number of days or hours worked. However, an exempt employee will not be paid for days not worked in the following circumstances:

- When an exempt employee takes one or more full days off, the employee will not be paid for such day(s) of absence, but the employee may use available paid time off to make up for the reduction in salary;
- When an exempt employee works only part of the week during their first and last week with the Company, the employee will be paid only for the days actually worked;
- When an exempt employee takes unpaid leave under the Family and Medical Leave Act or corresponding laws, the Company will not pay for such days/hours of absence; and
- When an exempt employee receives an unpaid disciplinary suspension of one or more full days, imposed in good faith for a workplace conduct rule infraction, the Company will not pay for such days of suspension.

The Company may require an exempt employee to use available paid time off as a replacement for salary when the employee takes less than a full day off from work.

An exempt employee's salary will not be reduced when the employee works part of a week and misses part of a week due to service as a juror, witness, in the military, or for lack of work, though deductions may be made to offset amounts an employee receives as jury or witness fees, or for military pay.

It is company policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. The Company prohibits any deductions from pay that violate the FLSA or applicable state law.

If an exempt employee believes that an improper deduction has been made to their salary, the employee should immediately report this information to the Executive Director. Reports of improper deductions will be promptly investigated and if an improper deduction has occurred the employee will be promptly reimbursed.

## **7.6 Overtime**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. Nonexempt employees will be paid one and one-half (1.5) times their regular rate of pay for all hours worked in excess of 40 in one workweek and as otherwise required by applicable state and federal law. Time that is paid but not actually worked (such as sick pay, holiday pay, PTO, vacation pay, and jury duty pay (where applicable) will not count toward hours worked for the purpose of determining overtime pay.

All overtime work must be authorized in advance by the employee's manager. Working overtime without prior authorization may result in disciplinary action.

Exempt employees are expected to work as much of each workday as is necessary to complete their job responsibilities. No overtime or additional compensation is provided to exempt employees.

For overtime pay calculation purposes, the workday begins at 12:00 a.m. and ends at 11:59 p.m. The workweek begins on Saturday at 12:00 a.m. and ends on Friday at 11:59 p.m.

## **8. Safety and Security**

### **8.1 Health and Safety**

The health and safety of employees and others on Company property and its affiliates are of critical importance. We strive to attain the highest possible level of safety in all activities and operations. To this end, the Company must rely on our employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to report any unsafe conditions or potential hazards to a manager immediately, even if they believe they have corrected the problem.

### **8.2 Workplace Violence**

The safety and security of employees is of vital importance to ACES. Therefore, ACES has adopted a zero-tolerance policy concerning workplace violence. Threats or acts of violence - including intimidation, bullying, physical or mental abuse, and/or coercion - that involve or affect company employees or that occur on the Company's premises or its affiliates, will not be tolerated.

The prohibition against threats and acts of violence applies to all persons involved in the operation of the Company, including, but not limited to, company employees, company owners, and other personnel, contract and temporary workers, consultants, contractors, customers, vendors, visitors, and anyone else on the Company's and/or its affiliates premises.

Violations of this policy by an employee will result in disciplinary action, up to and including termination from employment.

It is our goal to have a workplace free from acts or threats of violence and to respond effectively in the event that such acts or threats of violence do occur.

Workplace violence is any intentional conduct that is sufficiently severe, abusive, or intimidating to cause an individual to reasonably fear for their personal safety or the safety of their family, friends and/or property such that employment conditions are altered or a hostile, abusive or intimidating work environment is created for one or several employees.

Workplace violence does not refer to workplace arguments or debates that are zealous or impassioned, provided there is no resort to any form of coercion. Discussions about sporting activities, popular entertainment, or current events are not considered workplace violence when there is no threat of violence being directed to the workplace or any individual connected with it. Rather, workplace violence refers to behavior that demonstrates an intention to engage in violence, condones violence in our workplace, or targets any individual with acts or threats of violence.

Employees should help maintain a violence-free workplace. To that end, employees are encouraged to immediately report any incident that violates this policy to a manager or the Executive Director.

### 8.3 Weapons in the Workplace

The Company strictly prohibits employees, or any other person providing services to the Company or located on the Company's premises, from possessing weapons of any kind in the workplace. The workplace includes any property owned or leased by the Company or occupied by groups of company employees or persons providing services to the Company and its affiliates. Unless this prohibition is contrary to state or local law, the workplace specifically includes company parking areas and company vehicles.

Employees are not permitted to transport or store weapons in vehicles owned or leased by the Company and used by the employee for work purposes unless the employee is required to transport or store a weapon as part of the employee's duties or has written permission from management. This policy prohibits the possession of concealed weapons as well as weapons carried openly.

This prohibition specifically includes guns, rifles, and firearms of any type, including those for which the holder has a legal permit. Other examples of prohibited weapons include, but are not limited to, knives, ammunition, bombs, bows and arrows, clubs, slingshots, blackjacks, metal knuckles, and similar devices that by their design or intended use are capable of inflicting serious bodily injury or lethal force.

### 8.4 Workplace Bullying

ACES does not tolerate bullying behavior. Individuals who engage in workplace bullying may be disciplined, up to and including termination of employment.

Workplace bullying is the use of force, threats, or coercion to abuse, intimidate, or humiliate another employee. Workplace bullying includes, but is not limited to, the following:

- Verbal abuse, such as the use of patently offensive, demeaning, and harmful derogatory remarks, insults and epithets;
- Verbal or physical conduct that is threatening, intimidating, or obscene;
- Pushing, shoving, kicking, poking, tripping, assaulting, or threatening physical assault, or intentionally damaging a person's work area or property; or
- Sabotaging, or deliberately subverting, obstructing, or disrupting another person's work performance.

Cyberbullying refers to bullying, as defined above, that occurs through the use of a computer, cell phone, smartphone, tablet, pager, or other device that transmits electronic information, regardless of whether the device is owned by or located at the Company or connected to the Company network. Cyberbullying is also prohibited. Employees who are subject to, or witness, workplace bullying are encouraged to notify the Executive Director immediately. The Company will promptly investigate the complaint. The Company will maintain confidentiality to the extent possible, consistent with its commitment to investigating the complaint promptly and thoroughly.

The Company strictly prohibits retaliation against an employee for making a good faith claim of bullying or for participating in good faith in an investigation of bullying.

This policy in no way prohibits employees from engaging in activities that are protected under applicable state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act, which includes the right of employees to speak with others, engage in workplace debates and protest about their terms and conditions of employment.

## 8.5 Smoke-Free Workplace

ACES prohibits smoking, including the use of e-cigarettes, in the workplace and within a reasonable distance from any entrances, windows or ventilation systems. Employees wishing to smoke must do so in established outdoor smoking areas during scheduled work breaks.

Employees who observe other individuals smoking in the workplace in violation of this policy have a right to object and should report the violation to their supervisor or another member of management. Employees will not be disciplined or retaliated against for reporting smoking that violates New Mexico law or this policy.

Employees who violate this policy may be subject to disciplinary action up to and including termination of employment.

## 8.6 Drug & Alcohol Policy



ACES strives to provide a safe environment for employees and others and to minimize the risk of accidents and injuries. Accordingly, each employee has a responsibility to co-workers and the public to deliver services in a safe and conscientious manner. For these reasons, ACES has adopted a policy that all employees must report to work and remain completely free of illegal drugs, abused or non-prescribed prescription drugs, and alcohol during scheduled working hours.

#### **Illegal Drug Use/Distribution/Possession/Impairment**

ACES prohibits the use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession, cultivation, and/or transfer of illegal drugs or other unlawful intoxicants at any time, and in any amount or any manner, regardless of occasion. "Illegal drugs" means all drugs whose use or possession is regulated or prohibited by state or local law. These include prescription medications that are used in a manner inconsistent with the prescription or for which the individual does not have a valid prescription.

#### **Alcohol and Drug Use/Distribution/Possession/Impairment**

All employees are prohibited from distributing, dispensing, possessing, or using any beverage or medicine containing alcohol during scheduled working hours. Employees are also prohibited from distributing dispensing, possessing, or using marijuana or marijuana derivatives during scheduled working hours. Furthermore, lawful off-duty alcohol use, while generally not prohibited by this policy, must not interfere with an employee's job performance.

#### **Prescription and Over-the-Counter Drugs**

This policy does not prohibit the possession and proper use of lawfully prescribed or over-the-counter drugs. However, an employee taking medication should consult with a healthcare professional or review dosing directions for information about the medication's effect on the employee's ability to work safely, and promptly disclose any work restrictions to a manager or the Executive Director. Employees are not required to reveal the name of the medication or the underlying medical condition.

The Company reserves the right to transfer, reassign, place on leave of absence, or take other appropriate action regarding any employee during the time the employee uses medication that may affect their ability to perform safely. The Company will comply with all requirements pertaining to providing reasonable accommodation to the extent required by applicable law.

## **8.7 Company's Right to Search**

Desks, lockers, and other storage devices are provided for the convenience of employees but remain the sole property of the Company. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Company at any time, either with or without prior notice.

To ensure the safety and security of employees and customers, and to protect our legitimate business interests, we reserve the right to question and inspect or search any employee or other individual entering or leaving company premises or job sites if there is reasonable suspicion that the safety, security, or business interests are compromised. The inspection or search may include any packages or items that the individual may be carrying, including briefcases, handbags, knapsacks, shopping bags, etc.

If there is reasonable suspicion, these items are subject to inspection and search at any time, with or without prior notice.

We also may require employees to agree to a reasonable inspection of their personal property and/or person while on the job or on the Company's premises. The individual may be requested to self-inspect their personal property or person by displaying the contents of any packages and/or turning out their pockets, etc., in the presence of a representative of the Company, typically a management employee of the same gender.

## 8.8 Use of Company Equipment and Resources

### **Company Equipment**

When using company equipment or other property, employees are expected to exercise care, maintain the property in safe working order, and follow all operating instructions, safety standards, and guidelines.

Employees should notify their managers if any equipment appears to be damaged, defective, or in need of repair. Prompt reporting of damage, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Employees who have questions about their responsibility for maintenance and care of equipment used on the job should consult the Executive Director.

### **Company Resources**

The Company has significantly invested in telephone lines, fax machines, photocopiers and other types of business equipment, internet access, and software that are vital to keeping our operations flowing smoothly and effectively. The Company's resources are limited and, except as provided in the Electronic Resources policy in this Handbook, should be used for business transactions only and not for personal use, unless explicitly authorized by a manager.

## 8.9 Electronic Resources

This policy describes ACES's general guidelines for using its electronic resources, including electronic mail (email), voicemail, internet access, and computer systems. Employees should use the Company's electronic resources with the understanding that these resources are provided for the benefit of the Company's business. Employees may use company electronic resources for personal use, during nonwork times, as long as such use complies with company rules and applicable law. Employees should never use the Company's electronic resources in a manner that violates the Sexual and Other Unlawful Harassment Policy or other Company policies, or for personal use in a manner that interferes with their work duties or responsibilities.

Sending, saving, accessing, or viewing obscene or similarly offensive material on the Company's electronic resources is prohibited. Messages stored and/or transmitted by the Company's electronic resources, including the computer, voicemail, email, or the telephone system, must not contain content that may reasonably be considered to be obscene or other patently offensive material.

Unless otherwise noted, all software on the internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder.

The Company's electronic resources must not be used for solicitation purposes.

### **Software Code of Ethics**

Employees may not duplicate any licenses, software, or related documentation for use either on the Company's premises or elsewhere unless the Company is expressly authorized to do so by agreement with the licensee. Unauthorized duplication of software may subject users and/or the Company to both civil and criminal penalties under the United States Copyright Act. Employees may not give software to any outsiders including contractors, customers, or others. Employees may use software on local area networks or on multiple machines only in accordance with applicable license agreements. Employees may not download software from the internet and install it on their computers.

The Company reserves the right to audit any company computer to determine what software is installed on the local drive(s).

### **Employee Responsibility**

Each employee is responsible for the content of all text, audio, or images that they place or send using the Company's electronic resources. The same standards should be utilized for the creation of email messages in connection with an employee's work as would be utilized for other company correspondence or memoranda.

### **Computer and Systems Security**

All computers and the data stored on them are, and remain at all times, the property of ACES. As such, all messages created, sent, or retrieved over the internet or the Company's electronic mail systems are the property of the Company, and should be considered company information. The Company reserves the right to retrieve and read any message composed, sent, or received using the Company's electronic resources, including all computer equipment and the electronic mail system, for any business reason, including but not limited to, ensuring compliance with this and all company policies.

Employees should be aware that even when a message is deleted or erased, it is still possible to recreate the message; therefore, ultimate privacy of a message cannot be ensured to anyone. Accordingly, internet and email messages are not private.

Furthermore, all communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Employees should also be aware that duplicates of email transmitted through a personal, web-based email account using company equipment could be stored on that equipment; likewise, information regarding internet sites that an employee has accessed may also be stored.

### **Email Content Screening**

ACES maintains the right to screen all inbound and outbound email content. Email messages or attachments that contain obscene or similarly offensive material may be quarantined and held from transmission or receipt until the sender or recipient can verify the message or attached document is work related.

The Company may, at its discretion, review communications to and from a personal account, subject to state laws regarding attorney-client communications.

If an employee wants to communicate with an attorney or send an otherwise confidential piece of communication that the employee does not want the Company to monitor, they should consider using a personal email address and personal computer

equipment. If an employee does use company equipment, they automatically consent to any monitoring by the Company and should understand that they have no right to privacy with respect to such communications, to the extent permissible under applicable law.

## 8.10 Driving for Company Business

All employees are expected to comply with all local, state, and federal laws while driving a personal vehicle for business purposes. The Company may discipline employees who engage in unlawful conduct. For example, employees who are required to drive as part of their job duties are required to have and maintain a valid driver's license, wear seat belts, and travel at a safe speed. Employees will be responsible for all liabilities, fines, etc. that result from such traffic and parking violations to the extent permissible under the law.

## 8.11 Cell Phone Use / Texting While Driving

Employees are expected to put safety first. Therefore, cell phones should not be used while driving. If an employee receives a call on a cell phone while driving, they must pull over safely, park, and then either answer the phone or return the call. Furthermore, if an employee needs to make a call, they must also pull over safely, park, and then place the call. Employees also may not send or review text messages while driving.

The purpose of this policy is to ensure the safety of employees, other motorists, and personal property. Employees who are charged with traffic violations, or cause accidents or injuries, resulting from their use of personal or company-issued cell phones or smartphones while driving will be solely responsible for all liabilities, fines, etc., that result, to the extent permissible under the law.

## 8.12 Inclement Weather

ACES and/or its affiliates may close due to hazardous or severe weather. If such conditions are known outside of working hours, the Company will do its best to alert employees. Employees should make a reasonable effort to report to work as scheduled but should never take unnecessary risks to report to work in unsafe conditions.

If an employee is unable to report to work because of hazardous or severe weather, the employee should report any delay or absence to their manager at the earliest possible time.

## 8.13 No Solicitation / Distribution of Literature

ACES has established the following rules apply to all employees and non-employees that govern solicitation, distribution of written material, and access to Company property and/or its affiliates:

- Employees may engage in solicitation activities only during nonworking times. No employee may engage in solicitation during their working time or during the working time of the employee or the employees at whom such activity is directed;
- Employees may distribute or circulate any written or printed material only in nonwork areas, during nonworking times. No employee may distribute or circulate any written or printed material in work areas at any time, or during their working time or during the working time of the employee or employees at whom such activity is directed;
- Non-employees are not permitted to solicit or to distribute written material for any purpose on Company or affiliated property; and

Strict compliance with these rules is required.

As used in this policy, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for the Company; it does not include break periods, meal periods, or periods in which an employee is not performing and is not scheduled to be performing services or work for the Company.

## 8.14 Work-Related Injuries or Illnesses

An employee who sustains a work-related injury or illness should inform their manager immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately.

Employees who sustain work-related injuries may receive workers' compensation benefits outlined in the Company's Workers' Compensation Insurance policy.

Employees who need to take time off from work due to a worker's compensation illness or injury may also be eligible for a leave of absence under the Company's leaves of absence or reasonable accommodation policies. Employees should contact the Executive Director for additional information.

## 8.15 Workers' Compensation

When work-related accidents, injuries, or illnesses occur, employees may be eligible for workers' compensation insurance benefits. ACES provides a comprehensive workers' compensation insurance program at no cost to employees and in accordance with applicable state law. This program covers most injuries or illnesses, sustained in the course of employment, which require medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits or, if the employee is hospitalized, treatment immediately.

Employees who sustain a work-related injury or illness must inform their manager immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage. Employees who are ready to return to work following a workers' compensation-related leave of absence must supply a certification from a health care provider confirming the employee's ability to return to work.

ACES will notify the workers' compensation insurance company if we have reason to believe an employee has supplied false or misleading information in connection with a

claim and/or has filed a fraudulent claim. Workers' compensation fraud is a crime and may also be grounds for disciplinary action, up to and including termination of employment.

## 9. Leaving the Company

### 9.1 Separation from Employment

Employees of the Company are employed on an at-will basis. This means that employment may be terminated by either party at any time, with or without cause or notice. Nothing in this policy is intended to limit or alter the at-will nature of your employment.

Employees may leave the Company for a variety of reasons. Regardless of the reason, we strive to ensure that all separations from employment are handled fairly, efficiently, and in compliance with applicable federal and state laws.

Reasons for termination include, but are not limited to, the following:

#### **Voluntary Termination**

A voluntary termination means an employee has made the decision to end the working relationship with the Company. Voluntary resignations include, but are not limited to, written or verbal resignation, retirement, and job abandonment.

Employees who voluntarily leave the Company are encouraged to provide their manager with a minimum of two weeks' notice, ideally in writing, in order to allow a reasonable amount of time to transfer ongoing work.

Employees in good standing who retire or resign from their positions may be eligible for re-hire.

#### **Involuntary Termination**

An involuntary termination occurs when the Company decides to end the working relationship with an employee. Involuntary terminations may occur *for cause* or for reasons *other than cause*.

#### **Return of Company Property**

Employees are required to return all company property in their possession or control at termination of employment. When allowed by applicable laws, the Company may withhold from the employee's paycheck the cost of any items that are not returned when required. No information belonging to the Company can be copied for the employee's use. The Company may also take all actions deemed appropriate to recover or protect Company property.

### 9.2 References / Verifications of Employment

All requests for references must be directed to a manager or the Executive Director. No other person or department is authorized to release references for current or former employees. Our policy concerning references for former employees is to disclose only the dates of employment and the title of the last position held, unless otherwise agreed and authorized in writing.

### 9.3 Exit Interviews

Before leaving ACES, employees may be asked to participate in a voluntary exit interview. This will provide closure to the employee's employment with the Company and will allow the Company to ensure that it has resolved various administrative matters, answered any questions about continuation of benefits, and listened to any of the employee's comments or ideas about improving the Company's operations.

## Acknowledgment and Receipt

I acknowledge that I have received and read a copy of the Association of Charter Schools Education Services Employee Handbook. I understand that the Handbook sets forth the terms and conditions of my employment with the Company as well as the duties, responsibilities, and obligations of employment with the Company. I agree to abide by and be bound by the rules, policies and standards set forth in the Handbook.

I acknowledge that, except where required otherwise by applicable state law, my employment with the Company is at-will, meaning that it is not for a specified period of time and that the employment relationship may be terminated at any time for any reason, with or without cause or notice, by me or the Company pursuant to the terms contained in the Introduction.

I further acknowledge that the Company reserves the right to revise, delete, and add to the provisions of the Handbook, but that all such revisions, deletions, or additions must be in writing. No oral statements or representations can change the provisions of the Handbook or state supplement.

I understand and acknowledge that nothing in this Handbook or in any other document or policy is intended to prohibit me from reporting concerns, making lawful disclosures, or communicating with any governmental authority about conduct I believe violates any laws or regulations. I also understand and acknowledge that nothing about the policies and procedures set forth in this Handbook should be construed as interfering with any employee rights provided under state or federal law, including Section 7 of the National Labor Relations Act.

**I have read and understand the above statements.**

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Employee Signature

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Print Name

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Date