Sec. 1. PERSONNEL DUTIES

The Superintendent or designee shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

Sec. 2. POSTING VACANCIES

The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies, which shall advance the commitment of Midland Academy Charter to equal opportunity employment and to recruit well-qualified candidates. Current Midland Academy Charter employees may apply for any vacancy for which they qualify.

Sec. 3. APPLICATIONS

All applicants shall complete the application form supplied by Midland Academy Charter. Information on applications shall be confirmed before hiring or as soon as possible thereafter.

Sec. 4. NEW HIRES

a) ***I-9 Forms***

The Superintendent or designee shall ensure that an employee properly completes Section 1 (“Employee Information and Verification’’) on Form I-9 at the time of hire.

Midland Academy Charter must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of hiring. If Midland Academy Charter hires an individual for employment for a duration of less than three business days, the Superintendent or designee must verify employment at the time of hire.

   Midland Academy Charter shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times.

   When Midland Academy Charter rehires an individual, the Superintendent or designee may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

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8 C.F.R. 274a.2(b)(1)(ii,) (iii), (vii), (viii).

b) ***New Hire Reporting***

Midland Academy Charter shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain Midland Academy Charter's name, address, and employer identification number.

Midland Academy Charter may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and Midland Academy Charter's payroll address for mailing of notice to withhold child support.

Midland Academy Charter shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by Midland Academy Charter and in a format acceptable to the attorney general.

c) ***Deadline***

New hire reports are due:

1. Not later than 20 calendar days after the date Midland Academy Charter hires the employee; or
2. In the case of Midland Academy Charter transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I.

Sec. 5. <u>EXIT INTERVIEWS AND EXIT REPORTS</u>

An exit interview shall be conducted, if possible, and an exit report shall be prepared for every employee who leaves employment with Midland Academy Charter.

Sec. 6. <u>SOCIAL SECURITY NUMBERS</u>

It shall be unlawful for Midland Academy Charter to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

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a) ***Exceptions***

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to Midland Academy Charter maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within Midland Academy Charter's jurisdiction.

b) ***Statement of Uses***

Upon disclosing an employee's social security number, Midland Academy Charter shall inform that employee whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974).

Sec. 7. EMPLOYMENT ASSISTANCE PROHIBITED

Upon receipt of Title I funds, the Superintendent shall adopt regulations that prohibit any individual who is a Midland Academy Charter employee, contractor, or agent from assisting a Midland Academy Charter employee in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or Midland Academy Charter knows, or has probable cause to believe, that such school employee engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified Midland Academy Charter officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;

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2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C 7926.

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