



## Welcome to The Cottonwood School

Welcome to The Cottonwood Charter School. Herein below, “TCS” is defined as the charter school in which you are contractually employed.

We are happy to have you join us. Our School is truly unique and serves a diverse group of talented and hardworking students. The work we do is of utmost importance. We have very high expectations for professionalism and performance for each one of our employees. All employees should treat all individuals, including students, teachers, administrators, volunteers, and family members, with respect, and approach all situations as opportunities to learn.

This handbook has been written to provide you with an overview of our School, its personnel policies and procedures, and your benefits as an employee. This handbook is intended to explain in general terms policies that most often apply to your day-to-day work activities. This handbook cannot anticipate every situation or answer every question about employment, and it is not an employment contract. Employees are expected to read this handbook thoroughly upon receipt, to know and abide by the policies outlined herein, and as revised over time, throughout their employment. No School guideline, practice, manual, or rule may alter the “at-will” status of your relationship with TCS.

In order to retain necessary flexibility in the administration of its policies, procedures, and benefits, TCS reserves the right to change, deviate from, eliminate, or revise the handbook, except for the at-will provisions, at any time, without notice, whenever TCS determines that such action is warranted. For these reasons, we urge you to check with your supervisor to obtain current information regarding the status of any particular policy, procedure or practice. This handbook supersedes and replaces all previous personnel policies, practices, and procedures.

We welcome you and wish you great success and fulfillment at The Cottonwood School.

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# Section 1 - General

This handbook has been written to serve as a guide for the employer/employee relationship. This handbook applies to faculty and staff at TCS. This handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to your supervisor or Human Resources. You are responsible for reading, understanding, and complying with the provisions of this handbook. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

Neither this handbook nor any other School document confers any contractual right, either express or implied, to remain in TCS employment nor does it guarantee any fixed term or condition of your employment. Except as otherwise provided in an executed employment agreement, your employment is not for any specified period of time and may be terminated at will, with or without cause and without prior notice, by TCS or you may resign for any reason at any time.

No supervisor or other representative of TCS except the Executive Director or designee, with the approval of the Board of Directors, has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above. Further, the procedures, practices, policies, and benefits described herein may be modified or discontinued from time to time with or without advance notice. We will try to inform you of any changes as they occur. Up-to-date policies are found on TCS's governing board website.

# Section 2 - Philosophy

## CORE PURPOSE

TCS exists to educate and inspire children to realize their potential to become extraordinary and active members of society.

## CORE VALUES

The following three core values are what distinguish TCS from other schools:

- Mentoring – to inspire students to forge their paths in the world
- Passionate – to strive for excellence
- Collaborative – to be active, engaging, and contributing team members

## PERMISSION-TO-PLAY VALUES

The following Permission-to-Play values are minimum behavioral standards that all employees must exhibit consistently:

- Innovative
- Dynamic
- Results-oriented
- Data-driven
- Extraordinary
- Confident
- Energetic

## STRATEGIC ANCHORS

To ensure success of our core purpose and core values, TCS will use the following two strategic anchors to inform every decision TCS makes and the basis for how decisions and actions will be evaluated:

- Academic achievement through relevant curricula, clear expectations, and shared accountability
- Relationship building through mentorship and consistent communication

## SCHOOL-WIDE LEARNING OUTCOMES

All students at TCS strive to achieve the School-wide Learning Objectives (SLOs). Each year, TCS will assess student progress towards attainment of the SLOs and review and revise the SLOs, as necessary. TCS students will be:

Technologically proficient and will:

- Develop media literacy to analyze different information outlets and their influences.
- Navigate various online platforms and participate in virtual discussions.
- Use the Internet to acquire, organize, manipulate, interpret, and communicate information.
- Adapt, integrate and utilize various emerging online resources in order to compete in the workplace and connect with their passion.

Critical thinkers who will:

- Produce original products through written and/or oral work, problem solutions, or artistic presentation and/or performances.
- Problem-solve through questioning, making inferences, predicting, and hypothesizing.
- Apply learned skills to new situations or problems.
- Take ownership of their learning and modify their performance based on feedback and assessment to attain their goals.
- Focus on learning state-adopted standards and demonstrate mastery in core content areas as evaluated through standardized assessments. (CAASPP, STAR 360).

Effective communicators who will:

- Listen, speak, read, and write proficiently using standard English according to commonly accepted rubrics.
- Articulate thoughts, rationale, and logic with confidence in oral presentation.
- Present work using a variety of media, including drawing, writing, short speech, or digital media.
- Contribute effectively in collaborations during class, office hour discussions, and class discussion forums.

Responsible and self-directed citizens who will:

- Set attainable personal and academic goals through the Individual Learning Plan and the Individualized Graduation Plan.
- Demonstrate integrity and respect within the academic and personal setting.
- Become active members of the community through community service and volunteering.
- Be cognizant of local and global issues.

# Section 3 - Employment

## EMPLOYMENT APPLICATIONS

We rely upon the accuracy of the information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

## EQUAL EMPLOYMENT OPPORTUNITY

TCS is an equal opportunity employer. In accordance with applicable law, TCS prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived:

- National origin or ancestry (including native language spoken and possession of a driver's license issued to persons unable to prove their presence in the U.S. is authorized by federal law)
- Age (forty (40) and over)
- Color
- Physical or mental disability (including HIV and AIDS)
- Medical condition (including cancer and genetic characteristics)
- Religious Creed (including religious dress and grooming practices);
- Marital/registered domestic partner status;
- Taking a leave of absence pursuant to the Family Medical Leave Act ("FMLA"), Pregnancy Disability Leave ("PDL") law, Americans with Disabilities Act ("ADA"), California Family Rights Act ("CFRA"), the Fair Employment and Housing Act ("FEHA"), or laws related to domestic violence, sexual assault, and stalking,
- Gender (including gender identity, gender expression, and transgender identity, whether or not the employee is transitioning or has transitioned),
- Nationality, race or ethnicity (including traits historically associated with race, such as hair texture and hairstyle, including but not limited to braids, locks, and twists), religious creed (including religious dress and grooming practices),
- Sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to such)
- Sexual orientation,
- Sex stereotype (including an assumption about a person's appearance or behavior, gender roles, gender expression, or gender identity, or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's sex),
- Military and veteran status; or Any other consideration made unlawful by federal, state, or local laws, or association with a person or a group with one or more of these actual or perceived characteristics.

TCS will ensure that applicants and employees are treated in all aspects of employment without unlawful discrimination because of these or any other protected basis. Such aspects of employment include, but are not limited to, recruitment, hiring, promotion, demotion, transfer, layoff, termination, compensation, and training. Additionally, in accordance with applicable law, TCS prohibits all forms of unlawful harassment of a sexual or other discriminatory nature. Any conduct contrary to this policy is prohibited. This policy applies to all applicants and employees of TCS.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, TCS will make a good faith effort to provide reasonable accommodations for the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless undue hardship would result to TCS. An applicant or employee who believes he or she requires an accommodation in order to perform the essential functions of the job should contact Human Resources and request such an accommodation, specifying what accommodation he or she needs to perform the job. TCS will analyze the situation, engage in an interactive process with the individual, and respond to the individual's request. If you believe you have been subjected to discrimination, please follow the complaint procedure outlined below.

### **POLICY PROHIBITING UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION**

TCS is committed to providing a work and educational atmosphere that is free of unlawful harassment, discrimination, and retaliation. TCS's policy prohibits unlawful harassment, discrimination, and retaliation based upon race (including traits historically associated with race, such as hair texture and hairstyle, including but not limited to braids, locks, and twists); color; gender (including gender identity, gender expression, and transgender identity, whether or not the employee is transitioning or has transitioned); sex (including pregnancy, childbirth, breastfeeding, and related medical conditions); sex stereotype (including an assumption about a person's appearance or behavior, gender roles, gender expression, or gender identity, or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's sex); religious creed (including religious dress and grooming practices); marital/registered domestic partner status; age (forty (40) and over); national origin or ancestry (including native language spoken and possession of a driver's license issued to persons unable to prove their presence in the U.S. is authorized by federal law); physical or mental disability, (including HIV and AIDS); medical condition (including cancer and genetic characteristics); taking a leave of absence authorized by law; genetic information; sexual orientation; military and veteran status; or any other consideration made unlawful by federal, state, or local laws.

Employees, volunteers, unpaid interns, individuals in apprenticeship programs, and independent contractors shall not be harassed, or discriminated or retaliated against, based upon the characteristics noted above.

TCS does not condone and will not tolerate unlawful harassment, discrimination, or retaliation on the part of any employee (including supervisors and managers or third party (including independent contractors or other person with which the School does business). Supervisors and managers are to report any complaints of unlawful harassment to the Executive Director or designee.

When TCS receives allegations of unlawful harassment, discrimination, or retaliation, the Board (if a complaint is about the Executive Director) or the Executive Director or designee will conduct a fair, timely and thorough investigation that provides all parties an appropriate process and reaches reasonable conclusions based on the evidence collected. The investigation will be handled in as confidential a manner as possible, although complete confidentiality cannot be guaranteed. Complainants and witnesses shall not be subject to retaliation for making complaints in good faith or participating in an

investigation. TCS is committed to remediating any instances where investigation findings demonstrate unlawful harassment, discrimination, or retaliation has occurred.

#### Prohibited Unlawful Harassment

- Verbal conduct such as epithets, derogatory jokes or comments or slurs;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement, or interfering with work because of sex, race or any other protected basis;
- Retaliation for reporting or threatening to report harassment; or
- Disparate treatment based on any of the protected classes above.

#### Prohibited Unlawful Sexual Harassment

TCS is committed to providing a workplace free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action, up to, and including dismissal, of the offending employee.

Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire, when: (1) submission to the conduct is either made explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based upon an individual's acceptance or rejection of that conduct; and/or (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful to retaliate in any way against an employee who has articulated a good faith concern about sexual harassment against him or her or against another individual.

All supervisors of staff will receive two (2) hours of sexual harassment prevention training within six (6) months of hire or their assumption of a supervisory position and every two (2) years thereafter. All other employees will receive one (1) hour of sexual harassment prevention training within six (6) months of hire and every two (2) years thereafter. Such training will address all legally required topics, including information about the negative effects that abusive conduct has on both the victim of the conduct and others in the workplace, as well as methods to prevent abusive conduct undertaken with malice a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct includes but is not limited to repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. Supervisors shall also be trained on how to appropriately respond when the supervisor becomes aware that an employee is the target of unlawful harassment. Other staff will receive sexual harassment prevention training as required by law.

Each employee has the responsibility to maintain a workplace free from any form of sexual harassment. Consequently, should any individual, in particular those with supervisory responsibilities, become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address such conduct. Any employee who believes they have been sexually harassed or has witnessed sexual harassment is encouraged to immediately report such harassment to the Executive Director. See Appendix A for the "Harassment/Discrimination/Retaliation Complaint Form." See Appendix B for the general "Internal Complaint Form."

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults and
  - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
  - Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience.
  - Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward or disparate treatment for rejecting sexual conduct.
  - Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex.
- Sexual or discriminatory displays or publications anywhere at the workplace by employees, such as:
  - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing to work or possessing any such material to read, display or view at work.
  - 
  - Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
  - Displaying signs or other materials purporting to segregate an employee by sex in an area of the workplace (other than restrooms or similar rooms).

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this policy. Moreover, please note that while in most situations a personal relationship is a private matter, these relationships are not appropriate in a professional setting, particularly where one of the parties has management or supervisory responsibilities. As such, consensual relationships in the workplace may violate TCS policy.

## **AT-WILL EMPLOYMENT**

We believe that an employment relationship is successful as long as both parties are mutually satisfied. Accordingly, both you and TCS will have the right to terminate your employment and all related compensation and benefits at any time, with or without cause and with or without notice. In addition, TCS

may eliminate or change any term or condition of your employment (including but not limited to your job assignment, duties, or salary) at will, at any time, for any reason not prohibited by law, with or without cause and with or without previous notice.

This is called “employment at-will,” and no one other than the Executive Director of TCS with the approval of the Board of Directors has the authority to alter your employment-at-will status, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy. Further, any such agreement must be in writing and must be signed by the Executive Director. Statements of specific grounds for termination set forth in this Handbook, or elsewhere, are not all-inclusive and are not intended to restrict TCS’s right to terminate at will.

## **OPEN COMMUNICATION POLICY**

We want to hear from you. TCS strongly encourages employee participation in decisions affecting their employment and their daily professional responsibilities. Our greatest strength lies in our employees and our ability to work together. We encourage open communication about all aspects of our school and organization.

Employees are encouraged to openly discuss with their supervisors any problems or suggestions they believe would make our organization better and stronger. TCS is interested in all our employee’s success and fulfillment. We welcome all constructive suggestions and ideas.

Employees who have work-related concerns or complaints are encouraged to discuss them with their supervisor or the Executive Director. Employees are encouraged to raise their work-related concerns as soon as possible after the events that cause concern. TCS will attempt to keep the employee’s concerns and complaints and any resulting investigation confidential to the extent feasible. However, in the course of an investigation and/or in resolving the matter, some dissemination of information to others may be necessary, appropriate, and/or required by law. Employees with concerns or complaints relating to harassment, discrimination, or retaliation should follow the reporting procedure outlined in this Handbook.

## **LACTATION ACCOMMODATION POLICY**

TCS provides a reasonable amount of break time to accommodate a female employee’s need to express breast milk for the employee’s infant child. For those employees that are working at a school site, TCS will also make a reasonable effort to provide the employee with the use of a room or other private location in close proximity to the employee’s work area for the employee to express milk in private. The location will also meet the following requirements: not be a bathroom; be free from intrusion; be shielded from view; be safe, clean, and free of hazardous materials; contain a surface to place a breast pump and personal items; contain a place to sit, and have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump. In addition, TCS shall provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee’s work area. If a refrigerator cannot be provided, TCS may provide another cooling device suitable for storing milk, such as a School-provided cooler.

In order to request lactation accommodations:

- The employee should complete an accommodation request form and contact the employee’s supervisor or Human Resources to request designation of a location and

time to express breast milk under this policy. TCS will respond accordingly, generally within two business days.

- The requested break time should, if possible, be taken concurrently with other scheduled break periods. Nonexempt employees should clock out for any lactation breaks that do not run concurrently with normally scheduled rest periods. Any such breaks will be unpaid.

Retaliation for making a lactation accommodation request is strictly forbidden. If the employee believes she has been retaliated against it should be reported immediately to her supervisor, Human Resources or Executive Director. Discrimination against and harassment of lactating employees in any form is unacceptable, a form of prohibited sex/gender discrimination, will not be tolerated at TCS and will be handled in accordance with TCS's policy on discrimination and harassment. If any employee believes that he or she has experienced retaliation or discrimination as a result of conduct protected by this policy, the employee may file a complaint with his or her supervisor and/or the Labor Commissioner's office. For more information, employees may contact the Labor Commissioner's office: [www.dir.ca.gov/dlse/Districtoffices.htm](http://www.dir.ca.gov/dlse/Districtoffices.htm). The Labor Commissioner's office provides an interpreter at no cost to the employee if needed.

## PUBLIC RELATIONS

The success of a school depends upon the quality of the relationship among TCS, its employees, students, parents, and the general public. The public impression of TCS and its interest in our school will be formed, in part, by School employees. Our employees are ambassadors. The more goodwill an employee promotes, the more employees, students, parents, and the general public will respect and appreciate the employee, our School, and our School's services.

Below are several things employees can do to help leave people with a good impression of our School. These are the building blocks for our continued success:

- Communicate with parents regularly
- Act competently and deal with others in a courteous and respectful manner.
- Communicate pleasantly and respectfully with other employees, families, and students at all times.
- Follow up on requests and questions promptly, provide professional and personable replies to inquiries and requests, and perform all duties in an orderly manner.
- Respond to email and voicemail within 24 hours during the workweek.
- Take great pride in your work and enjoy doing your very best.

## WHISTLEBLOWER POLICY

TCS is committed to maintaining a workplace where employees are free to raise good faith concerns regarding certain business practices, specifically: (1) reporting suspected violations of law, including but not limited to federal laws and regulations; (2) providing truthful information in connection with an inquiry or investigation by a court, agency, law enforcement, or other governmental body; and (3) identifying potential violations of School policy, specifically the policies contained in TCS's Employee Handbook. An employee who wishes to report a suspected violation of law or School Policy may do so by contacting the Executive Director, Director of Human Resources.

TCS expressly prohibits any form of retaliation, including harassment, intimidation, adverse employment actions, or any other form of retaliation, against employees who raise suspected violations of law,

cooperate in inquiries or investigations, or identify potential violations of School policy. Any employee who engages in retaliation will be subject to discipline, up to and including termination.

Any employee who believes that he or she has been subjected to any form of retaliation as a result of reporting a suspected violation of law or policy should immediately report the retaliation to one of the following: the Executive Director, Director of Human Resources. Any supervisor, manager, or human resources staff member that receives complaints of retaliation must immediately inform the Executive Director.

Reports of suspected violations of law or policy and reports of retaliation will be investigated promptly and in a manner intended to protect confidentiality as much as possible (although confidentiality cannot be guaranteed) and consistent with a full and fair investigation. Human Resources will conduct the investigation or designate other internal or external parties to conduct the investigations. The investigating parties will notify the concerned individuals of their findings as appropriate.

## INTERNAL COMPLAINT REVIEW POLICY

The purpose of the “Internal Complaint Review Policy” is to afford all employees of the School the opportunity to seek internal resolution of their work-related concerns. All employees have free access to the Executive Director or Board of Directors to express their work-related concerns.

Specific complaints of unlawful harassment, discrimination, and retaliation are addressed under the School’s “Policy Prohibiting Unlawful Harassment, Discrimination, and Retaliation.”

### **Internal Complaints**

(Complaints by Employees against Employees)

This section of the policy is for use when a School employee raises a complaint or concern about a co-worker.

If reasonably possible, internal complaints should be resolved at the lowest possible level, including attempts to discuss/resolve concerns with the immediate supervisor. However, in the event an informal resolution may not be achieved or is not appropriate, the following steps will be followed by the Executive Director or designee:

1. The complainant will bring the matter to the attention of the Executive Director as soon as possible after attempts to resolve the complaint with the immediate supervisor have failed or if not appropriate; and
2. The complainant will reduce his or her complaint to writing, indicating all known and relevant facts. The Executive Director or designee will then investigate the facts and provide a solution or explanation;
3. If the complaint is about the Executive Director, the complainant may file his or her complaint in a signed writing to the President of the School’s Board of Directors, who will then confer with the Board and may conduct a fact-finding or authorize a third party investigator on behalf of the Board. The Board President or investigator will report his or her findings to the Board for review and action, if necessary.

This policy cannot guarantee that every problem will be resolved to the employee’s satisfaction. However, the School values each employee’s ability to express concerns and the need for resolution without fear of adverse consequence to employment.

### **Policy for Complaints against Employees**

(Complaints by Third Parties against Employees)

This section of the policy is for use when a non-employee raises a complaint or concern about a School employee.

If complaints cannot be resolved informally, complainants may file a written complaint with the office of the Executive Director or Board President (if the complaint concerns the Executive Director) as soon as possible after the events that give rise to the complainant’s concerns. The written complaint should set forth in detail the factual basis for the complaint.

In processing the complaint, Executive Director (or designee) shall abide by the following process:

1. The Executive Director or designee shall use his or her best efforts to talk with the parties identified in the complaint and to ascertain the facts relating to the complaint.
2. In the event that the Executive Director (or designee) finds that a complaint against an employee is valid, the Executive Director (or designee) may take appropriate disciplinary action against the employee. As appropriate, the Executive Director (or designee) may also simply counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.
3. The Executive Director's (or designee's) decision relating to the complaint shall be final unless it is appealed to the Board of Directors. The decision of the Board of Directors shall be final.

#### **General Requirements**

1. Confidentiality: All complainants will be notified that information obtained from the complainants and thereafter gathered will be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be assured.
2. Non-Retaliation: All complainants will be advised that they will be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.
3. Resolution: The Board (if a complaint is about the Executive Director) or the Executive Director or designee will investigate complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

# Section 4 – The Employment Process

## EMPLOYEE STATUS AND CLASSIFICATIONS

Each School employee is either a “full-time,” “part-time,” or “temporary” employee and either an “exempt” or “nonexempt” employee. Some of the policies and benefits described in this handbook depend on whether the employee is full-time or part-time. Full-time employees are those employees regularly scheduled to work 30 or more hours or more each week. Part-time employees are those regularly scheduled to work less than 30 hours each week. Temporary employees are those employed for short-term assignments or in connection with a specific project or event. Temporary employees are not eligible for employee benefits, except those mandated by applicable law.

Every member of the team is designated as a “Certified employee” or “Classified employee.” Some of the policies and benefits described in this handbook depend on how the employee is designated.

### *Exempt*

This category includes all regular employees who are determined by TCS to be exempt from certain wage and hour provisions of state and federal laws. Exempt employees are paid a fixed salary that is intended to cover all of the compensation to which they are entitled. Exempt employees will be expected to work the number of hours necessary to complete their assigned responsibilities. Because they are exempt, such employees are not entitled to additional compensation for extra hours of work. Typically, full-time Teachers and Administrators are exempt employees.

### *Nonexempt*

This category includes all regular employees who are covered by certain wage and hour provisions of state and federal laws. nonexempt employees are entitled to overtime and double-time pay as well as meal and rest breaks, as prescribed by law. Typically, all part-time and temporary employees are nonexempt. Additionally, most Classified staff are typically nonexempt employees.

### *Certificated Employees*

Certified Employees are employees who hold a credential to provide service to students in the State of California.

### *Classified Employees*

Classified Employees are employees who are not required to hold a credential to provide service to students in the State of California.

## WORK SCHEDULES

All employees will be assigned a work schedule suitable for their job assignment and will be expected to

begin and end work according to the schedule. Please note that schedules may vary depending on a variety of factors including whether you work during the academic year or on an annual basis. Each position at TCS has an annual work day calendar. In order to accommodate the needs of our business, it may be necessary to change individual work schedules on either a short-term or long-term basis. All employees are expected to be at their desks or workstations at the start of their scheduled shift, ready to work. If you need to modify your schedule, request the change with Human Resources or your supervisor. All schedule changes or modifications must be approved by the Executive Director or your supervisor.

TCS reserves the right to assign employees to jobs other than their usual assignment when necessary, provided the employee is capable of performing the essential functions of the alternate assignment.

Nonexempt employees are not to work before or to continue working after their scheduled hours unless specifically assigned by the supervisor. Nonexempt employees are not allowed to work “off the clock.” Attendance at School-sponsored functions is not compensated unless the supervisor has required you to attend. Employees violating these rules may be subject to disciplinary action up to and including termination.

Work calendars are attached to this handbook in Appendix H.

## **WORKWEEK AND WORKDAY**

Staff are expected to complete their School employment duties from 8:00 a.m. – 4:30 p.m. Monday- Friday excluding holidays. The Workweek begins on Sunday.

## **VIRTUAL TEACHING EMPLOYMENT CONDITIONS**

### *Position Responsibilities:*

- Teachers are assigned a group of students for which they provide homeschooling oversight, in cooperation with the student’s learning coach.
- At the school’s expense, teachers are provided a computer capable of maintaining a high-speed internet connection for conducting virtual classes and other duties. Other equipment is provided when necessary for the class upon request.
- Teachers must be available each school day from 8:00- a.m. - 4:30 p.m. Monday - Friday by internet and/or phone. Teachers are expected to dedicate their time and attention to their work during these hours, and not to engage in competing activities or sources of work. Doing so is a violation of our employment contract.
- Teachers assigned to virtual classes will be required to conduct a virtual classroom session.
- Teachers must have access to a phone for calling/responding to students/parents during the teacher’s scheduled time within twenty-four (24) hours.
- Teachers will use the tracking and monitoring system integrated into the student’s assigned course. Teachers will provide continual monitoring of the student’s progress and their scheduled benchmarked progress status.
- Teachers will be responsible for all virtual school required record keeping and reporting.

### *Training:*

- Teachers are required to attend training sessions hosted virtually or in person. Mileage reimbursement will follow standard School protocols and procedures.

*Worksites:*

- Most classes will be held virtually. Teachers may work from a location of their choice conducive to the scope of their employment including, but not limited to their home.
- Some expectations exist for in-person learning opportunities with students, depending on the position and needs of the school. Employees should anticipate the need to travel to in-person events from time to time. Mileage reimbursement will follow standard School protocols and procedures.

## **SPECIAL EDUCATION TEACHING EMPLOYMENT CONDITIONS**

*Special Education Teachers/ Case Managers*

- Special Education Teachers/ Case Managers teach specialized academic instruction (SAI) and transition services as well as credit bearing courses virtually.
- At the School's expense, teachers are provided, a computer capable of maintaining a high speed internet connection for conducting virtual class and other duties.
- Teachers must be available each school day from 8:00 a.m. – 4:30 p.m. Monday - Friday by internet and/or phone.
- Special Education Teachers are required to teach in virtual classrooms/sessions.
- Teachers must have access to a phone for calling/responding to students/parents during the teacher's scheduled time within twenty-four (24) hours.
- Teachers will use the tracking and monitoring systems provided to them. Teachers will provide continual monitoring of the student's progress at the scheduled progress reporting times.
- Teachers are responsible for collecting data and student work samples for student IEP goals and special education taught courses.
- Teachers will be responsible for all special education required record keeping and reporting.

*Training:*

- Teachers are required to attend training sessions hosted virtually or in-person. Special Education Teachers are required to attend two in-person schoolwide meetings/trainings per year. Mileage reimbursement will follow standard School protocols and procedures.

*State-wide Assessments:*

- Special Education Teachers are required to proctor 5 days (maximum) of in-person state- wide assessments per year

*Worksites:*

- Special Education Teachers work remotely as all classes and sessions are taught virtually.
- Some expectations exist for in-person learning opportunities with students, depending on the position and needs of the school. Employees should anticipate the need to travel to in-person events from time to time. Mileage reimbursement will follow standard School protocols and procedures.

## ATTENDANCE AND PUNCTUALITY

Employees are expected to observe regular attendance and be punctual. Each of our employees is critical to our success. Therefore, regular attendance and punctuality are considered essential functions of all positions. If you are unable to report for work on any particular day, you must call your supervisor at least one (1) hour before the time you are scheduled to begin working for that day. If you call in less than one (1) hour before your scheduled time to begin work, you will be considered tardy for that day. Absent extenuating circumstances or a medical provider's order excusing you from work for a period of time, you must call in on any day you are scheduled to work and will not report to work. TCS understands that in some cases, advance notice is not possible. In these cases, notify your supervisor personally at the earliest possible moment. In some circumstances, you may be required to provide verification of the reason or documentation for your absence.

More than three (3) instances of tardiness by an employee during any twelve-month period are considered excessive. Any unexcused absence is considered excessive. If you fail to report for work without any notification to your supervisor and the absence continues for a period of three (3) business days, TCS will determine that you have abandoned your job and voluntarily resigned from your employment.

## PROFESSIONAL DEVELOPMENT

Employees are expected to attend and participate in all professional development sessions and other school-sponsored training that may be scheduled. While we understand that scheduling conflicts may arise, consistent tardiness, absenteeism, or early departures may result in disciplinary action. When an employee attends a school-sponsored professional development and/or training, the time spent in attendance shall be counted as time worked. For virtual attendance, video registration/chat or signing in on a Google Doc/Survey will serve as attendance. For in-person meetings, either online documentation or paper documentation will be required for the purpose of record-keeping. These records will serve as the official roster of attendance. TCS will pay hourly employees for attendance at mandatory training, lectures, and meetings outside of regular working hours at the employee's hourly rate. As exempt employees, salaried staff may be required to attend training seminars that may be outside of TCS's normal business hours with no additional pay. In the event that an employee must leave early or is unable to attend a scheduled training (i.e., Professional Development sessions), during their normal work hours, an employee MUST put in a time-off request according to TCS policies. Employees may also be required to attend make-up sessions of any missed training. Failure to comply with this policy may result in disciplinary action.

## ADVANCEMENT ON THE SALARY SCALE

- A teacher is eligible to advance to the proper pay scale level once they meet the requirement for that specific pay scale level and group based on their creditable years of service and post BA units, if applicable.
- Teachers must submit any successfully completed post-BA units no later than August 31 in order for the units to be applied to the teacher's salary in that school year. Any proof of successfully completed post-BA units submitted to the School after August 31 will result in an adjustment to compensation the following school year.
- Any increase in pay resulting from an advancement on the Pay Scale based on the successful completion of post-BA units will take effect after the School's receipt of sufficient documentation supporting the advancement. Pay increases for post-BA units will not be paid

retroactively.

## **TIME RECORDS (NONEXEMPT EMPLOYEES)**

Nonexempt employees must accurately complete time records within TCS's time-keeping system on a daily basis. Each time record must show the exact time work began and ended, the meal periods are taken, two ten-minute breaks per day, and the employee log in or actual signature. Absences and overtime must be accurately identified on your time record. nonexempt employees are not allowed to work "off the clock." All time actually worked must be recorded. You cannot record time and/or submit a time record for another employee. Each employee must submit his or her own time record either electronically by signing in or in writing. Employees must record all time actually worked.

Nonexempt employees must report full days of absence from work. Deductions from an exempt employee's salary will be made only in accordance with applicable law. Employees should immediately contact Human Resources with any questions concerning their pay so that inadvertent errors can be corrected.

## **OVERTIME**

All nonexempt employees are required to obtain approval from their supervisor prior to working overtime or double-time. Failure to obtain such approval may subject an employee to discipline, up to and including termination.

Whether an employee is exempt from or subject to overtime pay will be determined on a case-by-case basis and will be indicated in the employee's job description. Generally, teachers and administrators are exempt. Nonexempt employees may be required to work beyond the regularly scheduled workday or workweek as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime for nonexempt employees. TCS will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by the Executive Director. TCS provides compensation for all overtime hours worked by nonexempt employees in accordance with state and federal law as follows:

For employees subject to overtime, all hours worked in excess of eight (8) hours in one workday or forty (40) hours in one workweek shall be treated as overtime. Compensation for hours in excess of forty (40) for the workweek or in excess of eight (8) and not more than twelve (12) for the workday, and for the first eight (8) hours on the seventh consecutive day in one workweek, shall be paid at a rate of one and one-half times the employee's regular rate of pay. Compensation for hours in excess of twelve (12) in one workday and an excess of eight (8) on the seventh consecutive workday of the workweek shall be paid at double the regular rate of pay.

Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to these exempt employees.

## **OFF THE CLOCK WORK**

TCS prohibits all nonexempt employees from working off the clock at any time. All time worked must be recorded on the employee's timesheet. This includes the use of laptops, computers, personal devices, or cell- phones to check work email, voicemail or to send text messages after hours.

## MEAL AND REST PERIODS

Nonexempt employees working at least five (5) hours are provided with a thirty (30) minute meal period, to be taken approximately in the middle of the workday but by no later than the end of the 5<sup>th</sup> hour of work. An employee may waive this meal period if the day's work will be completed in no more than six (6) hours, provided the employee and TCS mutually consent to the waiver in writing.

Nonexempt employees are also provided with a ten (10) minute rest period for every four (4) hours worked which should be scheduled towards the middle of the four (4) hour work period as practicable. Employees are prohibited from combining meal and rest period time.

An employee's supervisor must be aware of and approve scheduled meal and rest periods. Employees must immediately inform their supervisor if they are prevented from taking their meal and/or rest periods. Employees are expected to observe assigned working hours and the time allowed for meal and rest periods.

## PAYDAYS

Employees are paid semi-monthly in accordance with TCS's payroll schedule. If a normally scheduled payday falls on a weekend or holiday, paychecks will be distributed the preceding business day.

A written, signed authorization is required for mail delivery or for delivery of your paycheck to any other person. If you have an automatic deposit for your paycheck, your funds will be deposited to the financial institution you requested by the end of business on the scheduled payday. While an automatic deposit may actually credit to your account before your actual "payday," TCS is not responsible for automatic payments or withdraws dated prior to your actual payday and you should not depend on early deposits of your pay. If a wage garnishment order is received by TCS for one of our employees, we are obligated by law to comply with the demand. The affected employee will receive notice of wage garnishment from Human Resources as soon as possible.

## PAYROLL WITHHOLDINGS

TCS is required by law to withhold Federal Income Tax, State Income Tax, Social Security (FICA), State Teachers Retirement Service (STRS for eligible credentialed faculty), and State Disability Insurance from each employee's paycheck as outlined below. Additionally, if a garnishment, tax levy, or an order to withhold child support payments should be delivered, TCS must comply with that order within the time allowed by law, and cannot postpone the payroll deduction for any reason. Voluntary deductions, which must be authorized in writing by employees, may include retirement plans, the employee portion of insurance premiums, or any other benefit made available to employees.

If an employee believes an error has been made in his or her pay or deductions TCS will work in good faith to resolve errors as soon as possible. The employee should notify the Business Manager or his or her designee of any errors in pay or deductions withheld within seven (7) days from the date paid.

Every deduction from the employee's paycheck is explained on the check voucher/paystub. If the employee does not understand the deduction, then he or she should ask Human Resources to explain it. The employee may change the number of withholding allowances he or she wishes to claim for Federal and/or State Income Tax purposes before any pay period by filling out a new W4 form and submitting it

to Human Resources.

# Section 5 – Conditions of Employment

## IMMIGRATION COMPLIANCE

TCS will comply with applicable immigration law, including the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990. As a condition of employment, every individual must provide satisfactory evidence of his or her identity and legal authority to work in the United States. However, TCS will not check the employment authorization status of current employees or applicants who were not offered positions with the School unless required to do so by law.

The School shall not discharge an employee or in any manner discriminate, retaliate, or take any adverse action (*e.g.*, threatening to report the suspected citizenship or immigration status of an employee or a member of the employee's family) against any employee or applicant for employment because the employee or applicant exercised a right protected under applicable law. Further, the School shall not discriminate against any individual because he or she holds or presents a driver's license issued per Vehicle Code § 12801.9 to persons who have not established their federally authorized presence in the United States. Finally, in compliance with the Immigrant Worker Protection Act, the School shall not allow a federal immigration enforcement agent to enter any nonpublic areas of the School without a judicial warrant, or voluntarily give consent to an agent to access, review or obtain employee records without a subpoena or judicial warrant. If a search of employee records is authorized by a valid subpoena or judicial warrant, the School will give employees notice of the inspection both before and after it has occurred as required by law.

## CREDENTIAL REQUIREMENTS

If you are a credentialed team member, you must provide copies of your credential, official transcripts, and/or test scores prior to your first day of actual work. Failure to provide these documents may delay your ability to begin work. You are also responsible for keeping required certificates, credentials, and registrations current and in good standing, for paying the costs associated with renewal, and for providing the Human Resources Department with verification of renewals. Failure to provide these updated documents to TCS may result in suspension without pay until such time as the necessary documentation has been provided. If a teacher fails to obtain the appropriate credential, or allows a credential, certificate, registration, or required course deadline to expire, or fails recertification, training, or testing, TCS reserves the right to suspend the teacher without pay until the teacher's credential is cleared, or release the teacher from at-will employment as necessary.

## TEACHER INDUCTION

Please contact Human Resources to discuss teacher induction and seek guidance on how TCS can assist you in completing these requirements.

## RESIDENCY REQUIREMENTS

All employees with in-person requirements as part of their job description are required to live and reside in California, in the region where students are served. Employees are not permitted to work for TCS while out of the state of California, unless on a pre-approved basis.

## **TEMPORARY RESIDENCY**

Temporary Residency for Certificated Employee: All certificated employees (with in-person requirements as part of their job description) who are seeking to relocate with a temporary residence are required to: Write a “Temporary Residency Request” to their supervisor and Executive Director a minimum of 5 days prior to departing primary residence.

Certificated employees must obtain written approval from their supervisor and Executive Director for the Temporary Residency to be granted. Failure to do so, will result in a dock in pay for days absent. Temporary Residency may be approved for a maximum of two weeks and the certificated employee is expected to continue and perform all job duties per their job description, communicate and execute all job duties with students, colleagues, and all work-related entities. Certificated employees are expected to continue to be available between the scheduled hours of 8:00am-4:30pm Pacific Standard Time. Though a temporary residency may not be the norm, employees are encouraged to review the other leave policies outlined in the Employee Handbook that may be deemed more appropriate for the circumstance. Temporary Residency is not to be construed as a vacation. All Certified staff, please refer to the Leave policies for Human Resources for more clarification.

## **TUBERCULOSIS TEST**

Before the first day of employment, all new employees must have had a tuberculosis test as described in Education Code 49406 or a TB Risk Assessment (pursuant to AB1667) within the past 60 days. Employees transferring from other public or private schools within the State of California must either provide proof of an examination or a completed Risk Assessment within the previous 60 days or a certification showing that he or she was examined within the past four (4) years and was found to be free of communicable tuberculosis. The current physician’s statement or Risk Assessment must be on file in the office before the first day of employment. Failure to provide documentation on time may result in a delay of your ability to begin work or termination.

TB Clearance is good for four years and it is the employee’s responsibility to remain in compliance and ensure TCS has a valid certificate on file.

## **CRIMINAL BACKGROUND CHECKS**

As required by law, all individuals working or volunteering at the School will be required to submit to a criminal background investigation. No condition or activity will be permitted that may compromise the School’s commitment to the safety and the well-being of students taking precedence over all other considerations. Conditions that preclude working at the School include but are not limited to conviction of a controlled substance or sex offense, or a serious or violent felony. Additionally, should an employee, during his/her employment with the School, be arrested for, charged with, or convicted of any offense, the employee must immediately report as much to the Principal.

## **VOLUNTEERING**

From time to time, individuals volunteer at TCS. When an individual seeks to volunteer, their role will be

assessed relative to student interaction. Those who interact directly with students will be required to submit for fingerprinting and a background check to clear them to participate in this capacity at the school. Volunteers who work with students will be required to have a valid Tuberculosis Clearance on file.

## **CHILD ABUSE AND NEGLECT REPORTING ACT**

Since our employees work directly with children, they are in a position to detect instances of child abuse and neglect. It is TCS's policy that all employees shall comply with the California State law regarding child abuse reporting procedures. Section 11166 of the California Penal Code mandates the reporting to designated authorities of cases of suspected child abuse as follows:

“Any child care custodian, health practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.”

While each employee has the responsibility to ensure the reporting of any child he/she suspects is a victim of abuse, the employee is not to verify the suspicion or prove that abuse has occurred. Teachers or staff who become aware of suspected child abuse should report the suspicions as required. All employees are mandated child abuse reporters and will participate in annual training, follow all applicable reporting laws and the same policies. TCS's Child Abuse and Neglect Policy (See Appendix) will contain detailed policies and procedures for the immediate reporting of suspected child abuse and neglect. All appropriate staff are required to certify knowledge of the policy annually, and employees shall receive mandated reporter training annually. TCS will provide this training, as well as other training, mandated by law during the week before school begins.

It is extremely important that School employees comply with the requirements of the Child Abuse and Neglect Reporting Act (CANRA). No mandated reporter can be held civilly or criminally liable for any report required or authorized by CANRA. In addition, any other person who voluntarily reports a known or suspected incident of child abuse or neglect will not incur civil or criminal liability unless it is proven that the report was false, and the person knew the report was false or made the report with reckless disregard of its truth or falsity. Your direct supervisor is available to answer any questions employees may have about their responsibilities under CANRA, or to assist an employee in making a report under CANRA. I.

Child Abuse Reporting Guidelines and Forms are attached in this Handbook, Appendix A. By acknowledging receipt of this Handbook, employees acknowledge they are child care custodians and are certifying that they have knowledge of California Penal Code section 11166 and will comply with its provisions.

## **PERSONNEL FILES**

An employee or former employee (or designee) has the right to inspect or receive a copy of his or her personnel records at reasonable times, at a reasonable place, and on reasonable advance notice to Human Resources. All requests should be put in writing preferably on the form maintained by TCS. If the request includes a request for copies the employee or former employee may be required to pay for the actual costs of copying. TCS has 30 days to produce an employee's personnel file following receipt of the request.

Employees are not entitled to inspect or copy: letters of reference, records that relate to an investigation of possible criminal activity, ratings, reports, or records obtained prior to employment, prepared by examination committee members, or obtained in connection with a promotional examination.

### **CHANGES IN EMPLOYEE INFORMATION**

An employee is responsible for notifying Human Resources about changes in the employee's personal information and changes affecting the employee's status (ex. name changes, address or telephone number changes, marriages or divorces, etc.) This notification by the employee must occur as close to the change as possible, but no later than 30 days following the change.

# Section 6 - Performance

## PERFORMANCE EVALUATIONS

Performance evaluations generally are conducted annually to provide both employees and supervisors with the opportunity to discuss the employee's position, tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss methods for improving performance. The performance evaluations are intended to make employees aware of their progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee an increase in salary or promotional opportunities, or even continued employment. Salary increases and promotions are solely within the discretion of TCS and depend upon many factors in addition to performance.

### *Certificated Staff:*

At the start of each academic year, each certified staff member will meet with their Supervisor or Instructional Team Advisor to establish Performance Objectives or SMART (Specific, Measurable, Achievable, Relevant, Time- Bound) Goals for that school year. The certified staff member will put these objectives in writing and complete a pre-evaluation template to be provided by their Supervisor or Instructional Team Advisor. The Supervisor or Instructional Team Advisor will evaluate the certified staff member's performance at least once a year formally and on an ongoing basis informally. The evaluation will be based on factors including the certified staff member's job description, accomplishment of the Performance Objectives, and standards for teaching performance. In addition to these more formal performance evaluations, TCS encourages you and your supervisor to discuss your job performance on an ongoing basis.

TCS's provision of performance evaluations does not alter the at-will employment relationship. Nothing in this policy shall limit the right to terminate employment at-will or limit TCS's right to transfer, demote, suspend, administer discipline, and change the terms and conditions of employment at its sole discretion. Employment is at the mutual consent of the employee and TCS. Accordingly, either the employee or TCS can terminate the employment relationship at-will, at any time, with or without reason and with or without notice.

### *Classified Staff:*

Formal evaluations are generally held once each year. You will be provided a copy of the evaluation tool and as part of the process, you will do a self-evaluation. Your supervisor may schedule your evaluation time in advance so that you are prepared for the process. In addition to these more formal performance evaluations, TCS encourages you and your supervisor to discuss your job performance on an ongoing basis

# Section 7 - Leaves

## FAMILY MEDICAL LEAVE ACT/CALIFORNIA FAMILY RIGHTS ACT<sup>1</sup>

This policy explains how the School complies with the federal Family and Medical Leave Act (“FMLA”) and the California Family Rights Act (“CFRA”), both of which require the School to permit each eligible employee to take up to twelve (12) workweeks (or twenty-six (26) workweeks where indicated) of FMLA/CFRA leave in any twelve (12) month period for the purposes enumerated below.

- Employee Eligibility Criteria

To be eligible for FMLA/CFRA leave, the employee must have been employed by the School for a total of at least twelve (12) months, worked at least 1,250 hours during the twelve (12) month period immediately preceding commencement of the leave, and work at a location where the School has at least fifty (50) employees within seventy-five (75) miles, (except for purposes of CFRA where the School must only have at least five (5) employees).

- Events That May Entitle an Employee To FMLA/CFRA Leave

The twelve (12) week (or twenty-six (26) workweeks where indicated) FMLA/CFRA allowance includes any time taken (with or without pay) for any of the following reasons:

1. To care for the employee’s newborn child or a child placed with the employee for adoption or foster care. Leaves for this purpose must conclude twelve (12) months after the birth, adoption, or placement. If both parents are employed by the School, they each will be entitled to a separate twelve (12) weeks of leave for this purpose, which cannot be loaned or otherwise assigned from one employee to the other.
2. Because of the employee’s own serious health condition (including a serious health condition resulting from an on-the-job illness or injury) that makes the employee unable to perform any one or more of the essential functions of his or her job (other than a disability caused by pregnancy, childbirth, or related medical conditions, which is covered by the School’s separate pregnancy disability policy).
  - a. A “serious health condition” is an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or a child, parent, or spouse of the employee that involves either inpatient care or continuing treatment, including, but not limited to, treatment for substance abuse.
  - b. “Inpatient care” means a stay in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity. A person is considered an “inpatient” when a health care facility formally admits him/her to the facility with the expectation that he/she will remain at least overnight and occupy a bed, even if it later develops that such person can be discharged or transferred to another facility and does not actually remain overnight.

- c. "Incapacity" means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.
    - d. "Continuing treatment" means ongoing medical treatment or supervision by a health care provider.
  3. To care for a spouse, domestic partner, child, or parent with a serious health condition. A qualifying family member may also include a parent-in-law, grandparent, grandchild, or sibling for CFRA purposes.
  4. When an employee is providing care to a spouse, son, daughter, parent, or next of kin who is a covered Armed Forces service member with a serious injury or illness, the employee may take a maximum of twenty-six (26) weeks of additional FMLA leave in a single twelve (12) month period to provide said care. CFRA does not provide leave specific to caring for a service member.
  5. For any "qualifying exigency" because the employee is the spouse, son, daughter, or parent of an individual on active military duty, or an individual notified of an impending call or order to active duty, in the Armed Forces. For CFRA purposes, this may also include a domestic partner.
- Amount of FMLA/CFRA Leave Which May Be Taken
  1. FMLA/CFRA leave can be taken in one (1) or more periods, but may not exceed twelve (12) workweeks total for any purpose in any twelve (12) month period, as described below, for any one, or combination of the above- described situations. "Twelve workweeks" means the equivalent of twelve (12) of the employee's normally scheduled workweeks. For a full-time employee who works five (5) eight-hour days per week, "twelve workweeks" means sixty (60) working and/or paid eight (8) hour days.
  2. In addition to the twelve (12) workweeks of FMLA/CFRA leave that may be taken, an employee who is the spouse, son, daughter, parent, or next of kin of a covered Armed Forces service member may also be entitled to a total of twenty-six (26) workweeks of FMLA leave during a twelve (12) month period to care for the servicemember.
  3. The "twelve month period" in which twelve (12) weeks of FMLA and CFRA leave may be taken is the twelve (12) month period immediately preceding the commencement of any FMLA/CFRA leave.
  4. If a holiday falls within a week taken as FMLA/CFRA leave, the week is nevertheless counted as a week of FMLA/CFRA leave. If, however, the School's business activity has temporarily ceased for some reason and employees are generally not expected to report for work for one or more weeks, such as the Winter Break, Spring Break, or Summer Vacation, the days the School's activities have ceased do not count against the employee's FMLA or CFRA leave entitlement. Similarly, if an employee uses FMLA/CFRA leave in increments of less than one (1) week, the fact that a holiday may occur within a week in which an employee partially takes leave does not count against the employee's leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday.

- Pay during FMLA/CFRA Leave

1. An employee on FMLA/CFRA leave because of his/her own serious health condition must use all accrued paid sick leave at the beginning of any otherwise unpaid FMLA/CFRA leave period. If an employee is receiving a partial wage replacement benefit during the FMLA/CFRA leave, the School and the employee may agree to have School-provided paid leave, such as vacation or sick time, supplement the partial wage replacement benefit unless otherwise prohibited by law.
2. An employee on FMLA/CFRA leave for baby-bonding or to care for a qualifying family member with a serious health condition may use any or all accrued sick leave at the beginning of any otherwise unpaid FMLA/CFRA leave.
3. If an employee has exhausted his/her sick leave, leave taken under FMLA/CFRA shall be unpaid leave.
4. The receipt of sick leave pay or State Disability Insurance benefits will not extend the length of the FMLA or CFRA leave. Sick pay accrues during any period of unpaid FMLA or CFRA leave only until the end of the month in which unpaid leave began.

- Health Benefits

The provisions of the School's various employee benefit plans govern continuing eligibility during FMLA/CFRA leave, and these provisions may change from time to time. The health benefits of employees on FMLA/CFRA leave will be paid by the School during the leave at the same level and under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period. When a request for FMLA/CFRA leave is granted, the School will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

If an employee is required to pay premiums for any part of his/her group health coverage, the School will provide the employee with advance written notice of the terms and conditions under which premium payments must be made.

TCS may recover the health benefit costs paid on behalf of an employee during his/her FMLA/CFRA leave if:

1. The employee fails to return from leave after the period of leave to which the employee is entitled has expired. An employee is deemed to have "failed to return from leave" if he/she works less than thirty (30) days after returning from FMLA/CFRA leave; and
2. The employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to FMLA/CFRA leave, or other circumstances beyond the control of the employee.

- Seniority

An employee on FMLA/CFRA leave remains an employee and the leave will not constitute a break

in service. An employee who returns from FMLA/CFRA leave will return with the same seniority he/she had when the leave commenced.

- Medical Certifications

1. An employee requesting FMLA/CFRA leave because of his/her own or a relative's serious health condition must provide medical certification from the appropriate health care provider on a form supplied by the School. Absent extenuating circumstances, failure to provide the required certification in a timely manner (within fifteen (15) days of the School's request for certification) may result in denial of the leave request until such certification is provided.
2. The School will notify the employee in writing if the certification is incomplete or insufficient, and will advise the employee what additional information is necessary in order to make the certification complete and sufficient. The School may contact the employee's health care provider to authenticate a certification as needed.
3. If the School has reason to doubt the medical certification supporting a leave because of the employee's own serious health condition, the School may request a second opinion by a health care provider of its choice (paid for by the School). If the second opinion differs from the first one, the School will pay for a third, mutually agreeable, health care provider to provide a final and binding opinion.
4. Recertifications are required if leave is sought after expiration of the time estimated by the health care provider. Failure to submit required recertifications can result in termination of the leave.

- Procedures for Requesting and Scheduling FMLA/CFRA Leave

1. An employee should request FMLA/CFRA leave by completing a Request for Leave form and submitting it to the Principal. An employee asking for a Request for Leave form will be given a copy of the School's then-current FMLA/CFRA leave policy.
2. Employees should provide not less than thirty (30) days' notice for foreseeable childbirth, placement, or any planned medical treatment for the employee or his/her qualifying family member. Failure to provide such notice is grounds for denial of a leave request, except if the need for FMLA/CFRA leave was an emergency or was otherwise unforeseeable.
3. Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt the School's operations.
4. If FMLA/CFRA leave is taken because of the employee's own serious health condition or the serious health condition of the employee's qualifying family member, the leave may be taken intermittently or on a reduced leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition.
5. If FMLA/CFRA leave is taken because of the birth of the employee's child or the placement of a child with the employee for adoption or foster care, the minimum duration of leave is two (2) weeks, except that the School will grant a request for FMLA/CFRA leave for this purpose of at least one day but less than two (2) weeks' duration on any two (2) occasions.

6. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, the employee may be transferred temporarily to an available alternative position for which he or she is qualified that has equivalent pay and benefits and that better accommodates recurring periods of leave than the employee's regular position.
  7. The School will respond to an FMLA/CFRA leave request no later than five (5) business days of receiving the request. If an FMLA/CFRA leave request is granted, the School will notify the employee in writing that the leave will be counted against the employee's FMLA/CFRA leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.
- Return to Work
    1. Upon timely return at the expiration of the FMLA/CFRA leave period, an employee is entitled to the same or a comparable position with the same or similar duties and virtually identical pay, benefits, and other terms and conditions of employment unless the same position and any comparable position(s) have ceased to exist because of legitimate business reasons unrelated to the employee's FMLA/CFRA leave.
    2. When a request for FMLA/CFRA leave is granted to an employee, the School will give the employee a written guarantee of reinstatement at the termination of the leave (with the limitations explained above).
    3. Before an employee will be permitted to return from FMLA/CFRA leave taken because of his/her own serious health condition, the employee must obtain a certification from his/her health care provider that he/she is able to resume work.
    4. If an employee can return to work with limitations, the School will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, the employee will be medically separated from the School.

- Employment during Leave

No employee, including employees on FMLA/CFRA leave, may accept employment with any other employer without the School's written permission. An employee who accepts such employment without the School's written permission will be deemed to have resigned from employment at the School.

## **PREGNANCY DISABILITY LEAVE**

TCS provides pregnancy disability leaves of absence without pay to eligible employees who are temporarily unable to work due to a disability related to pregnancy, childbirth, or related medical conditions. Employees should make requests for pregnancy disability leave to their supervisor at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. A health care provider's statement must be submitted, verifying the need for such leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to Human Resources. Employees returning from pregnancy disability leave must submit a health care provider's verification of their fitness to return to work.

TCS will make a good faith effort to provide reasonable accommodations and/or transfer requests when such a request is medically advisable based on the certification of a healthcare provider. When an employee's health care provider finds it is medically advisable for an employee to take intermittent leave or leave on a reduced work schedule and such leave is foreseeable based on planned medical treatment because of pregnancy, TCS may require the employee to transfer temporarily to an available alternative position. This alternative position will have an equivalent rate of pay and benefits and must better accommodate recurring periods of leave than the employee's regular job.

Eligible employees are normally granted unpaid leave for the period of disability, up to a maximum of four months (or 17 1/3 weeks or 693 hours) per pregnancy. Employees will be required to use any unused allotted sick time during any unpaid portion of pregnancy disability leave. Employees may also elect to use any available PTO during any unpaid portion of pregnancy disability leave. If an employee is receiving benefit payments pursuant to a disability insurance plan (such as California's State Disability Insurance plan or Paid Family Leave program), the employee and TCS may mutually agree to supplement such benefit payments with available sick leave.

Benefit accrual, such as sick leave, and holiday benefits, will continue during the approved pregnancy disability leave period. Group health benefits will be maintained during the approved pregnancy disability leave as if you were continuously employed. However, you must continue to pay your share of applicable premiums (for yourself and any dependents) during the leave.

Additionally, if an employee does not return to work after the expiration of the pregnancy disability leave, and the reasons for failure to return to work do not include one of the following: 1) the employee is on CFRA leave; or 2) the continuation, recurrence or onset of a health condition entitling the employee to pregnancy disability leave in the first instance, or a non-pregnancy-related medical condition requiring other leave or other circumstances beyond the control of the employee, TCS reserves the right to recover from the employee the premium TCS paid for the employee's group health plan while out on leave.

So that an employee's return to work can be properly scheduled, an employee on pregnancy disability leave is requested to provide TCS with at least one week's advance notice of the date she intends to return to work.

When an approved pregnancy disability leave ends, the employee will be reinstated to the same position, unless the job ceases to exist because of legitimate business reasons. An employee has no greater right to reinstatement to the same position or to other benefits and conditions of employment than if she had been continuously employed in this position during the pregnancy disability leave or transfer. If the same position is not available, the employee will be offered a comparable position in terms of such issues like pay, location, job content, and promotional opportunities, if one exists. An employee has no greater right to reinstatement to a comparable position or to other benefits or conditions of employment than an employee who has been continuously employed in another position that is being eliminated.

If you have any questions regarding pregnancy disability leave, please contact Human Resources.

## **ADDITIONAL LEAVES**

Should you have any questions as to eligibility requirements of any leave policy, please contact Human Resources.

### *MILITARY AND MILITARY SPOUSAL LEAVE*

TCS shall grant a military leave of absence to any employee who must be absent from work due to service in the uniformed services in accordance with the Uniformed Services Employment and Re-Employment Rights Act of 1994 (“USERRA”). All employees requesting military leave must provide advance written notice of the need for such leave, unless prevented from doing so by military necessity or if providing notice would be impossible or unreasonable.

If military leave is for thirty (30) or fewer days, the School shall continue the employee’s health benefits. For service of more than thirty (30) days, employee shall be permitted to continue their health benefits at their option through COBRA. Employees are entitled to use accrued vacation or paid time off as wage replacement during time served, provided such vacation/paid time off accrued prior to the leave.

Except for employees serving in the National Guard, TCS will reinstate those employees returning from military leave to their same position or one of comparable seniority, status, and pay if they have a certificate of satisfactory completion of service and apply within ninety (90) days after release from active duty or within such extended period, if any, as required by law. For those employees serving in the National Guard, if he or she left a full-time position, the employee must apply for reemployment within forty (40) days of being released from active duty, and if he or she left part-time employment, the employee must apply for reemployment within five(5) days of being released from active duty.

An employee who was absent from work while fulfilling his or her covered service obligation under the USERRA or California law shall be credited, upon his or her return to the School, with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. Exceptions to this policy will occur wherever necessary to comply with applicable laws.

TCS shall grant up to ten (10) days of unpaid leave to employees who work more than twenty (20) hours per week and who are spouses of deployed military servicemen and servicewomen. The leave may be taken when the military spouse is on leave from deployment during a time of military conflict. To be eligible for leave, an employee must provide the School with (1) notice of intention to take military spousal leave within two (2) business days of receiving official notice that the employee’s military spouse will be on leave from deployment, and (2) documentation certifying that the employee’s military spouse will be on leave from deployment during the time that the employee requests leave.

### *BEREAVEMENT LEAVE*

TCS provides regular full-time employees up to three (3) days of paid bereavement leave, beyond sick or personal time, due to the death of an immediate family member. This includes a parent (including an in-law and step-parent), spouse, domestic partner, dependent, sibling, stepsibling, grandparent, or grandchild. If a funeral is more than 500 miles from your home, you may receive paid leave for five (5) days with prior approval from your supervisor. Any scheduled days off (including weekends, holidays, and vacations) will be counted as both bereavement leave and scheduled days off.

### *JURY DUTY LEAVE*

All employees who receive a notice of jury/witness duty must notify their supervisor as soon as possible so that arrangements may be made to cover the absence. In addition, employees must provide a copy of

the official jury/witness duty notice to their supervisor. Employees must report for work whenever the court schedule permits. Either TCS or the employee may request an excuse from jury/witness duty if, in TCS's judgment, the employee's absence would create serious operational difficulties.

TCS will pay for up to five (5) days if an employee is called to serve on a jury or as a witness. In addition, for exempt employees who continue to perform work duties as assigned during jury duty, the School will continue to pay that employee during their jury duty.

### *TIME OFF TO VOTE*

TCS will allow any nonexempt employee who is a registered voter and does not have enough time outside of working hours to vote in a statewide election up to two (2) hours of work time without loss of pay to vote. The request must be made at least two (2) working days in advance. The time must be at the beginning or end of the employee's regular shift, whichever allows the most free time for voting and the least time off from work unless TCS and the employee agree otherwise. The employee may be required to prove he or she is a registered voter.

An employee may also serve as an election official on Election Day without being disciplined, however, TCS will not pay the employee for this time off. Available PTO may be used for this time off. Nothing in this policy requires the employee to bring his or her mail (absentee) ballot to work, including mailing such absentee ballots from work.

### *SCHOOL APPEARANCE AND ACTIVITIES LEAVE*

As required by law, TCS will permit an employee who is a parent or guardian (including a stepparent, foster parent, or grandparent) of school children, from kindergarten through grade twelve (12), or a child enrolled with a licensed child care provider, up to forty (40) hours of unpaid time off per school year (up to eight (8) hours in any calendar month of the school year) to participate in activities of a child's school or child care. If more than one (1) parent or guardian is an employee of TCS, the employee that first provides the leave request will be given the requested time off. Where necessary, additional time off will also be permitted where the school requires the employee(s) appearance.

The employee requesting school leave must provide reasonable advanced notice of the planned absence. The employee must use accrued but unused paid leave (e.g., vacation or sick leave) to be paid during the absence.

When requesting time off for school activities, the employee must provide verification of participation in an activity as soon as practicable. When requesting time off for a required appearance, the employee(s) must provide a copy of the notice from the child's school requesting the presence of the employee.

### *CRIME VICTIM/VICTIMS OF ABUSE LEAVE*

TCS provides reasonable and necessary unpaid leave and other reasonable accommodations to employees who are victims of domestic violence, sexual assault, stalking, or other crimes. Such leave may be taken to attend legal proceedings or to obtain or attempt to obtain any relief necessary, including a restraining order, to ensure the employee's own health, safety or welfare, that of the employee's child or children, or when a person whose immediate family member is deceased as the direct result of a crime. A crime includes a crime or public offense that would constitute a misdemeanor or felony if the crime had been committed in California by a competent adult, an act of terrorism against a resident of California

(whether or not such act occurs within the state), and regardless of whether any person is arrested for, prosecuted for, or convicted of, committing the crime. Employees may also request unpaid leave for the following purposes:

- Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
- Obtain services from a domestic violence shelter, program, or rape crisis center.
- Obtain psychological counseling for domestic violence, sexual assault, or stalking.
- Participate in safety planning, such as relocation, to protect against future domestic violence, sexual assault, or stalking.

To request leave under this policy, an employee should provide TCS with as much advance notice as practicable under the circumstances. If advance notice is not possible, the employee requesting leave under this policy should provide TCS one (1) of the following certifications upon returning back to work:

- A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking.
- A court order protecting the employee from the perpetrator or other evidence from the court or prosecuting attorney that the employee appeared in court.
- Documentation from a licensed medical professional, domestic violence or sexual assault counselor, licensed health care provider, or counselor showing that the employee's absence was due to treatment for injuries or abuse from domestic violence, sexual assault, or stalking.
- Any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under the law.

Employees requesting leave under this policy may choose to use accrued paid leave. In addition, TCS will provide reasonable accommodations to employees who are victims of domestic violence, sexual assault, or stalking for the employees' safety while at work. To request an accommodation under this policy, an employee should contact the Executive Director.

If you are the victim of domestic violence, sexual assault, or stalking, you may be entitled to a reasonable accommodation for your safety while at work. Reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime, or referral to a victim assistance organization. TCS is not required to undertake an action that constitutes an undue hardship on its business operations. If you require a reasonable accommodation in line with this policy, please contact TCS's human resources manager.

You will not be discharged, discriminated against, or retaliated against because of a request for an accommodation under this policy.

Employers are prohibited from discharging, discriminating, or retaliating against an employee for taking time off, whether paid sick leave or PTO or unpaid leave for approved purposes. This includes victims of

domestic violence, sexual assault, or stalking. Such leave may be needed to seek medical attention, obtain services from a domestic violence shelter or program or rape crisis center, obtain psychological counseling, participate in safety planning, or temporary or permanent relocation.

### *ADULT LITERACY LEAVE*

Pursuant to California law, TCS will reasonably accommodate any eligible employee who seeks to enroll in an adult literacy education program, provided that the accommodation does not impose an undue hardship on TCS. TCS does not provide paid time off for participation in an adult literacy education. However, you may utilize available PTO if you want compensation for this time off. If you don't have any PTO available, you will be permitted to take the time off without pay.

### *ORGAN DONOR / BONE MARROW DONOR LEAVE*

As required by law, eligible employees who require time off to donate bone marrow to another person may receive up to five (5) workdays off in a 12-month period. Eligible employees who require time off to donate an organ to another person may receive up to sixty (30) workdays off in a twelve (12) month period.

To be eligible for bone marrow or organ donation leave ("Donor Leave"), the employee must have been employed by the School for at least ninety (90) days immediately preceding the Donor Leave. An employee requesting Donor Leave must provide written verification to the School that he or she is a donor and that there is a medical necessity for the donation of the organ or bone marrow.

Up to five (5) days of leave for bone marrow donation, and up to thirty (30) days of leave for organ donation, may be paid provided the employee uses five (5) days of accrued paid leave for bone marrow donation and two (2) weeks of accrued paid leave for organ donation.

If the employee has an insufficient number of paid leave days available, the leave will otherwise be paid. Employees returning from Donor Leave will be reinstated to the position held before the leave began, or to a position with equivalent status, benefits, pay and other terms and conditions of employment. The School may refuse to reinstate an employee if the reason is unrelated to taking a Donor Leave. A Donor Leave is not permitted to be taken concurrently with an FMLA/CFRA Leave.

### *DRUG & ALCOHOL REHABILITATION LEAVE*

TCS will reasonably accommodate any employee who volunteers to enter an alcohol or drug rehabilitation program if the reasonable accommodation does not impose an undue hardship on TCS. Reasonable accommodation includes time off without pay and adjusting work hours. You may use allotted and unused sick leave or PTO. All reasonable measures to safeguard your privacy will be maintained. This policy in no way restricts TCS's right to discipline an employee, up to and including termination of employment, for violation of TCS's Substance and Alcohol Policy.

### *VOLUNTEER CIVIL SERVICE LEAVE*

You are allowed to be absent from work to engage in volunteer emergency duty as a volunteer firefighter, reserve police officer, or emergency rescue personnel. This is an unpaid leave, but the employee may use any earned sick, and/or PTO.

### *CIVIL AIR PATROL LEAVE*

TCS provides eligible employees who are volunteer members of the California Wing of the Civil Air Patrol and are called to emergency operational missions up to (10) days of unpaid leave per calendar year. Leave for a single emergency operational mission will generally be limited to three days unless an extension is granted by appropriate government entities and approved by TCS.

To be eligible, employees must have been employed with TCS for 90 days immediately preceding the commencement of leave. Additionally, TCS may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave requested or taken. Employees may use available paid time off for leave taken under this policy. The notice and eligibility requirements for any such paid time off will generally apply to an employee's request for use of PTO under this policy.

# Section 8 - Benefits

## SCHOOL HOLIDAYS

TCS observes 10 paid holidays during the year for all staff, and one additional holiday for those who are working on Juneteenth. They are:

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

To be eligible for holiday pay, an employee must be full-time and nonexempt and must work both the business day before and after the holiday. Part-time employees, temporary employees, exempt employees and teachers are not eligible for holiday pay. Exempt employees and teachers will receive their regularly scheduled pay during holidays. Eligible employees will receive time off with pay at their regular rate of pay on TCS- observed holidays listed above. When a holiday falls on a Saturday or Sunday, it is usually observed on the preceding Friday or following Monday. However, TCS may close on another day. Holiday observance will be announced in advance. TCS reserves the right to change this policy at any time, with or without notice.

Holiday hours do not count as hours worked for purposes of calculating overtime. For example, if you receive eight (8) hours of holiday pay on Monday and work forty (40) hours Tuesday-Saturday (8 hours/day), you will not be eligible for overtime.

Recognized religious holidays may be taken off by an employee whose religion requires observance of the particular day. Employees must request the day off in advance by written notice to their supervisor. The employee may use paid time off (PTO) if the employee has unused PTO available; otherwise, the holiday will be unpaid. All steps will be taken to reasonably accommodate a religious holiday (or practice) absent an undue hardship.

To qualify for holiday pay, all employees must work the last scheduled day before and the first scheduled day after the holiday unless the employee is absent:

- At the Supervisor's request/approval
- Due to closure of schools because of inclement weather
- Due to sickness with a doctor's note verifying the need for absence
- Prior to or following Jury Duty or Bereavement Leave
- Due to a previously scheduled and approved time off.

## PAID TIME OFF (PTO)

Regular full-time administrative, nonexempt, and certificated employees are granted various types of compensated leave based upon date of hire, and on the employee's job description salary schedule. For the 2022-23 school year and beyond, TCS is adjusting the granting of paid time off. Henceforward it will be limited to employees with 220 or more days in their work year.

When used within the following guidelines, PTO may be used for vacation, personal time, illness, or time off to care for family or dependents. PTO must be scheduled at least five (5) days in advance and approved by your supervisor, except in the case of an illness or emergency. In the case of illness or emergency you are required to contact your immediate supervisor at least one (1) hour before your shift begins, if possible or otherwise as soon as practicable. Employees using extended PTO time (in excess of three (3) days) must submit a request at least two (2) weeks before the extended PTO or, if used as sick time, the employee may be required to submit a doctor's release upon return to work. Your supervisor uses his/her discretion to approve PTO without advance notice.

**Certificated employees below 220 days:** Beginning in the 2022-23 school year, PTO will not be earned or accrued by certificated employees below 220 days; however current PTO balances will roll forward into the 2022-23 school year for use if employees were unable to use these days in the prior year. Certificated employees work a limited year, after which time the calendar allows for significant time off for rejuvenation during non-student days, therefore the granting of PTO to this group stopped on June 30, 2022.

**Certificated employees 220 days and above:** Shall accrue three (3) days of paid days PTO in the 2022-23 school year, beginning after six (6) months of service. Current PTO balances will roll forward into the 2022-23 school year for use if employees were unable to use these days in the prior year. Once the prior year carryover is used, PTO balances are capped at a maximum total of 40 hours for the school year, July 1 to June 30. The balance will roll forward year-to-year. PTO may be taken in increments as small as .25 days.

**Full-time exempt and nonexempt classified employees:** shall accrue PTO at the rate of 4 hours of PTO for every 80 hours worked. PTO balances are capped at a maximum total of 64 hours for the school year, July 1 to June 30. The balance will roll forward year-to-year. The cap remains 144 hours whether accrued in one year or the next. PTO may be taken in increments as small as .25 days.

The following applies to all PTO allocations:

- In the event an employee has exhausted his or her PTO, any additional time off must be approved by their supervisor and will be taken without pay.
- Any employee who misses three (3) consecutive days of work without notice to their supervisor may be deemed to have abandoned his/her job and voluntarily resigned from employment.
- Upon separation of employment, employees with PTO balances will be paid their earned PTO based on their date of separation and their regular rate of pay.
- To the extent permitted by law, PTO accumulated prior to the start of a requested and approved unpaid leave of absence must be used to cover hours missed before the start

of the unpaid leave.

As with all of its policies and procedures, TCS reserves the right to modify, alter, or otherwise eradicate this policy at its sole and absolute discretion to the extent allowed by law.

## UNPAID LEAVE

TCS recognizes that special situations may arise where an employee must leave his or her job temporarily. At its discretion, the School may grant employees leaves of absence. Any unpaid leave of absence must be approved in advance by the School.

The granting of a leave of absence always presumes the employee will return to active work by a designated date or within a specific period.

During a Family and Medical Leave Act, California Family Rights Act leave, and/or Pregnancy Disability Leave, the employee's medical and dental benefits will remain in force, provided the employee pays the appropriate premiums. Otherwise, benefits are terminated the month any other type of leave begins. If an employee fails to return from a leave and is subsequently terminated, the employee is entitled to all earned but unused PTO pay, provided that the vacation pay was earned prior to the commencement of leave. No PTO time is accrued during any type of unpaid leave of absence.

## SICK LEAVE

TCS enacted this policy in accordance with the California Healthy Workplaces, Healthy Families Act to provide Paid Sick Leave, PSL, to eligible employees.

### *Eligible Employees*

All employees (including teachers, part-time and temporary employees) who work for TCS more than thirty (30) days within a year in California are allotted PSL as set forth in this policy.

### *Permitted Use*

Eligible employees may use their allotted PSL to take paid time off for the diagnosis, care, or treatment of an existing health condition of (or preventive care for) the employee or the employee's family member. For purposes of this policy, "family member" means a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling of the employee. "Child" means a biological child, a foster child, an adopted child, a step-child, a child of a registered domestic partner, a legal ward, or a child of a person standing in loco parentis. "Parent" means a biological, foster, or adoptive parent, a step-parent, or a legal guardian of the employee or the employee's spouse or registered domestic partner. "Spouse" means a legal spouse, as defined by California law. Employees may also use their PSL to take time off from work for reasons related to domestic violence, stalking, or sexual assault.

### *Allotment*

Sick days are allotted as set forth below to eligible employees:

## **Certificated employees:**

Beginning July 1 of each year, certificated employees will accrue 1 hour of sick time per 15 hours worked during the school year, July 1-June 30. Unused sick time will carry over year to year. Sick time may be taken for traditional sick leave reasons such as illness and injury. They may also be taken for personal necessity, to attend appointments. Annual caps will be applied as follows based on employee work calendars/contract status.

12-month employees are capped at 96 hours

11-month employees are capped at 88 hours

Part-time employees are capped at 40 hours

Full-time nonexempt and exempt classified employees:

Beginning July 1 of each year, eligible full-time nonexempt employees will accrue 1 hour of sick time per 15 hours worked to a cap of 96 sick time hours earned per school year, July 1-June 30. If an employee does not use their sick time in the year in which it is granted, they may roll their sick leave balances forward year-to-year for a maximum of 96 hours. When they reach this number, they stop accruing sick time. When they depart from employment, this time is not bought out and is of no benefit to the employee. Sick time may be taken for traditional sick leave reasons such as illness and injury.

### *Limits on Use*

Eligible employees may use paid sick leave time beginning their first day of employment. PSL may be taken in minimum increments of .25 hours. If an exempt employee absents himself or herself from work for part or all of a workday for a reason covered by this policy, he or she will be required to use PSL to make up for the absence.

### *Notification*

The employee must provide reasonable advance notification, orally or in writing, of the need to use PSL, if foreseeable. If the need to use PSL is not foreseeable, the employee must provide notice as soon as practicable. If you are out using sick time for more than five (5) consecutive days a doctor's note is required to return to work.

### *Termination*

Employees will not receive pay in lieu of unused PSL. Unused PSL will not be paid out upon termination.

### *No Discrimination or Retaliation*

TCS prohibits discrimination or retaliation against employees for using their PSL.

### *Transfer of Sick Leave*

TCS will accept the transfer of accrued and unused sick leave from prior California charter school and school district employers. Acceptance of sick leave is subject to participation and verification by the prior

school employer.

## PAID SICK LEAVE DONATION POLICY

### *Personal Hardship*

Employees who have exhausted all paid sick leave (PSL) may request donations from co-workers through this policy. The PSL donation policy applies to employees suffering from a catastrophic illness or other medical emergency, which for the purposes of this policy, constitutes an employee's or a family member's medical condition that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all PSL available.

### *Eligibility*

Employees who are experiencing hardship due to a catastrophic illness or medical emergency are eligible to request and receive donations of PSL from other employees who have agreed to surrender leave.

### *Requests for Donations*

A written request for PSL donations that describes the specific medical emergency or medical condition must be submitted to Human Resources. Human Resources will verify the employee's eligibility and make a written determination which will be given to the employee as soon as practical.

### *Donations of Paid Leave*

Employees who have more than twenty-four (24) hours of PSL and who wish to donate PSL to TCS sponsored leave bank on behalf of an eligible employee shall complete a PSL Donation Form indicating the number of PSL hours to be donated and the employee, if any, who the employee requests receive the benefit of the donation. All such donations are voluntary and irrevocable.

1. Donating employees must maintain a minimum of twenty-four (24) hours of PSL after reducing their leave balance to affect the donation.
2. In any 12-month period, no employee may donate more than forty (40) hours.
3. Voluntary donations of PSL are final upon submission of a signed PSL Donation Form that satisfies the conditions established by this policy. The donating employee's PSL balance account shall thereupon be reduced by the hours donated.
4. Donated hours not used by the eligible employee during the hardship period shall remain in the eligible employee's PSL account balance.
5. The names of donating employees, hours donated, and the value of such donations shall be kept confidential to the extent possible.

### *Valuation of Donated PSL*

The value of the donated paid leave shall be determined by multiplying the number of hours donated by the donating employee's current hourly rate to determine the value of the donation in dollars ("Donation Value"). The Donation Value shall then be divided by the eligible employee's current hourly rate to determine the number of hours to be added to the eligible employee's PSL balance. Human Resources

shall periodically notify the eligible employee of donations made pursuant to this policy. The eligible employee may then request to receive payment for these hours, which will be treated as taxable “wages” to such eligible employees for the payroll period utilized. No employee shall receive payment for more than forty (40) hours of paid leave, whether allotted or donated, during any week unless required by state or federal law.

## **INSURANCE BENEFITS**

Full-time employees are entitled to insurance benefits offered by TCS. These insurance benefits will include medical, dental, and vision. TCS will set a defined contribution towards the employee’s insurance premiums that are sponsored by TCS. This amount will be determined on an annual basis. The employee’s portion of the monthly premiums will be deducted from the employee’s paycheck on a pre-tax basis.

If medical insurance premium rates increase, employees may be required to contribute to the cost of the increase to retain coverage. Unless otherwise mandated by law, employees on a leave of absence may be responsible for selecting continuing health coverage and paying the premium for such coverage through COBRA. If you have any benefit-related questions while on a leave of absence, please contact Human Resources.

Full-time employees will also be covered under an insurance policy that includes Life Insurance at no cost to the full-time employee. Additional voluntary insurance plans will be offered through TCS that will be the employee’s responsibility to purchase and pay for.

## **COBRA BENEFITS**

The Federal Consolidated Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under TCS’s health plan when a “qualifying event” would normally result in the loss of eligibility.

Some common qualifying events are resignation, termination of employment, or death of an employee, a reduction in an employee’s hours or leave of absence, divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at TCS group rates plus an administration fee. TCS or our carrier provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under TCS’s health insurance plan.

The notice contains important information about the employee’s rights and obligations.

## **SOCIAL SECURITY/MEDICARE**

If you are a full-time regular employee contributing to a teacher’s retirement system STRS, your earnings from this job are not covered under Social Security. When you retire, or if you become disabled, you may receive a pension based on earnings from this job. If you do, and you are also entitled to a benefit from Social Security based on either your own work or the work of your spouse, or former spouse, your pension may affect the amount of the Social Security benefit you receive. Your Medicare benefits, however, will not be affected.

TCS withholds income tax from all employees' earnings and, if elected, participates in FICA (Social Security), for temporary employees and Medicare withholding and matching programs as required by law.

### **STATE DISABILITY INSURANCE (WAGE SUPPLEMENT)**

All employees are enrolled in California State Disability Insurance (SDI), which is a partial wage replacement insurance plan for California workers. Employees may be eligible for SDI when they are ill or have non-work related injuries, or may be eligible for work related injuries if they are receiving workers' compensation at a weekly rate less than the SDI rate. Specific rules and regulations relating to SDI eligibility are available from Human Resources.

### **PAID FAMILY LEAVE (WAGE SUPPLEMENT)**

Under California law, eligible employees may participate in the Paid Family Leave ("PFL") program, which is part of the state's unemployment compensation disability insurance program. The PFL program provides up to eight (8) weeks of partial wage replacement benefits to employees who take time off to care for a seriously ill or injured child, spouse, parent, registered domestic partner, siblings, grandparents, grandchildren, or parents-in-law or to bond with a new child (birth, foster care, adoption) The PFL program does not provide job protection or reinstatement rights. It is a wage supplement provided concurrently while an employee takes an eligible leave of absence under TCS policy and applicable law.

The program will be administered in a manner consistent with California law. For more information regarding this program, you may contact the California Employment Development Department.

### **WORKER'S COMPENSATION INSURANCE**

TCS, in accordance with State law, provides insurance coverage for employees in case of work-related injuries. The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Cash benefits, tax-free to replace lost wages; and
- Vocational rehabilitation to help qualified injured employees return to suitable employment.

To ensure employees receive any worker's compensation benefits to which they may be entitled, employees will need to:

- Immediately report any work-related injury to the Executive Director;
- Seek medical treatment and follow-up care if required;
- Complete a written Employee's Claim Form (DWC Form 1) and return it to the Executive Director; and Provide the School with a certification from a licensed health care provider regarding the need for workers' compensation disability leave as well as the employee's eventual ability to return to work from the leave.

It is the School's policy that when there is a job-related injury, the first priority is to ensure that the injured employee receives appropriate medical attention. TCS, with the help of its insurance carrier has selected medical centers to meet this need. Each medical center was selected for its ability to meet anticipated needs with high quality medical service and a location that is convenient to the School's operation.

- If an employee is injured on the job, he/she is to go or be taken to the approved medical center for treatment. If injuries are such that they require the use of emergency medical

systems (“EMS”) such as an ambulance, the choice by the EMS personnel for the most appropriate medical center or hospital for treatment will be recognized as an approved center.

- All accidents and injuries must be reported to the Executive Director and to the individual responsible for reporting to the School’s insurance carrier. Failure by an employee to report a work-related injury by the end of his/her work dayshift could result in loss of insurance coverage for the employee. An employee may choose to be treated by his/her personal physician at his/her own expense, but he/she is still required to go to the School’s approved medical center for evaluation. All job-related injuries must be reported to the appropriate State Workers’ Compensation Bureau and the insurance carrier.
- When there is a job-related injury that results in lost time, the employee must have a medical release from the School’s approved medical facility before returning to work.
- Any time there is a job-related injury, the School’s policy requires drug/alcohol testing are required along with any medical treatment provided to the employee.

Employees that are temporarily disabled due to a work-related illness or injury will be placed on workers’ compensation leave. The duration of leave will depend upon the rate of recovery and the medical provider’s recommendation. Workers’ compensation leave will run concurrently with any other applicable medical leave of absence (i.e. FMLA/CFRA if applicable). Human Resources will reach out to employees that have requested a workers’ compensation leave regarding employer-provided health insurance benefits. Employees with questions concerning this leave and/or any benefit related questions should contact Human Resources.

# Section 9 – Employee Communications Policy

## COMMUNICATIONS POLICY

Every employee is responsible for using TCS's computer system, including, without limitation, its computers, laptops, iPads, tablets, cellular phones, electronic mail (Email) system, telephone, video conferencing, voicemail, facsimile systems, and the Internet ("Communications Systems"), properly and in accordance with this policy. Any questions about this policy should be addressed to the employee's immediate supervisor.

The Communication Systems are the property of TCS and have been provided for use in conducting School business. All communications and information transmitted by, received from, created, or stored in its School Communication Systems are records and property of TCS. The Communication Systems are to be used for School purposes only. Employees may not use TCS technology resources for personal use.

### *No Expectation of Privacy*

TCS has the right, but not the duty, to monitor any and all of the aspects of its Communication Systems, including, without limitation, reviewing documents created and stored on its Communication Systems, deleting any matter stored in its system (including, without limitation, its Email and word processing systems), monitoring sites visited by employees on the Internet, monitoring chat and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing Email and instant messages sent and received by users and/or voicemails. Further, TCS may exercise its right to monitor its Communications Systems for any reason and without the permission of any employee. Employee use of TCS' Communication Systems constitutes consent to all the terms and conditions of this policy.

Even if employees use a password to access the Communication Systems (or any aspect thereof), the confidentiality of any message stored in, created, received, or sent from TCS's Communication Systems is not assured. Use of passwords or other security measures does not in any way diminish TCS's right to monitor and access materials on its Communication Systems or create any privacy rights of employees in the messages and files on the system. Any password used by employees must be revealed to TCS upon request for any reason that TCS, in its discretion, deems appropriate. Further, employees should be aware that deletion of any Email messages, voicemails, or files would not truly eliminate the messages from the system. All Email messages, voicemails and other files may be stored on a central back-up system in the normal course of data management.

Employees have no expectation of privacy in anything they view, create, store, send, or receive on the Communication Systems.

Notwithstanding the foregoing, even though TCS has the right to retrieve, read, and delete any information viewed, created, sent, received, or stored on its Communication Systems, Email messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any Email messages that are not sent to them or by them. Any exception to this policy must receive the prior approval of the Executive Director.

### *Professional Use of Communication Systems Required*

Employees are reminded to be courteous to other users of the system and always to conduct themselves in a professional manner. Emails and other text communications, in particular, are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Users should write Email communications with no less care, judgment, and responsibility than they would use for letters or internal memoranda written on TCS letterhead.

### *Offensive and Inappropriate Material*

TCS's policy against discrimination and harassment, sexual or otherwise, applies fully to TCS's Communication Systems, and any violation of that policy is grounds for discipline up to and including discharge. Therefore, no Email messages should be created, sent, or received if they contain intimidating, hostile, or offensive material concerning race, color, religion, sex, age, national origin, disability, or any other classification protected by law. Further, material that is fraudulent, harassing, abusive, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, unlawful, inappropriate, or offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristic protected by law) may not be downloaded from the Internet or displayed or stored in TCS's computers. Employees encountering or receiving this kind of material should immediately report the incident to their Executive Director and Human Resources.

TCS may (but is not required) to use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by TCS networks. Employees who encounter inappropriate or sexually explicit material while browsing on the Internet should immediately disconnect from the site, regardless of whether the site was subject to TCS's blocking software.

### *Solicitations*

TCS's Communication Systems may not be used to solicit for political causes, commercial enterprises, outside organizations, or other non-job-related solicitations. Approval from the Executive Director is required before anyone can post any information on commercial on-line systems or the Internet.

### *Licenses and Fees*

Employees may not agree to a license or download any material over the Internet for which a registration fee is charged without first obtaining the express written permission of the Executive Director.

### *Games and Entertainment Software*

Employees may not use a School Internet connection to download games or other entertainment software, or to play games over the Internet.

### *Confidential Information*

Employees may not transmit information over the Internet or through email that is confidential or proprietary. Employees are referred to TCS's "Confidential Information" policy, contained herein, for a general description of what TCS deems confidential or proprietary. When in doubt, employees must consult their immediate supervisor and obtain approval before transmitting any information that may be considered confidential or proprietary.

### *Copyrights and Trademarks*

TCS's Communication Systems may not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization from the Executive Director. Employees, if uncertain about whether certain information is copyrighted, proprietary, or otherwise inappropriate for transfer, should resolve all doubts in favor of not transferring the information and consult a supervisor.

Any School approved material that is posted or sent via its computer system should contain all proper copyright and trademark notices. Absent prior approval from a supervisor to act as an official representative of TCS, employees posting information must include a disclaimer in that information stating, "Views expressed by the author do not necessarily represent those of TCS."

### *Maintenance and Security of the System*

Employees must not deliberately perform acts that waste resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, streaming video or audio files, engaging in online chat groups, printing excessive copies of documents, or otherwise creating unnecessary network traffic. Because audio, video, and picture files require significant storage space, files of this or any other sort may not be downloaded unless they are business-related. In addition, employees should routinely delete outdated or otherwise unnecessary voicemails, Emails, and computer files. These deletions will help keep the system running smoothly and effectively, as well as minimize maintenance costs.

To ensure security and to avoid the spread of viruses, employees accessing the Internet through a computer attached to TCS's network must do so through an approved Internet firewall. Accessing the Internet directly by modem is strictly prohibited unless the computer you are using is not connected to TCS's network. Files obtained from sources outside TCS including disks brought from home; including files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to email; and files provided by customers or vendors, may contain dangerous computer viruses that may damage TCS's computer network. Employees should never download files from the Internet, accept email attachments from outsiders, or use disks from non-School sources, without first scanning the material with TCS-approved virus checking software. If you suspect that a virus has been introduced into the TCS network, notify technology personnel immediately.

### *Violations of this Policy*

Violations of this policy will be taken seriously and may result in disciplinary action, including possible termination, and civil and criminal liability.

### *Amendment and Modification of this Policy*

TCS reserves the right to modify this policy at any time, with or without notice. TCS requires employees to acknowledge and comply with a separate Acceptable Use Policy for Internet and Network Resources.

## **SOCIAL MEDIA POLICY**

TCS has adopted the following policy with regard to employees' behavior on social networking sites including but not limited to Facebook, Twitter, LinkedIn, Pinterest, Instagram, SnapChat, and YouTube. If you wish to use networking protocols or set up a social media site as a part of the educational process, please work with your administrators and technology staff to identify and use a restricted, School-endorsed networking platform. Such sites will be the property of TCS who will have unrestricted access to, and control of, such sites. Employees shall not accept students as friends on any personal social networking sites and are to decline any student-initiated friend requests. Teachers are not to initiate "friendships" with students or parents. Employees must delete any students already on their "friends" list immediately.

With regard to social networking content, employees should not use commentary deemed to be defamatory, obscene, proprietary, or libelous with regard to any School-related business or policy, employee, student, or parent. Additionally, employees should exercise caution with regards to exaggeration, obscenity, copyrighted materials, legal conclusions, and derogatory remarks or characterizations. Employees should weigh whether a particular posting puts his/her effectiveness as a School employee at risk. TCS encourages employees to post only what they want the world to see. Imagine that students, their parents, or administrators will visit your site as most information is available to the general public even after it is removed from the site. Employees may not discuss students nor post images that include students.

Due to security risks, employees must be cautious when installing the external applications that work with the social networking site. At a minimum, it is recommended that all employees should have all privacy settings set to "Only Friends". The settings "Friends of Friends" and "Networks and Friends" open your content to a large group of unknown people, including students.

### *Personal or Professional Blogs*

If you are developing a website or writing a blog that will mention TCS, you must identify that you are an employee of the organization and that the views expressed on the blog or web site are yours alone and do not represent the views of TCS. Unless given permission by the Executive Director, you are not authorized to speak on behalf of TCS or to represent that you do so. If you are developing a site or writing a blog that will mention TCS, as a courtesy to the organization, please let the Executive Director know in advance of publication. Your Executive Director may choose to visit your blog or social networking site from time to time.

You may not share information that is confidential and proprietary with regard to TCS. This includes, but is not limited to, information about curriculum, School dynamics, School programs, future goals, or current challenges within the organization. These are given as examples only and do not cover the range of what TCS considers confidential and proprietary. If you have any questions about whether information has been released publicly or doubts of any kind, speak with the Executive Director and Human Resources.

When writing a blog or participating in any other social networking site, employees should speak respectfully about TCS and our current and potential employees, students, parents, and competitors. Name-calling or behavior that will reflect negatively on the organization's reputation is discouraged. Note that the use of copyrighted materials, unfounded, harassing, libelous, or derogatory statements, or misrepresentation is not viewed favorably by TCS and can result in disciplinary action, up to, and including termination.

All employees who engage in social networking may be legally liable for anything he/she writes or presents

online. Employees can be disciplined, if appropriate, by TCS for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.

This policy should not be construed, and will not be applied, in a manner that violates employee rights under the National Labor Relations Act. Employees may not comment on a student's blog or a student's other social networking commentaries. Employees may not use trade names, or logos belonging to TCS without express written permission of the Executive Director. Failure to comply with TCS's social media policy will result in disciplinary action, up to, and including, immediate termination.

## EQUIPMENT POLICY

TCS attempts to provide all staff members with the equipment and supplies needed to do their job. Providing equipment is a great expense to TCS. It is expected that everyone will protect and care for all equipment and supplies issued to them. Staff members are responsible for the cost of lost, stolen, or broken items issued to them including: keys, textbooks, teacher guides, laptops, and any other equipment that may be assigned to them if the loss is due to willful misconduct or gross negligence.

### *Laptop Computers*

Each staff member assigned a laptop for professional use shall be required to sign a laptop Agreement Form and will be charged for any damages, loss, or theft to the laptop caused by willful misconduct or gross negligence.

Although issued to an individual employee, all computing devices are considered the personal property of the primary organizational unit to which the receiving employee belongs and shall be returned upon termination of employment with TCS, after reassignment of job duties or immediately upon request at any time by an official of TCS. Employees are expected to take all appropriate measures and precautions to prevent the loss, theft, damage and/or unauthorized use of such equipment. Such precautions shall include, but not be limited to the following:

- Keep the computing device in a locked and secured environment when not being used;
- Do not leave the computing device for prolonged periods of time in a vehicle, especially in extreme temperatures;
- Keep food and drinks away from all computing devices and work areas;
- Do not leave the computing device unattended at any time in an unsecured location (e.g., an unlocked empty office; and
- Keep the computing device in sight at all times while in public places, such as public transportation, airports, restaurants, etc. Should an employee's computing device be lost or stolen, the employee must:
  - Immediately report the incident to his/her immediate supervisor and IT.
  - Obtain an official police report documenting the theft or loss; and
  - Provide a copy of the police report to his/her immediate supervisor, or Executive Director and IT.

If the employee fails to adhere to these procedures, the employee may be held legally and financially responsible to TCS for the replacement of such equipment. TCS is under no legal, financial, or other obligation to provide for a replacement computing device to any employee whose device is lost, stolen, or damaged.

There is no expectation of privacy in School equipment. TCS may add security and other tracking technology to any and all computing devices issued by it and any and all such usage is subject to management review, monitoring, and auditing by TCS. Other audits may be performed on the usage and internal controls as deemed necessary. Non-compliance with any policies or procedures regarding Employee Computers and Portable Computing Devices issued by TCS will result in appropriate disciplinary action and/or reimbursement of any and all costs to TCS.

## **CELL PHONE POLICY**

Cell phones should be turned off and stored with your other personal belongings while you are working. If you are required to perform business on a cell phone for TCS while driving, you must utilize the hands-free option on the cell phone or a headset/earpiece device. Sending, writing, or reading text based communications on your cell phone while driving a School vehicle or your own vehicle to conduct School business is prohibited. Text based communications include, but are not limited to, text messages, instant messages, and email. If you are assigned a School cell phone to conduct School business, please notify your supervisor if the cell phone is misplaced, stolen, or damaged. Personal calls, received or placed, are not allowed on School-issued cell phones.

### *Telephone Calls and Texting*

While at work and during staff meetings, the employee's undivided attention is expected. Cell phones, texting, and pagers are not allowed so that the activities or discussion are not disturbed. Employees should wait to make personal phone calls during breaks.

## **NO SOLICITATION/DISTRIBUTION POLICY**

In order to minimize non-work-related activities that could interfere with providing quality education, teamwork, and safety, TCS has established the following policy concerning solicitation and the distribution of written materials other than those directly related to TCS's business.

Non-employees may not solicit or distribute written materials of any kind at any time on premises that are owned, leased, operated, managed, or controlled by TCS.

Employees may not solicit other employees relative to topics unrelated to the work of TCS. Employees may not distribute unauthorized materials to other employees when the topic is not related to TCS.

Additionally, distribution of written materials of any kind by TCS employees is prohibited at all times in all working areas on School premises. The sole exceptions to this policy are charitable and community activities supported and approved by TCS. School bulletin boards are the only areas where any merchandise or notices may be placed. Such items must meet the guidelines established by TCS. TCS must approve any postings prior to posting.

TCS reserves the right to discontinue any activities that become disruptive to employees or the efficient operation of TCS's business.

Employees are required to leave School premises and other work areas at the completion of their workday. Employees are not permitted to enter or remain on School premises or work areas unless the employee is on duty, scheduled for work, coming to or departing from scheduled work, or otherwise has specific authorization from their supervisor.

## Definitions

School “premises”: property owned, leased, operated, managed, or controlled by TCS, including buildings, parking lots, and play areas that TCS has the right to use exclusively or in common with others, vehicles owned or operated by TCS.

**Work time:** any time when employees are engaged in or required to be performing work tasks. Work time does not include break periods, meal times, or other periods during the workday when employees are properly not engaged in performing their work tasks.

**Work areas:** all areas controlled by TCS where employees are performing work, except cafeterias, employee break areas, and parking lots (non-work areas).

## ANTI-NEPOTISM POLICY

### Policy Statement

It is the policy of TCS to avoid Nepotism, which means to avoid creating or maintaining circumstances in which the appearance or possibility of favoritism, conflicts of interest, or management disruptions exist due to a relationship between a TCS decision-maker and his or her Family Member. This policy is to ensure effective supervision, internal discipline, security, safety, and positive morale in the workplace and to avoid the potential for problems of actual or perceived favoritism, conflicts in loyalty, discrimination, and appearances of impropriety or conflict of interest. This policy applies to all TCS board members, employees, individual consultants hired or retained by TCS, and School Services Providers hired or retained by TCS.

Relationships between School Board Members, Employees, consultants, or School Services Providers are permissible under the following circumstances:

Family Members of TCS board members, employees, individual consultants, or School Services Providers shall not be hired for or retained in an employment position if one Family Member would have the authority or be in a position to directly supervise, hire, or discharge the other.

- (a) Any time a Board Member, employee, individual consultant, or School Services Provider is a Family Member of another, the relationship shall not result in an adverse impact on work productivity or performance. The determination of whether there is an adverse impact shall be at the discretion of the supervisor(s) of the employee(s), consultant(s), or School Services Provider(s), or in the case of a board member, at the discretion of TCS Board of Directors.
- (b) Any time a Board Member, employee, individual consultant, or School Services Provider is a Family Member of another, the relationship shall not create an actual conflict of interest under the law, and shall not create a detrimental perceived conflict of interest. The determination of whether there is a detrimental perceived conflict of interest shall be at the discretion of the supervisor(s) of the employee(s), consultant(s) or School Services Provider(s), or in the case of a Board Member, at the discretion of TCS Board of Directors.

## Definitions

“Family Members” include an employee's parent, child (natural, adopted, or legal guardianship), spouse,

domestic partner, brother, sister, grandparent, grandchild, step-relationships within the preceding categories, brother-in-law, sister-in-law, son-in-law, daughter-in-law and father-in-law.

“Nepotism” describes a work-related situation in which there is the potential for favoritism toward a Family Member (such as giving a job, promotion, biased performance reviews, or more favorable working conditions) on the basis of the familial relationship.

“School Services Provider” shall mean any provider of school services to TCS, and in the case of an organization shall mean be the responsible individual at such organization that provides school services to TCS.

### *Procedures*

When a Family Member of a current TCS Board Member, employee, individual consultant, or School Services Provider applies to become a board member or employee, or requests to be a consultant or School Services Provider, the Family Member’s application/request must be denied if a conflict under this policy exists (e.g., if one Family Member would have the authority or be in a position to directly supervise, hire, or discharge the other). Special circumstances may be reviewed by the Board in the event that TCS’s best interests would be served otherwise.

When a Family Member of a current School Board Member, employee, individual consultant, or School Services Provider applies for a transfer to a new employment position within TCS, the Family Member’s application must be evaluated to determine whether a conflict under this policy exists. If a conflict exists, the application for transfer must either be denied or one of the Family Members must seek a position transfer to avoid the conflict if any such opportunity exists. In the event that no such opportunity exists, the application for transfer must be denied.

In implementing this policy, it is permissible to ask an applicant, potential consultant, or School Services Provider to state whether he or she has a Family Member who is presently employed by or on the board of TCS, but such information may not be used as a basis for an employment decision except as stated herein. When a relationship that creates a conflict with this policy occurs during employment, TCS will attempt to arrange a transfer or change in position/duties to eliminate the conflict. If a suitable transfer/change in position/duties is not available, one of the employees may be separated from service. Every attempt will be made to ensure the transfer or separation are based on an agreement between the employees involved and TCS. If a mutual agreement is unattainable, the Board will determine, in the School’s best interest, which employee is to be transferred or separated.

### *Responsibilities*

The Executive Director or designee shall coordinate with the current employee’s direct supervisor to develop appropriate plans to ensure that a Family Member’s employment does not conflict with this policy. If the situation cannot be resolved by a transfer, then the Executive Director or designee will deny the application for employment. Special circumstances may be reviewed by the Board in the event that TCS’s best interests would be served by the employment of a Family Member.

The Executive Director or designee shall investigate reports of Nepotism and take appropriate action. Employees are required to disclose changes in their personal situations to the Executive Director or designee which may be covered by this policy. Supervisors may inquire about the family relationship between employees to determine the appropriateness of the working relationship under this policy. The

Board shall make the final determination concerning potential conflicts with this policy involving the Executive Director.

## **VIOLENCE IN THE WORKPLACE**

TCS has adopted a policy prohibiting workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, bullying, and/or coercion, which involve or affect TCS or which occur on TCS property will not be tolerated. Examples of workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on TCS premises, regardless of the relationship between TCS and the parties involved
- All threats or acts of violence occurring off TCS premises involving someone who is acting in the capacity of a representative of TCS

Specific examples of conduct, which may be considered threats or acts of violence, include, but are not limited to, the following:

- Hitting or shoving an individual
- Threatening an individual or his/her family, friends, associates, or property with harm
- Intentional destruction or threatening to destroy TCS property
- Making harassing or threatening phone calls
- Harassing surveillance or stalking (following or watching someone)
- Unauthorized possession or inappropriate use of firearms or weapons

TCS's prohibition against threats and acts of violence applies to all persons involved in TCS's operation, including but not limited to all personnel, contract, unpaid interns, volunteers and temporary workers, and anyone else, including parents on TCS property. Violations of this policy by any individual on TCS property will lead to disciplinary action, up to and including termination and/or legal action as appropriate. All employees are encouraged to report incidents of threats or acts of physical violence of which they are aware to their supervisors, to their Executive Director, and Human Resources.

If an employee becomes aware of an imminent act of violence, a threat of imminent violence, or actual violence, emergency assistance must be sought immediately. In such situations, the employee should contact the law enforcement authorities by dialing 911. Immediately after contacting the law enforcement authorities, employees must report the incident to the Executive Director. There will be no retaliation against any employee who brings a complaint in good faith under the Violence in the Workplace Policy or who honestly assists in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken against employees who, in bad faith, make false or frivolous accusations.

In certain circumstances, TCS may seek a workplace violence restraining order on behalf of one or more employees in furtherance of its commitment to providing a workplace that is free from acts of violence or threats of violence.

# Section 10 – Standards of Conduct

## PERSONAL STANDARDS

Each employee must be neatly groomed and wear clothing that is professional and appropriate for the employee's position. Your Executive Director or immediate supervisor will inform you of any special clothing requirements. Employees will not be permitted to wear clothing or otherwise present an appearance that may cause disruption, be taken as offensive, or reduce productivity. Consult your supervisor if you have any questions regarding appropriate attire.

## TEACHER-STUDENT INTERACTIONS

### *Boundaries Defined*

For the purposes of this policy, the term "boundaries" is defined as acceptable professional behavior by staff members while interacting with a student. Trespassing beyond the boundaries of a student-teacher relationship is deemed an abuse of power and a betrayal of public trust.

### *Acceptable and Unacceptable Behavior*

Some activities may seem innocent from a staff member's perspective. Still, some of these activities can be perceived as flirtation or sexual insinuation from a student or parental point of view. The purpose of the following lists of unacceptable and acceptable behaviors is not to restrain innocent, positive relationships between staff and students, but to prevent relationships that could lead to or may be perceived as inappropriate or sexual misconduct.

Staff members must understand their own responsibilities for ensuring they do not cross the boundaries as written in this policy. Disagreeing with the wording or intent of the established boundaries will be considered irrelevant for any required disciplinary purposes. Thus, it is critical that all employees study this policy thoroughly and apply its spirit and intent in their daily activities.

### *Unacceptable Behaviors*

These lists, and any subsequent lists, are not meant to be all-inclusive, but rather illustrative of the types of behavior addressed by this policy.

- Giving gifts to an individual student that are of a personal and intimate nature
- Kissing of ANY kind
- Any type of unnecessary physical contact with a student in a private situation
- Intentionally being alone with a student away from school
- Making, or participating in, sexually inappropriate comments
- Sexual jokes, or jokes/comments with sexual overtones or double-entendres
- Seeking emotional involvement (which can include intimate attachment) with a student beyond the normative care and concern required of an educator
- Listening to or telling stories that are sexually-oriented

- Discussing inappropriate personal troubles or intimate issues with a student in an attempt to gain their support and understanding
- Becoming involved with a student so that a reasonable person may suspect inappropriate behavior
- Giving students a ride to/from school or school activities is never permissible.
- Being alone in a room with a student.
- Text messages between staff and students are not permitted.
- Allowing students in the home of staff members is never permitted.
- Remarks about the physical attributes or physiological development of anyone
- Excessive attention toward a particular student
- Sending text messages, Facebook responses, or letters to students is not permitted. Emails are permitted only for official school use and on TCS issued devices. All communications of this nature are subject to oversight, examination, and investigation.

### *Acceptable Behaviors*

- Obtaining parent's written consent for any school activity (exclusive of tutorials)
- Obtaining formal approval (site and parental) to take students off school property for activities such as field trips or competitions
- Emails to and with students, if permitted, must be professional and pertain to school activities or classes. (Communication must be initiated via school-based technology and equipment and will be open to external review and investigation for appropriateness).
- Keeping reasonable and appropriate space between you and the student
- Stopping and correcting students if they cross your own personal boundaries
- Keeping parents informed when a significant issue develops about a student
- Keeping after-class discussions with a student professional and brief
- Immediately asking for advice from administration if you find yourself in a difficult situation related to boundaries
- Involving your supervisor in discussion about boundaries that have the potential to become more severe (including but not limited to: grooming or other red flag behaviors observed in colleagues, written material that is disturbing, or a student's fixation on an adult)
- Making detailed notes about an incident that in your best judgment could evolve into a more serious situation later
- Recognizing the responsibility to stop unacceptable behavior of students and/or co-workers
- Asking another staff member to be present, or within close supervisory distance, when you must be alone with a student after regular school hours
- Prioritizing professional behavior during all moments of student contact
- Asking yourself if any of your actions, which are contrary to these provisions, are worth sacrificing your job and career

### *Reporting*

When any staff member becomes aware of another staff member, volunteer, guest or vendor having crossed the boundaries specified in this policy, or has a reasonable suspicion of misconduct, he or she must report the suspicion to their immediate supervisor, Human Resources or the Executive Director promptly. Reasonable suspicion means it is based on facts which would lead a reasonable person to believe the conduct occurred. Prompt reporting is essential to protect students, the suspected staff member, any witnesses, and TCS as a whole. Employees must also report to the administration any awareness of, or concern about, student behavior that crosses boundaries, or any situation in which a

student appears to be at risk for sexual abuse.

### *Investigating*

TCS will promptly investigate and document the investigation of any allegation of sexual misconduct or inappropriate behavior, using such support staff or outside assistance, as it deems necessary and appropriate under the circumstances. Throughout this fact-finding process, the investigating administrator, and all other privy to the investigation, shall protect the privacy interests of any affected student(s) and/or staff member(s) including any potential witnesses, as much as possible.

### *Consequences*

Staff members who have violated this policy will be subject to appropriate disciplinary action, and where appropriate, will be reported to authorities for potential legal action.

## **CUSTOMER & PUBLIC RELATIONS**

### *Prohibited Conduct*

TCS's image in front of students, parents (i.e. our "customers") and the general public is critical to our success. All employees are expected to be prompt, polite, courteous, and attentive to our customers and the public.

It is possible an employee may come in contact with a dissatisfied or hostile individual based on the nature of the employee's work. If this happens, you should immediately notify your supervisor, Human Resources, or the Executive Director. We will absolutely not tolerate conduct toward our customers or the general public that might be interpreted as unlawful discrimination or harassment. HR will open an investigation into the instance and document any findings. After the investigation has concluded the report and the findings will be filed with Human Resources. If you witness conduct in violation of this policy, you should immediately bring it to the attention of your supervisor or the Executive Director. A Report will be created and documentation will be filed with Human Resources.

## **EMPLOYEE RULES OF CONDUCT**

The following is a list of conduct that is prohibited and will not be tolerated by TCS. It is not an all-inclusive list, but rather a list designed to give examples of the types of conduct prohibited by TCS.

- Falsification of employment records, employment information, or other School records
- Unprofessional conduct.
- Inefficiency – including deliberate restriction of output, carelessness or unnecessary waste of time or material, neglect of job, duties or responsibilities.
- Recording the work time of another employee or allowing any other employee to record your work time, or allowing falsification of any time card, either your own or another's
- Theft, deliberate or careless damage, or loss of any School property or the property of any employee or customer
- Provoking a fight or fighting during working hours or on School property
- Participating in horseplay or practical jokes on School time or on School premises where such conduct might be a safety risk or might be interpreted as offensive
- Carrying firearms or any other dangerous weapons on School premises at any time or while

- acting on behalf of TCS
- Violation of the Substance and Alcohol policy
- Insubordination, including but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of administration, or the use of abusive or threatening or abusive language toward a supervisor or member of administration
- Unreported absence on scheduled workdays unless otherwise excused
- Excessive tardiness or absenteeism unless otherwise excused
- Unauthorized use of School equipment, time, materials, facilities, or TCS name
- Sleeping or malingering on the job
- Failure to observe working schedules, including the required rest and meal periods
- Soliciting other employees for membership, funds, or other similar activity in connection with any outside organization.
- Distributing unauthorized literature or any written or printed material during working time or in work areas.
- Failure to timely notify your supervisor when you are unable to report to work
- Failure of an employee to obtain permission to leave work for any reason during normal working hours
- Abuse of sick leave
- Gambling on School premises.
- Immoral or indecent conduct.
- Conviction of a criminal act.
- Violation of the Communications Policy
- Failure to provide a physician's certificate when requested or required to do so
- Violating TCS's Personal Standards or dress code
- Breaching confidentiality
- Making derogatory racial, ethnic, religious, or sexual remarks or gestures; any violation of the Harassment and/or Equal Employment Opportunity policy; or using profane or abusive language at any time on School premises or during working hours
- Violation of any safety, health, security, or School rule
- Negligence or other conduct leading to the endangerment or harm of a child or children
- Working overtime without authorization or refusing to work assigned overtime
- Unsatisfactory job performance
- Willfully or maliciously making false statements regarding any co-worker or submitting a complaint known to be false.

## CONFIDENTIAL INFORMATION

It is important to TCS to protect and preserve its trade secrets and confidential information. Confidential information includes, but is not limited to, student information, all student lists, techniques and concepts, marketing plans, design specifications, design plans, strategies, forecasts, bid plans, bid strategies, bid information, contract prices, new products, software, computer programs, writings, and all know-how and show-how whether or not protected by patent, copyright, or trade secret law.

TCS prohibits audio or video recordings in the workplace, during working hours, without authorization of TCS due to privacy and confidentiality concerns and protections. TCS devotes significant time, energy, and expense to develop and acquire its trade secrets and confidential information. As an employee of TCS, you will, during the course of your employment, have access to and become familiar with various trade secrets and confidential information that are owned by TCS. An employee shall not, directly or indirectly, disclose or use any of the foregoing information other than for the sole benefit of TCS, either during the

term of your employment or at any other time thereafter. This information shall not be disclosed except through normal channels and with authorization. Any and all trade secrets or confidential information shall be returned to TCS during extended leaves of absence or upon termination.

During your employment with TCS, you will not be permitted nor required to breach any obligation to keep in confidence proprietary information, knowledge, or data acquired during your former employment. You must not disclose to TCS any confidential or proprietary information or material belonging to former employers or others.

Violations of this policy may result in disciplinary action, up to and including termination.

## CONFLICTS OF INTEREST

All employees must avoid situations that result in actual or even potential conflicts of interest. Personal, social, and economic relationships with competitors, suppliers, customers, parents, or co-employees that may impair an employee's ability to exercise good judgment on behalf of TCS or which give the appearance of such impairment create an actual or potential conflict of interest. For example, romantic or personal relationships between a supervisor and subordinate employee can lead to supervisory problems, claims of harassment, and morale problems.

Any employee involved in such situations or relationships must immediately and fully disclose the nature of the situation or relationship to the Executive Director so a determination can be made as to whether an actual or potential conflict exists, and if so, how to correct the situation.

TCS expects employees to devote their best efforts to the interests of our school. TCS recognizes your right to engage in activities outside of your employment, which are of a private nature and unrelated to our business. However, outside activities (second jobs, side businesses, clubs, etc.) must not interfere with your ability to fully perform your job duties at TCS or create a conflict of interest with your statutory duty of loyalty to TCS. TCS prohibits employees from working with another School or external organization that competes with TCS whether as a regular employee or as a consultant.

If you have any questions whether an action or proposed course of conduct would create a conflict of interest, you should immediately contact the Executive Director to obtain advice on this issue. A violation of this policy will result in immediate and appropriate discipline, up to and including, immediate termination.

This policy is in addition to TCS's Revised Nonprofit Conflict of Interest Policy and Conflict of Interest Code.

### *Outside Employment*

If you are a full-time employee, we expect that you devote your full professional effort to your position at TCS. If you wish to participate in outside work activities, you are required to obtain written approval from the Executive Director prior to starting those activities. Approval will be granted unless the activity conflicts with TCS's interests. In general, outside work activities are not allowed when they:

- Prevent you from performing work for which you are employed at TCS during the employee's scheduled work day.
- Involve organizations that are doing or seek to do business with TCS including actual or potential vendors.

- Violate provisions of law or TCS policies or rules.
- When the employee is on a medical leave (FMLA/CFRA/PDL or any other medical leave)

Your obligations to TCS must be given priority. Full-time employees are hired and continue employment with the understanding that TCS is their primary employer and that other employment, commercial involvement, or volunteer activity that is in conflict with the business interests of TCS is strictly prohibited.

## **POLICY REGARDING INCONSISTENT, INCOMPATIBLE OR CONFLICTING EMPLOYMENT, ACTIVITY OR ENTERPRISE BY SCHOOL PERSONNEL**

### *Policy Statement*

It is the policy of TCS that its officers and employees may not engage in any outside activity, employment, or enterprise for compensation which is inconsistent, incompatible with, or in conflict with, his or her duties as an officer or employee of TCS. During working hours or on school premises, officers or employees shall not engage in political or religious activities, or recruit or solicit students or members of the public for political or religious activities.

An officer's or employee's outside activity, employment, or enterprise for compensation shall be determined to be inconsistent, incompatible with, or in conflict with, his or her duties as an officer or employee of TCS if any of the following apply:

1. It involves the use of TCS time, facilities, equipment, supplies, or the officer's or employee's position or influence with TCS, for private gain or advantage.
2. It involves receipt or acceptance by the officer or employee of any money or other consideration for the performance of an act that would otherwise be required within the scope of the officer or employee's duties with TCS.
3. It involves the performance of an act as part of the outside activity that involves services performed for TCS.
4. It affects the officer's or employee's work hours, interferes or conflicts with the officer's or employee's job duties, raises any ethical or conflict of interest concerns, or creates any conditions that impact the officer's or employee's job performance.
5. Officers and employees may not use TCS's name, logo, supplies, equipment or other property in connection with any outside activities.

### *Procedure*

In the event that an officer or employee believes that an outside activity for compensation may be inconsistent, incompatible with, or in conflict with, his or her duties as an officer or employee of TCS, the officer or employee shall obtain a written determination of the Executive Director or his or her designee that the outside activity is not in violation of this policy before engaging in such activity.

## **EXPENSE REIMBURSEMENT POLICY**

TCS policy is to reimburse its employees for all reasonable and necessary expenditures or losses incurred in direct consequence of the discharge of their duties.

### *Personal Cell Phones*

Employees are not required to use their personal cell phones to perform work on behalf of TCS. TCS has provided employees with a Google Voice account or similar service for any calls related to School work. If an employee elects to use his or her personal cell phone, such use is a voluntary choice and is not reasonable or necessary to the performance of the employee's duties. As such, employees will not be reimbursed for using personal cell phones.

### *Internet Expenses*

Employees are reimbursed \$15 per month for internet access (Wi-Fi) and utilities to perform work on behalf of TCS. TCS can provide employees with a mobile hotspot for any work performed on behalf of TCS requiring Internet access if needed. Employees needing a hotspot should contact tech-help@cottonwoodk12.org.

### *Utilities*

Employees who are required to use some of their personal utilities (e.g. electricity) while performing remote work on behalf of TCS may receive a stipend for reimbursement of the employee's use of their personal utilities. TCS has reviewed objective data regarding the range of costs for utilities and established a \$15.00 utilities stipend per month based on its good faith belief that the stipend will more than fully reimburse employees for any reasonable and necessary expense incurred in using some of their personal utilities while performing work on behalf of TCS.

If an employee believes that the stipend is insufficient to reimburse all reasonable expenses necessarily incurred in using their personal utilities while performing work on behalf of TCS, the employee must immediately report this expense issue to TCS's Human Resources Department. Employees will be required to submit documentation to support any request for additional utilities reimbursement.

## **TRAVEL**

When not otherwise restricted due to health and/or safety issues, all teachers are expected to serve students in-person, that are assigned or requested on their roster and are required to drive up to sixty (60) miles and/or one hour to meet with their students as part of their normal commute\*.

\*Commuting miles are the miles you drive between your home and The TCS School's physical location in El Dorado Hills, California. These miles are viewed as a personal expense and can't be deducted in personal taxes or reimbursed as a business expense by your employer.

If and when TCS requires employees to drive their personal vehicle to perform duties on behalf of TCS (in the course and scope of employment) beyond their normal commute, TCS will reimburse employees for the reasonable and necessary expense of using their personal vehicle on behalf of TCS. Employees are not authorized to drive their personal vehicle on behalf of TCS without written authorization from the Executive Director of TCS.

If authorized to drive, employees will receive a monthly reimbursement payment from TCS for mileage expenses incurred beyond the employees' normal daily commute of up to 60 miles and/or a distance of one hour from their home. Employees will be paid for mileage reimbursement at the per-mile rate amount designated by the Federal Internal Revenue Service, at the time the miles are driven on behalf of TCS.

Employees are required to submit:

- a monthly written report of all miles driven
- with a printed map showing the locations driven, on behalf of TCS during that month.

If any employee believes that the mileage reimbursement that he or she receives from TCS is insufficient to reimburse the employee for all reasonable expenses necessarily incurred by the employee in using his or her personal vehicle on behalf of TCS, the employee must immediately report this expense issue to TCS's Human Resources Department. Employees may be required to submit additional documentation to support any request for additional mileage reimbursement.

### *Other Expenses*

With the exception of those employees who are required to use their personal utilities during the course and scope of their employment with TCS, it is TCS's policy to provide its employees with all necessary equipment to perform their duties on behalf of TCS. TCS does not require employees to purchase any additional equipment in order to perform work for TCS. If any employee believes that additional equipment is reasonable and necessary to perform his or her duties on behalf of TCS, the employee must immediately notify TCS's Human Resources Department.

### *Office Supplies*

TCS will issue employees an allocated amount to utilize office supplies on a per semester basis for the purchase of ink (if applicable), paper, and miscellaneous desk supplies (e.g., staplers, paper clips, writing utensils, and file folders). To the extent an employee believes additional funds in excess of the allotment due to employment status are reasonable and necessary to perform his or her job during the applicable semester, the employee must notify their Direct Supervisor. If the employee does not spend the allocated amount, the remaining balance does not transfer to the next fiscal school year.

If employees choose to purchase additional equipment or supplies without written authorization from TCS, such expenses would not be reasonable or necessarily incurred in connection with work for TCS. Those expenses would be optional expenses that employees voluntarily elect to incur and not reasonably necessary expenditures incurred by employees in direct consequence of the discharge of their duties for TCS.

If, however, an employee believes that he or she has been required to incur any unexpected necessary and reasonable expense in order to perform his or her duties on behalf of TCS, the employee should immediately report that expense to their Direct Supervisor. Employees will be required to submit documentation to support any request for reimbursement of such expenses.

### *Reporting*

If any employee believes that he or she has not been fully reimbursed for all reasonable and necessary expenses he or she has been required to incur while working for TCS, the employee should immediately inform their Direct Supervisor. All reports of possible inadequate reimbursement will be promptly reviewed, including a review of all of the employee's expense related records and receipts. If, as a result of the review, it is determined that the employee has been inadequately reimbursed for actual and necessary business expenses, TCS will promptly reimburse the employee, in full, for all actual, reasonable and necessary business-related expenses incurred. It is every employee's responsibility to keep accurate

records and receipts of all business-related expenses for the purpose of requesting reimbursement.

There will be no retaliation against any employee who reports an expense reimbursement issue in good faith or who honestly assists in reviewing such an issue, even if the review produces insufficient evidence that there has been a violation.

## **POLICY CONFIRMING RESTRICTION ON THE PROVISION OF FUNDS OR OTHER THINGS OF VALUE TO STUDENTS, PARENTS OR GUARDIANS**

### *Policy Statement*

It is the policy of TCS that TCS shall not provide any funds or things of value to any student or his or her parent or guardian that a school district could not legally provide to a similarly situated student, or his or her parent or guardian. TCS does not and shall not provide, for example, “sign-up bonuses” to parents or guardians or other incentives unrelated to education.

Additionally, a student, parent, or guardian shall not use his or her status as a student, parent, or guardian with TCS in order to obtain funds or things of value from TCS. For example, this policy prohibits an individual from utilizing his or her status as a parent or guardian to obtain a vendor contract with TCS for compensation. It also prohibits an individual from utilizing his or her status as a parent or guardian to refer or encourage any students enrolled in TCS, or their parents or guardians, to select that individual or his or her company or another provider of services, in connection with the student’s education at TCS, resulting in the individual’s receipt of funds or thing of value from TCS.

### *Procedures*

The prior approval of the Executive Director or his or her designee must be obtained for any of the following in order to ensure that it does not conflict with this policy:

1. Any funds or things of value provided to a student, parent, or guardian which has not previously been approved. This applies in any situation in which a student, parent, or guardian would have any funds or things of value, whether in their capacity as a student, parent, guardian, vendor, service provider, or other circumstance.
2. Any proposed incentive to be offered to students or parents.

In requesting approval, the educational purpose of any such funds, things of value, or incentive must be provided to the Executive Director or his or her designee.

# Section 11 - Safety

## SUBSTANCE AND ALCOHOL POLICY

It is the intent of TCS to promote a safe, healthy, and productive work environment for all employees. TCS recognizes that the illegal and/or excessive use of drugs and/or alcohol is not conducive to safe working conditions, employees' health, efficient operations, or School success. For purposes of this policy, "illegal drugs" includes, but is not limited to, substances that are prohibited by law (such as cocaine, heroin, etc.), controlled substances, marijuana (including medicinal marijuana and marijuana vaping, or other recreational marijuana use), and prescription drugs (if they are not prescribed for the person using them and/or not being used as prescribed). "Drug paraphernalia" means any accessory for the use, possession, manufacture, distribution, dispensation, purchase, or sale of illegal drugs. "Under the influence" means that the employee is affected by alcohol, prescription medication that impairs cognitive or physical functions, and/or illegal drugs in any detectable manner.

TCS complies with all Federal and State regulations regarding drug use while on the job. This policy prohibits the following:

- Use, possession, purchase, or offer for sale of illegal drugs, drug paraphernalia, or alcohol during working hours, including meal and break periods, or in the presence of pupils;
- Use, possession, purchase, or offer for sale of illegal drugs, drug paraphernalia, or alcohol on School property at any time;
- Use, possession, purchase, or offer for sale of illegal drugs, drug paraphernalia, or alcohol while attending a School function or event;
- Storing alcohol, illegal drugs, or drug paraphernalia in a locker, desk, automobile, or other repository on TCS's premises;
- Refusing to submit to an inspection or testing when requested by administration;
- Being under the influence of illegal drugs, prescription medication that impairs cognitive or physical functions and/or alcohol during working hours, while on TCS's premises and/or attending a School function or event.

Employees taking physician-prescribed medications which impair the employee's job performance (including medical prescribed marijuana) should not report to work. In addition, if you are required to take any kind of prescription or nonprescription medication that will affect your ability to perform your job, you are required to report this to Human Resources. Human Resources will determine if it is necessary to temporarily place you on another assignment or take other action as appropriate to protect your safety and the safety of other employees and students. Employees taking physician-prescribed medication which will not impair their job performance may be required to present a statement from the prescribing physician to the employee's supervisor indicating the duration of the prescription and stating that the use of the prescription will not impair the employee's ability to perform his or her specific job duties. This policy does not require or request the prescribing physician or the employee to identify any prescription drug or the medical condition for which it is prescribed. No employee shall use or have in his or her possession on TCS premises any prescription medication other than medications currently prescribed by a physician for the employee. This policy will not be construed to prohibit the use of alcohol at social or business functions. However, employees must remember their obligation to conduct themselves appropriately at all times while at School-sponsored functions or while representing TCS.

TCS may at times conduct unannounced searches of School property for alcohol, illegal drugs, drug paraphernalia, and/or unauthorized controlled substances or to ensure compliance with any other School-related policy. As a result, employees do not have an expectation of privacy in this regard. Violation of this Substance and Alcohol Policy may result in disciplinary action, up to and including termination, at TCS's sole discretion. Employees should be aware that participation in a rehabilitation program will not necessarily prevent the imposition of disciplinary action, including termination, for violation of this policy. Employees who undergo voluntary counseling or treatment and who continue to work, if any, must meet all established standards of conduct and job performance. Compliance with this Substance and Alcohol Policy is a condition of employment at TCS. Failure or refusal of an employee to cooperate fully, sign any required document, submit to any inspection, or follow any prescribed course of substance abuse treatment will result in discipline, up to and including termination. Because the use, sale, purchase, possession, or furnishing of an illegally obtained substance is a violation of the law, TCS may report such illegal drug activities to an appropriate law enforcement agency.

TCS may require a test by Intoxilyzer, blood test, urinalysis, medical examination of those persons whom TCS reasonably suspects of using, possessing, or being under the influence of a drug or alcohol or is acting in such manner that they may harm themselves or another employee.

Any refusal to submit to such testing will be considered a positive screen. An employee's consent to submit to such a test is required as a condition of employment, and an employee's refusal to consent may result in disciplinary action, including termination for a first refusal or any subsequent refusal. TCS shall determine the manner in which such testing is conducted with the goal being to ensure that the test results are accurate.

Such a test may be required of employees involved in any work-related accident or unsafe practice where the safety of the employee or other employees was jeopardized. Periodic retesting may also be required following positive test results or after any violation of this policy or rehabilitation.

## **SMOKING**

All School buildings and facilities are non-smoking facilities. This includes nicotine and non-nicotine cigarettes including (herbal cigarettes) as well as e-cigarettes, vaping and/or pipes (both tobacco and marijuana products). Smoking is prohibited within twenty (20) feet of a school building and within twenty-five (25) feet of a school playground or event location.

## **PARKED VEHICLES**

Employees are responsible for their own parked vehicles and the personal possessions within while parked on School property. Be cautious: keep school property and/or personal possessions out of sight and lock your car. Insuring your vehicle and personal property against loss and damage is recommended for your protection.

## **PERSONAL AUTOMOBILE**

Employees who use their own automobiles for travel on authorized school business will be reimbursed for mileage at the rate established by the Internal Revenue Services and in accordance with TCS's Reimbursement policies. Employees must have prior supervisory approval for the use of personal vehicles and must carry, at their own expense, the minimum insurance coverage for property damage and public

liability.

## **PERSONAL PROPERTY**

TCS cannot be responsible and will assume no liability for any loss or damage to employee personal property resulting from theft, fire, or any other cause on TCS's premises, including the parking area, or away from school property while on school business employees are prohibited from using personal property for work-related purposes unless approved in advance by the Executive Director.

## **SAFETY POLICY**

TCS is firmly committed to maintaining a safe and healthy working environment. All employees of TCS are expected to be safety conscious on the job at all times. All unsafe conditions or hazards should be corrected immediately. Report all unsafe conditions or hazards to your supervisor or Executive Director immediately, even if you believe you have corrected the problem. If you suspect a concealed danger is present on School premises, or in a product, facility, piece of equipment, process, or business practice for which TCS is responsible, bring it to the attention of your supervisor or Executive Director immediately. Supervisors should arrange for the correction of any unsafe condition or concealed danger immediately and immediately contact the Executive Director regarding the problem. All workplace injuries and illnesses must be immediately reported to your supervisor and Human Resources. TCS has in place a written Injury and Illness Prevention Program as required by law. See Appendix.

## **ERGONOMICS**

TCS has invested in providing a work environment that is safe for all employees. To lessen the risk of ergonomic hazards, TCS will make necessary adjustments to an individual's workstation, educate employees on ergonomic safety, and modify processes when deemed necessary to ensure the well-being and safety of our employees. You should report any ergonomic concerns to your Executive Director.

## **CHEMICAL EXPOSURE WARNING**

Employees should be aware that work areas might contain chemicals known to the State of California to cause cancer or to cause birth defects or other reproductive harm. If you have any questions or concerns about possible chemical exposure in your work area, contact your Executive Director.

# Section 12 - Termination

## **VOLUNTARY TERMINATION**

TCS will consider an employee to have voluntarily terminated his or her employment if the employee does any of the following: (1) elects to resign from TCS; (2) fails to return from an approved leave of absence on the date specified without notifying TCS for the need for continued leave including failure to communicate with TCS; or (3) fails to report for work without notice to TCS for three (3) consecutive workdays. TCS requests that employees provide at least two (2) weeks' written notice of a voluntary termination. All School property must be returned immediately upon terminating employment. TCS retains the right to accept the resignation immediately and pay the amount of straight time compensation an employee would have earned in lieu of further performance.

## **INVOLUNTARY TERMINATION**

An employee may be terminated involuntarily for, among other reasons, poor performance, misconduct, or other violations of TCS's Rules of Conduct as set forth herein. Notwithstanding the foregoing, or anything else contained in this handbook, TCS reserves the right to terminate any employee at any time, with or without advance notice and with or without cause.

## **EXIT INTERVIEWS**

Employees who leave employment at TCS may be asked to take part in an exit interview with their supervisor to communicate their challenges and growth while employed at TCS. Information shared during an exit interview will be treated as confidential to the extent possible.

## **VERIFICATION AND REFERENCE POLICY**

All requests for employment verification, references, or personal information verification or disclosures must be directed to Human Resources. Only Human Resources is authorized to provide verifications or references, or disclose personal information, pertaining to current or former employees. With respect to verification requests, TCS will disclose only the dates of employment and the title of the last position held. TCS will verify or disclose additional information about the employee only if the employee provides written authorization for TCS to provide the information. However, TCS will provide information about current or former employees as required by law or court order. TCS will not provide any letters of reference for current or former employees. Please refer all questions about this policy to Human Resources

# Employee Handbook Acknowledgment

By my signature below, I acknowledge that I have received a copy of the TCS Employee Handbook, on the date indicated below and agree to my at-will employment as described below. I acknowledge that it is my responsibility to read and review the Employee Handbook carefully. I also acknowledge that it is my responsibility to ask for clarification if I do not understand any of the policies included in the Employee Handbook.

I understand that the Employee Handbook contains important information regarding TCS's expectations, policies, and guidelines and that I am expected to comply with these expectations, policies and guidelines at all times. I understand that the Employee Handbook does not provide a binding contract, but provides guidelines for personnel concerning some of TCS's policies.

In particular, I have read and understand TCS's Anti-Nepotism Policy, Policy Regarding Inconsistent, Incompatible or Conflicting Employment, Activity or Enterprise by School Personnel, Policy Confirming Restrictions on the Provision of Funds or Other Things of Value to Students, Parents or Guardians, and restrictions and procedures to avoid Conflicts of Interest.

Just as I am free to terminate the employment relationship with TCS at any time, TCS, in its sole discretion, also reserves the right to modify or terminate the employment relationship with me at any time for any or no reason and with or without notice. Further, there is no agreement, express or implied, written or verbal, between the employee and TCS for any specific period of employment, for continuing or long-term employment, or for guaranteed terms and conditions of employment. No one other than the Executive Director of TCS, with the approval of the Board of Directors, has the authority to alter your employment at-will status, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy. Further, any such agreement must be in writing and must be signed by the Executive Director. This is the entire agreement between TCS and me regarding this subject. All prior or contemporaneous inconsistent agreements are superseded. If I have an individually negotiated written employment agreement with TCS, then the terms and conditions of that agreement will prevail to the extent it differs from the policies in this Handbook.

TCS reserves the right to modify, alter, add to, or delete any of the policies, guidelines, or benefits contained in this handbook at any time with or without notice. Other than the TCS Board of Directors, no other entity or person has the authority to modify this employee handbook.

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Signature of Employee

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Date

# Appendix

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**A: CHILD ABUSE REPORTING**

**B: ILLNESS AND INJURY PREVENTION POLICY**

**C: ACCEPTABLE USE POLICY**

**D: HARASSMENT/DISCRIMINATION/RETALIATION  
COMPLAINT FORM**

**E: INTERNAL COMPLAINT FORM**

**F: WORK CALENDARS**

- 180 Day calendar
- 190 Day Employees
- 195 Day Employees
- 200 Day Employees
- 205 Day Employees
- 210 Day Employees
- 220 Day Employees
- 225 Day Employees
- Classified Employees

# A: Child Abuse and Neglect Reporting


## MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT

Source: California Department of Education (CDE.ca.gov):

As educators, our most important duty is the protection of the children in our care. California *Penal Code* includes requirements concerning the mandatory reporting of child abuse and neglect.

### *Child Abuse Identification & Reporting Guidelines*

Information for school personnel and those who work in our children's schools to be able to identify signs of suspected cases of child abuse and/or child neglect and to have the tools to know how to make a report to the proper authorities.

These guidelines are issued by the California Department of Education (CDE), in conjunction with the California Department of Social Services, to help all persons, particularly those persons who work in our children's schools, to be able to identify signs of suspected cases of child abuse and/or child neglect and to have the tools to know how to make a report to the proper authorities. These guidelines are issued in conjunction with an extensive training module, specifically aimed at training school employees and educators on their obligations as mandated reporters of child abuse, which can be located online at [California Child Abuse Mandated Reporter Training](#) .

### *Identification of Child Abuse and Neglect*

Child abuse is more than bruises or broken bones. While physical abuse often leaves visible scars, not all child abuse is as obvious, but can do just as much harm. It is important that individuals working with and around children be able to know what constitutes child abuse or child neglect and know how to identify potential signs.

### *Child Abuse and/or Child Neglect Can Be Any of the Following:*

- A physical injury inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child.
- The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. This is whether the harm or threatened harm is from acts or omissions on the part of the responsible person.
- The willful harming or endangerment of the person or health of a child, any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition.

One does not have to be physically present or witness the abuse to identify suspected cases of abuse, or even have definite proof that a child may be subject to child abuse or neglect. Rather, the law requires that a person have a "reasonable suspicion" that a child has been the subject of child abuse or neglect. Under the law, this means that it is reasonable for a person to entertain a suspicion of child abuse or neglect, based upon facts that could cause a reasonable person, in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect.

Red flags for abuse and neglect are often identified by observing a child's behavior at school, recognizing physical signs, and observations of dynamics during routine interactions with certain adults. While the following signs are not proof that a child is the subject of abuse or neglect, they should prompt one to look further.

### *Warning Signs of Emotional Abuse in Children*

- Excessively withdrawn, fearful, or anxious about doing something wrong.
- Shows extremes in behavior (extremely compliant or extremely demanding; extremely passive or extremely aggressive).
- Doesn't seem to be attached to the parent or caregiver.
- Acts either inappropriately adult-like (taking care of other children) or inappropriately infantile (rocking, thumb-sucking, throwing tantrums).

### *Warning Signs of Physical Abuse in Children*

- Frequent injuries or unexplained bruises, welts, or cuts.
- Is always watchful and "on alert" as if waiting for something bad to happen.
- Injuries appear to have a pattern such as marks from a hand or belt.
- Shies away from touch, flinches at sudden movements, or seems afraid to go home.
- Wears inappropriate clothing to cover up injuries, such as long-sleeved shirts on hot days.

### *Warning Signs of Neglect in Children*


- Clothes are ill-fitting, filthy, or inappropriate for the weather.
- Hygiene is consistently bad (unbathed, matted and unwashed hair, noticeable body odor).
- Untreated illnesses and physical injuries.
- Is frequently unsupervised or left alone or allowed to play in unsafe situations and environments.
- Is frequently late or missing from school.

### *Warning Signs of Sexual Abuse in Children*

- Trouble walking or sitting.
- Displays knowledge or interest in sexual acts inappropriate to his or her age, or even seductive behavior.
- Makes strong efforts to avoid a specific person, without an obvious reason.
- Doesn't want to change clothes in front of others or participate in physical activities.
- A sexually transmitted disease (STD) or pregnancy, especially under the age of fourteen.
- Runs away from home.

### *Reporting Child Abuse or Neglect*

Community members have an important role in protecting children from abuse and neglect. While not mandated by law to do so, if child abuse or neglect is suspected, a report should be filed with qualified and experienced agencies that will investigate the situation. Examples of these agencies are listed below.

Parents and guardians of pupils have the right to file a complaint against anyone they suspect has engaged in abuse or neglect of a child. **Community members do not need to provide their name when making a report of child abuse or neglect.** Telephone numbers for each county's emergency response for child abuse reporting are located at [California Emergency Response Child Abuse Reporting Telephone Numbers](#)  (PDF).

School volunteers, while not mandated reporters, should also be encouraged to report any suspected cases of abuse and neglect. Additionally, school volunteers are highly encouraged by the law to have training in the identification and reporting of child abuse and neglect. The training offered online to mandated reporters, is equally available to school volunteers.

### *Obligations of Mandated Reporters*

A list of persons whose profession qualifies them as “mandated reporters” of child abuse or neglect is found in California Penal Code Section 11165.7. The list is extensive and continues to grow. It includes all school/district employees, administrators, and athletic coaches. All persons hired into positions included on the list of mandated reporters are required, upon employment, to be provided with a statement, informing them that they are a mandated reporter and their obligations to report suspected cases of abuse and neglect pursuant to California Penal Code Section 11166.5.

All persons who are mandated reporters are required, by law, to report all known or suspected cases of child abuse or neglect. It is not the job of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if a pupil shares information with a mandated reporter leading him/her to believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.

To make a report, an employee must contact an appropriate local law enforcement or county child welfare agency, listed below. This legal obligation is not satisfied by making a report of the incident to a supervisor or to the school. An appropriate law enforcement agency may be one of the following:


- A Police or Sheriff's Department (not including a school district police department or school security department).
- A County Probation Department, if designated by the county to receive child abuse reports.
- A County Welfare Department/County Child Protective Services.

The report should be made immediately over the telephone and should be followed up in writing. The law enforcement agency has special forms for this purpose that they will ask you to complete. If a report cannot be made immediately over the telephone, then an initial report may be made via e-mail or fax. A report may also be filed at the same time with your school district or county office of education (COE). School districts and COEs, however, do not investigate child abuse allegations, nor do they attempt to contact the person suspected of child abuse or neglect.

School districts and COEs may have additional policies adopted at the local level relating to the duties of mandated reporters. School staff should consult with their district to determine if there are additional steps that must be taken.

These policies do not take the place of reporting to an appropriate local law enforcement or county child welfare agency.

### *New Required Training for School Employees*

Effective January 1, 2015, Assembly Bill 1432 (D-Gatto) requires all local educational agencies (LEAs) to train all employees each year on what they need to know in order to identify and report suspected cases of child abuse and neglect. "All employees" includes anybody working on the LEA's behalf, such as teachers, teacher's aides, classified employees, and any other employees whose duties bring them into direct contact and supervision of students. LEAs must also develop a process to provide proof that employees received training. An online training module has been developed specially for educators and is located at [California Child Abuse Mandated Reporter Training](#) . Alternative training methods may be used but, if an LEA uses training other than the online training module, the LEA must report that fact to the CDE and inform the CDE of the training that was used. A form for this purpose is available at [Reporting Form for LEAs Who Use Alternative Training For Mandatory Reporting](#) (PDF).

### *Rights to Confidentiality and Immunity*

Mandated reporters are required to give their names when making a report. However, the reporter's identity is kept confidential. Reports of suspected child abuse are also confidential. Mandated reporters have immunity from state criminal or civil liability for reporting as required. This is true even if the mandated reporter acquired the knowledge, or suspicion of the abuse or neglect, outside his/her professional capacity or scope of employment.

### *Consequences of Failing to Report*

A person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (California Penal Code Section 11166[c]).

### *After the Report is Made*

The local law enforcement agency is required to investigate all reports. Cases may also be investigated by Child Welfare Services when allegations involve abuse or neglect within families.

### *Child Protective Services*

The Child Protective Services (CPS) is the major organization to intervene in child abuse and neglect cases in California. Existing law provides for services to abused and neglected children and their families. More information can be found at Child Protective Services.

**Questions: School Health and Safety Office | 916-319-091**

# B: Injury and Illness Prevention Program

## WHAT IS AN INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)?

The TCS School Injury and Illness Prevention Program (IIPP) is a basic written workplace safety program. Title 8 of the California Code of Regulations (T8CCR) section 3203, requires every employer to develop and implement an effective IIPP. An effective IIPP improves the safety and health in our workplace and reduces costs by good management and employee involvement. To be effective our Injury and Illness Prevention Program must:

- Maintained at each work site
  - Fully involve all employees, supervisors, and management
  - Identify the specific workplace hazards employees are exposed to
  - Correct identified hazards in an appropriate and timely manner
  - Provide effective training
- 

The safety of students and staff is the highest priority for The TCS School. Injuries and illnesses create personal loss and hardship to employees, students, and their families, and reduce TCS' ability to provide quality education. It is TCS's position that all accidents are preventable. In a homeschool environment, administrators, teachers and parents share the primary responsibility for providing a safe working and learning environment, and are accountable for compliance with applicable health and safety requirements. All supervisory employees, from senior managers to first line supervisors share responsibility for ensuring the safety of students and staff.

Every employee is expected to work safely, adhere to safety requirements, and immediately report accidents and potential workplace hazards to their supervisors.

For more information and a full copy of the policy, please contact  
Human Resources at  
[hr@cottonwoodk12.org](mailto:hr@cottonwoodk12.org)

# C: Acceptable Use Policy

## STAFF INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY

The Cottonwood School is committed to empowering our staff with access to technology, information, and digital resources while fostering safe, responsible, and ethical working and learning environments. The Charter School is committed to upholding important security, privacy, and safety regulations, protocols, and standards. Users of the Charter School's devices, networks, accounts, and other resources must adhere to the Charter School's policies. Users are expected to fully comply with local, state, and federal regulations. Failure to adhere to these policies or regulations may result in discipline, legal action, or other remedies determined to be within the rights of the Charter School. Relevant regulations include (but are not limited to):

- The Family Educational Rights and Privacy Act (FERPA)
- Children's Internet Protection Act (CIPA)
- Individuals with Disabilities Education Act (IDEA)
- Children's Online Privacy Protection Act (COPPA)
- Health Insurance Portability and Accountability Act (HIPAA)

The purpose of The Cottonwood School Governing Board approving this Staff Information Technology Acceptable Use Policy is to accomplish the following:

1. Define Technology Use Terms and Phrases
2. Identify the User Responsibility
3. Outline Acceptable Use of Resources
4. Outline Unacceptable Use of Resources
5. Outline the Expectation of Privacy
6. Define Cyberbullying
7. Outline Stolen Technology Procedures
8. Outline the Staff/Employee Departure Procedures
9. Identify the Disclaimers and Acknowledgements
10. Establish the User Agreement

### DEFINITIONS:

1. School, Organization, and or We – The Cottonwood School and its subsidiaries, programs, and division
2. TCSTD- The Cottonwood School Information Technology Department
3. You, Your, and or I – employee of the Charter School, and or signer of this Acceptable Use of Technology Policy
4. Resources - Devices, systems, services or networks owned, operated or issued by the Charter School
5. User - Any person(s) accessing or utilizing school resources that is not a resource operator

## 6. AUP - Staff Information Technology Acceptable Use Policy

### USER RESPONSIBILITIES:

Access to The Charter School's technology, resources, and support is a privilege that offers a wealth of educational benefits. To maintain these privileges, all users must agree to learn about and comply with all information within this Acceptable Use Policy (AUP) document.

1. You agree to learn about and comply with all the information outlined in this AUP document.
2. Persons to whom items are assigned are expected to exercise reasonable care to protect those items against damage, loss and theft. "Reasonable care" is defined as:
  - a. Never leaving items unattended
  - b. Never lending, giving or releasing items to a person other than an authorized school employee, such as a Tech Team member
  - c. Never removing protective accessories or features (e.g. cases, bumpers)
  - d. Keeping items away from dangerous conditions (e.g. liquids, heat sources, unstable surfaces or items) and preventing actions which promote damage beyond normal wear and tear
3. You must immediately report damaged, lost or stolen items/resources. Items reported stolen or missing will require a police report.
4. You are expected to make a reasonable effort to protect your passwords, information, and data.
5. The Charter School employees may be held liable, financially, punitively, or otherwise, for lost, stolen, missing, or damaged equipment
6. You are obligated to notify TCSTD of continued access to resources beyond student departure (e.g. withdrawal, graduation, expulsion) in the event TCSTD has not contacted you to do so.
7. Items, devices, and resources issued by the Charter School are School property and must be returned or relinquished to the school upon request.

### ACCEPTABLE USE OF COTTONWOOD SCHOOLS RESOURCES BY USERS:

1. All of the Charter School-issued accounts are intended solely for use by the person authorized to use the account.
2. When sharing or exposing personal information or data online, extreme caution should be exercised.
3. Any information or communication accessible via any Charter School network should be assumed private property.
4. The Charter School reserves the right to verify whether specific uses of Charter School technology or networks are consistent with this acceptable use policy.
5. The Charter School is bound by certain licensing agreements. Users must comply with those agreements.
6. Educational and instructional use as related to the Charter School only.

### UNACCEPTABLE USE OF SCHOOL RESOURCES:

1. All commercial or for-profit usage is prohibited.
2. The access, use or transmission of objectionable material (e.g. materials that are

- obscene, bullying, profane, lewd, threatening, disrespectful, hateful, pornographic) is prohibited.
3. Violation of any local, state or federal laws, regulations or ordinances as well as School, board or administrative policies are prohibited. Example: Federal copyright laws ([Title 17, USC](#))
  4. Any attempt to circumvent Charter School security measures, content filters or access restricted resources is prohibited.
  5. All malicious and nefarious activities are prohibited. Examples include (1) unauthorized trespassing or infiltration of a network or device, (2) the intentional distribution of malware, (3) any attempt to deny a remote service. Malicious actors may also be in violation of *California's unauthorized computer access law, Penal Code 502(c) PC*.
  6. The intentional collection, mining or uncovering of personal information, files, passwords belonging to a user other than yourself is prohibited.
  7. Impersonation of any user other than yourself is prohibited.
  8. Unauthorized falsification or modification of any school records is prohibited.
  9. The collection or transmission of personal information (e.g. home address, phone number, personal email) which may be useful to identify an individual without written consent is prohibited.
  10. Political lobbying or advertising is prohibited.
  11. Unauthorized maintenance, service, repairs, or upgrades are prohibited. School-owned or operated resources must be maintained by TCSTD or authorized third parties.

### EXPECTATION OF PRIVACY:

For email, networks, systems and other resources owned or operated by the school, users should have no expectation of privacy. The school reserves the right to manage and monitor all aspects of its own resources. The following are examples of actions which may be performed for reasons deemed legitimate by the school:

1. Obtain emails, messages and their attachments transmitted to or through the Charter School owned or operated email systems
2. Monitor an individual's use of the Charter School resources
3. Locate or track the location of a the Charter School resource
4. Confiscate, search, disable or wipe any Charter School device, item or their contents/data

Personal devices are private. We do not and will not access personal devices. However, when the Charter School resources are accessed with a personal device, data, information, and transmissions which come into contact with those resources cannot be guaranteed.

### CYBERBULLYING:

Cyberbullying is the use of technology resources to willfully harm either a person or persons through electronic systems (e.g. texts, photos, videos, messages, and social media). Cyberbullying is prohibited. Examples of this behavior include but are not limited to:

1. Transmitting false, cruel, hateful or embarrassing information or media targeting others
2. Creating posts or websites that have stories, cartoons, pictures, or jokes ridiculing others

3. Unauthorized access to any resource (e.g. social media, email) for purposes of downloading or transmitting vicious or embarrassing materials
4. Engaging someone in electronic communication, tricking that person into revealing sensitive personal information and transmitting that information or media to others
5. Posting of a student or staff member picture without their permission
6. The use of derogatory comments, including those regarding race, age, gender, sexual orientation, religion, ability, political persuasion, body type, physical, or mental health.

### **Stolen Technology**

The Charter School is proud to work with Absolute Software - a solution that allows for effective security technology and student safety programs that track, locate and recover your endpoints in the event of a theft, while ensuring safety for students and staff. Absolute provides:

1. Remote security to monitor and protect each device
2. Reporting tools that give hardware and software information
3. Remote device freeze with user verification messaging
4. Track assets on Google Maps, including recent and historical locations
5. Web filtering to protect students on and off school networks
6. Adherence to CIPA regulations around internet security policies
7. Thief investigation services, remediation and more

The Recovery Investigation team will work with local law enforcement to recover any stolen device that is tracked through Absolute. They will attempt to collect the device up to 60 days. If they are unsuccessful, the Charter School may be compensated up to \$500 for that device. Pricing may vary and is subject to change without notice and is not guaranteed.

The Charter School's TCSTD always tries to take the most cautious and diplomatic approach when attempting to recover any stolen items. Three attempts will be made to contact the employee using all forms of communication. Once our attempts have been unsuccessful, a police report is established and all information is handed over to the Absolute Recovery Team for further investigation. Absolute will then continue their process by tracking the device, contact the person in question, communicate with local law enforcement and if found provide a warrant to search for the device.

If a staff member has a lost or stolen device while still employed with the Charter School, please report the device to local law enforcement and contact the TCSTD to begin the investigation process. TCSTD will do their best to recovery and replace any device that has been reported as lost, stolen, or missing. A police report must be provided prior to starting the investigation.

For more details, please visit: [www.absolute.com/en/about/legal/agreements/absolute](http://www.absolute.com/en/about/legal/agreements/absolute)

## **Staff/Employee DEPARTURE:**

1. Upon employee departure (e.g. resignation, termination, layoff, non-renewal, or administrative leave) from the Charter School, all issued items must be returned within 30 days. Contact [tech-help@cottonwoodk12.org](mailto:tech-help@cottonwoodk12.org) for a schedule of mobile return locations or request prepaid return labels.

## **DISCLAIMER & ACKNOWLEDGEMENTS:**

1. The Charter School reserves the right to modify its policies at any time.
2. All items, devices, and resources issued by the Charter School are School property. School property must be returned or relinquished to the school upon request or departure from the Charter School.
3. The Charter School reserves the right to seek reimbursement, docked pay, or seek legal remedies in response to non-compliance.
4. Access to Charter School technology, resources and support are offered at the discretion of the Charter School.
5. The Charter School will not be held liable for the information or data retrieved, stored, or transmitted by means of the school-owned or operated resources, devices, networks, or systems.
6. Users should not have an expectation of privacy in the use of the Charter School's resources, email, systems, or networks.
7. Illegal activities performed using the Charter School devices, networks, and systems may be reported to the proper authorities when discovered.
8. The Charter School will not be held responsible for losses or damages suffered by any user, including loss of data, interruption of service, delays, or non-deliveries.
9. Charter School-issued property reported as lost, missing or stolen may be remotely tracked, located, and/or disabled at the discretion of the school.
10. The Charter School may confiscate and search any of the Charter School's resources for any reason deemed reasonable by the Charter School including in response to violation of school policies or government regulations technology.
11. The Charter School is not in any way an Internet Service Provider.



### **USER AGREEMENT:**

I have read, understand, and will abide by the above STAFF INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY while using any of the Charter School's technology and other electronic resources issued, owned, or operated by the Charter School. I further understand that any violation of the policies above are considered unethical and in some cases may constitute a criminal offense. Should I violate any of the policies outlined in this agreement, I understand my access to any of the Charter School's resources may be limited or revoked, and disciplinary and or legal action may be taken.

# D: HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM



## HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM

*It is the policy of the School that all of its employees be free from harassment, discrimination, and retaliation. This form is provided for you to report what you believe to be harassment, discrimination, or retaliation so that the School may investigate and take appropriate disciplinary or other action when the facts show that there has been harassment, discrimination, or retaliation.*

*If you are an employee of the School, you may file this form with the Executive Director or Board President.*

*Please review the School's policies concerning harassment, discrimination, and retaliation for a definition of such unlawful conduct and a description of the types of conduct that are considered unlawful.*

*TCS will undertake every effort to handle the investigation of your complaint in a confidential manner. In that regard, the School will disclose the contents of your complaint only to those persons having a need to know. For example, to conduct its investigation, the School will need to disclose portions of your factual allegations to potential witnesses, including anyone you have identified as having knowledge of the facts on which you are basing your complaint, as well as the alleged offender.*

*In signing this form below, you authorize the School to disclose to others the information you have provided herein, and information you may provide in the future. Please note that the more detailed information you provide, the more likely it is that the School will be able to address your complaint to your satisfaction.*

*Charges of harassment, discrimination, and retaliation are taken very seriously by the School both because of the harm caused by such unlawful conduct, and because of the potential sanctions that may be taken against the offender. It is therefore very important that you report the facts as accurately and completely as possible and that you cooperate fully with the person or persons designated to investigate your complaint.*

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) you believe harassed, or discriminated or retaliated against you or someone else:

\_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

\_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal

statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

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I acknowledge that I have read and that I understand the above statements. I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation.

I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Complainant

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

# E: INTERNAL COMPLAINT FORM

## INTERNAL COMPLAINT FORM

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Alleged: \_\_\_\_\_

Incident(s): \_\_\_\_\_

Name of Person(s) you have a complaint against:

\_\_\_\_\_  
\_\_\_\_\_

List any witnesses that were present:

\_\_\_\_\_  
\_\_\_\_\_

Where did the incident(s) occur?

\_\_\_\_\_  
\_\_\_\_\_

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.

\_\_\_\_\_  
Signature of Complainant Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name

To be completed by TCS:

Received by: \_\_\_\_\_ Date: \_\_\_\_\_