

 Meadows Arts and Technology Elementary School	Personnel Policy	
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PURPOSE:

The Board of Directors (“Board”) of Meadows Arts and Technology Elementary School (“MATES”) recognizes that the success of its students and programs relies upon effective personnel. The Board desires to establish safe and supportive working conditions that will attract and retain staff members who are highly qualified and dedicated to the education and welfare of students.

SCOPE:

This policy applies to all policies and procedures related to employee selection, employment, benefits, rights and termination.

GENERAL POLICY STATEMENT:

MATES personnel policies shall be designed to ensure a supportive, positive climate and shall conform to state and federal law and regulations.

POLICY DETAILS:

1. EQUAL EMPLOYMENT OPPORTUNITY POLICY

- 1.1. MATES is an equal opportunity employer. It is the policy of MATES to afford equal employment and advancement opportunity to all qualified individuals without regard to race, creed, color, religion, national origin, ancestry, gender, sexual orientation, age, physical or mental disability, marital status, citizenship status, medical condition, or any other legally protected status. This policy extends to all employees and to all aspects of the employment relationship, including the hiring of new employees and the training, transfer, promotion, compensation and benefits of existing employees.
- 1.2. To comply with the Americans with Disabilities Act (“ADA”), which ensures equal employment opportunities to qualified individuals with a disability, MATES will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.
- 1.3. **HIRING PROCESS** - To ensure that MATES employs highly qualified instructional, administrative, and support staff, MATES will select teachers and staff via the Human Resources (HR) committee. This committee should consist of a minimum of 7 members and will be comprised of at least one MATES Board Member, the Executive Director (“Director”) and will include teacher representation from each of the K-3 and 4-5 grade levels. Parent and community representation may occur as agreed upon by existing committee members. At no time shall a majority of the Board sit on the HR Committee.
 - 1.3.1. The Board will hire and evaluate the Executive Director of MATES- Board will approve the hiring of all other employees of MATES after reviewing the

recommendations of the HR Committee and considering the recommendations by the Executive Director of MATES.

1.3.2. The following process will be followed for all staff positions at MATES:

1.3.2.1. Development of Position Description - MATES will develop a Position Description which will include the following components:

- 1.3.2.1.1. Brief description of position;
 - 1.3.2.1.2. Explicit enumeration of duties;
 - 1.3.2.1.3. Minimum qualifications;
 - 1.3.2.1.4. Preferred qualifications;
 - 1.3.2.1.5. Application process description;
 - 1.3.2.1.6. Application deadlines;
 - 1.3.2.1.7. Contact person for additional information;
 - 1.3.2.1.8. Address for application;
 - 1.3.2.1.9. Salary range;
 - 1.3.2.1.10. Antidiscrimination statement;
 - 1.3.2.1.11. Equal opportunity employer statement; and
 - 1.3.2.1.12. ADA compliance statement.
- 1.3.2.1.13. All individuals to be employed by MATES must possess the characteristics, knowledge, and qualifications identified in posted job descriptions.

1.3.2.2. Posting of Position - The Position Description will be used as the posted announcement of all open positions at MATES. Decisions to post an open position will be made solely at the discretion of the MATES Board. In the event that the Board decides to post an open position, positions will be posted on any of the following: the MATES website, a regional newspaper such as the Ventura County Star, and/or various appropriate websites. Position announcements will be posted no less than two (2) weeks before application deadline. The posting of the Position does not preclude the HR Committee, the Board, or any employee of MATES to reach out in any additional way deemed appropriate to maximize the quality of the application pool. In all cases, however, the Position Description shall be the primary document describing the position available, and the process of application.

1.3.2.3. Development of Applicant Selection and Disposition Criteria - The HR Committee will develop an Application Selection and Candidate Evaluation Instrument to include the following components:

- 1.3.2.3.1. Explicit evaluative criteria based solely on the qualifications (including knowledge, skills, and disposition) necessary to fulfill the duties and responsibilities of the open position.
- 1.3.2.3.2. Minimum qualifications that will be used to determine whether a candidate will be considered further;
- 1.3.2.3.3. A meaningful evaluative scale which allows nonbiased comparisons between all candidates; and
- 1.3.2.3.4. Additional space for comments to add narrative value to the scoring process.

1.3.2.4. Development of a Diverse, High Quality Applicant Pool - A diverse and high quality pool of applicants is essential for selecting highly qualified instructional, administrative, and support staff. The pool of applicants must therefore meet a minimum threshold, both numerically and qualitatively.

- 1.3.2.5. Selection of Short List – The MATES Board and/or HR Committee will select a short list of candidates to interview. Selection will be based exclusively on criteria included on the Applicant Selection and Candidate Evaluation Instrument.
- 1.3.2.6. Interviews - The HR Committee will interview all short listed candidates. All candidates must be interviewed in the same manner, and using the same interview questions. At no time shall questions be asked that reflect religious, political, or sexual orientation or preference. Neither shall age, ethnicity or national origin be a factor in interview questions. In addition to interviews, teaching candidates may be asked to participate in mock-staff meetings and to be observed teaching a lesson.
- 1.3.2.7. Background and Reference Checking - In all cases, three references of candidates will be checked following interviews. In addition, all academic degrees, professional credentials, and prior work experience will be verified. MATES will comply with the provisions of Education Code Section 44237 and 45125.1 regarding the background clearance of employees, contractors, and volunteers prior to employment.
- 1.3.2.8. Recommendation - The HR Committee and/or Executive Director will make a recommendation to the Board of Directors for the position based on the review of applicant submitted materials, the interview process, and background/ reference checks. The Board of Directors holds final responsibility for the hiring of all other employees of MATES after reviewing the recommendations of the HR Committee and/or Executive Director.
- 1.3.2.9. Confidentiality - Consistent with State Law, all proceedings of the HR Committee, and all aspects of the Hiring Process will remain confidential. Evaluation ranking of all applicants will remain confidential.

1.4. PROHIBITION OF HARRASSMENT AND DISCRIMINATION

- 1.4.1. MATES is committed to providing a workplace free of sexual harassment, as well as harassment based on such factors as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, gender identity, or mental or physical disability. MATES will not condone or tolerate harassment or discrimination of any type by any employee. This policy applies to all employee actions and relationships, regardless of position or gender. MATES will promptly and thoroughly investigate any complaint of harassment or discrimination and take appropriate corrective action, if warranted. This Harassment Policy applies to all persons who are enrolled, employed, or volunteering at MATES while they are involved with school business of any sort.
- 1.4.2. MATES will take all reasonable steps to prevent discrimination and unlawful harassment from occurring. Sexual or other unlawful harassment violates MATES' policy and is prohibited under Title VII of the Civil Rights Act and the California Fair Employment and Housing Act. MATES will ensure that people, who harass others because of their sexual orientation, gender identity, or on any other basis described above, are disciplined in ways that are likely to lead them to stop this behavior. This may include a combination of education, counseling, and/or discipline.

- 1.4.3. Definition of Harassment - Harassment is the creation of a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual's work or education, or affect adversely an individual's living conditions. Sexual coercion is a form of harassment with specific distinguishing characteristics. It consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. The conduct alleged to constitute harassment under this policy shall be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all the circumstances. The following behaviors are also prohibited by the Harassment Policy:
- 1.4.3.1. Reprisals - It is a violation of the Harassment Policy to retaliate against a complainant for filing a charge of harassment. Lodging a complaint of harassment is not proof of prohibited conduct. A complaint shall not be taken into account during reappointment, tenure, promotion, merit, or other evaluation or review until a final determination has been made that MATES Harassment Policy has been violated.
 - 1.4.3.2. Knowingly False or Malicious Complaints - To file a knowingly false or malicious complaint of harassment or of retaliation is a violation of the Harassment Policy.
 - 1.4.3.3. Intentional Breaches of Confidentiality - All participants in the Harassment Complaint Resolution process, including the complainant and respondent, witnesses, advisors, mediators, members of hearing panels, and officers, shall respect the confidentiality of the proceedings. Breaches of confidentiality jeopardize the conditions necessary to the workings of internal procedures for resolution of claims of harassment. Participants are authorized to discuss the case only with those persons who have a genuine need to know.
- 1.4.4. Definition of Sexual Harassment
- 1.4.4.1. Federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually suggestive nature when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or (2) Submission to or rejection of such conduct is used as the basis for personnel decisions, including but not limited to appraisals, promotion, salary increases, and termination; or (3) Such behavior has the purpose or effect of interfering with an individual's performance on the job or creating an intimidating, hostile, or offensive working environment.
 - 1.4.4.2. California law defines sexual harassment as unwanted sexual advances or visual or physical conduct of a sexual nature. This definition includes many forms of offensive behavior. The following is a non-exhaustive list:
 - 1.4.4.2.1. Sexual flirtations, touching, advances, or propositions;
 - 1.4.4.2.2. Verbal abuse of a sexual nature;
 - 1.4.4.2.3. Graphic or suggestive comments about dress or body;
 - 1.4.4.2.4. Sexually degrading words;
 - 1.4.4.2.5. The display in the workplace of sexually suggestive or offensive objects or pictures.
- 1.4.5. Preventing Sexual and Other Unlawful Harassment

- 1.4.5.1. The Executive Director has the responsibility to maintain a work place free from any form of sexual harassment. Consequently, should the Director become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address and remediate such conduct.
- 1.4.5.2. Any employee, who has experienced or is aware of a situation which is believed to be sexually harassing, has a responsibility to report the situation immediately to the Director. The Director will conduct an immediate investigation into the allegation(s) and determine whether the allegations have merit. A written report, including findings related to the allegation(s) will be completed. In all cases, when the allegation(s) is determined to be valid, appropriate remedial action will be taken immediately and such action may include disciplinary action up to and including termination.
- 1.4.5.3. If the alleged sexual harassment involves the employee's supervisor, or if the employee is not satisfied with the outcome of the investigation, the employee should bring the matter to the attention of the Board of Directors
- 1.4.6. Investigations and No Retaliation Policy - All complaints of sexual harassment will be investigated promptly, objectively, and as confidentially as possible. Employees are required to cooperate in any investigation. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited and shall be cause for termination.

2. EMPLOYMENT POLICIES AND PRACTICES

- 2.1. Certification and Licensure - MATES' core academic teachers are required to hold a current California Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools would be required to hold. MATES' teachers are required to have the following:
 - 2.1.1. Bachelor's Degree;
 - 2.1.2. A Valid California teaching credential; and
 - 2.1.3. CLAD or BCLAD certification.
- 2.2. Clerical, Other Staff, Substitutes, and Consultants - MATES' clerical and non-teaching staff, substitutes, and consultants will demonstrate the abilities necessary to effectively carry out their responsibilities as further specified in applicable job specifications.
- 2.3. Employee Reviews and Evaluation
 - 2.3.1. Each employee will receive periodic performance reviews conducted by his/her supervisor. At a minimum, performance evaluations will be conducted annually, on or about the anniversary date of employment with MATES. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.
 - 2.3.2. Performance evaluations may review factors such as the quality and quantity of the work performed, knowledge of the job, initiative, and attitude toward others. The performance evaluations are intended to make the employee aware of his/her progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of MATES and depend upon

many factors in addition to performance. After each review, the employee will be required to sign an evaluation report simply to acknowledge that it has been presented to the employee, that it has been discussed with a supervisor, and that the employee is aware of its contents.

2.3.3. Performance deficiency areas identified during the course of scheduled or ad-hoc performance evaluations will be communicated via notation on a Performance Evaluation Report or other approved performance improvement plan documentation. Specific deficiency areas, expected improvement goals and required timeframes for the desired performance improvement should be clearly documented. Failure to satisfy the stipulations of the performance improvement plan can lead to disciplinary action, including but not limited to, non-renewal of employment contract.

2.3.4. Director Evaluations will be conducted by the Board throughout the year. Survey results will be collected by the Board President, discussed by the Board, and shared with the Director.

2.4. Personnel Files and Record Keeping Protocols

2.4.1. At the time of employment, a personnel file is established for each School employee. The Office Manager should be advised of changes that should be reflected in an employee's personnel file. Such changes include: change in address, telephone number, marital status, number of dependents and person(s) to notify in case of emergency. Prompt notification of these changes is essential and will enable MATES to contact the employee should the change affect other records.

2.4.2. The employee has the right to inspect certain documents in his/her personnel file as provided by law, in the presence of a MATES representative, at a mutually convenient time. No copies of documents in the file may be made with the exception of documents previously signed by the employee. An employee may add comments to any disputed item in the file. MATES will restrict disclosure of personnel files to authorized individuals within MATES. A request for information contained in the personnel file must be directed to the Director. Only the Director or Office Manager are authorized to release information about current or former employees. Disclosure of information to outside sources will be limited. However, MATES will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations or as otherwise legally required.

2.5. Child Neglect and Abuse Reporting

2.5.1. Any employee who knows or reasonably suspects a child has been the victim of child abuse shall report the instance to a child protective agency. Child abuse is broadly defined as "a physical injury that is inflicted by other than accidental means on a child by another person." School employees are required to report instances of child abuse when the employee has a 'reasonable suspicion' that child abuse has occurred. Reasonable suspicion arises when the facts surrounding the incident or suspicion could cause another person in the same situation to suspect child abuse.

2.5.2. Child abuse should be reported immediately by phone to a child protective agency. The phone call is to be followed by a written report within thirty-six (36) hours. There is no duty for the reporter to contact the child's parents. In fact, if a child is released to a peace officer or a child protective agent, the reporter shall not notify the parent as required in other instances of removal.

- 2.6. Conflict of Interest - All employees must avoid situations involving actual or potential conflict of interest. An employee involved in any relationship or situations, which they believe may constitute a conflict of interest, should immediately and fully disclose the relevant circumstances to the Director, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, MATES may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action. Employees should consult the Conflict of Interest Policy adopted by the Board.
- 2.7. Attendance and Tardiness - Every job is essential to the efficient operation of MATES. Employees are expected to arrive on time every workday. If, for any reason, an employee is going to be late or absent from work, he/she must notify the Office Manager or Director with as much advance notice as possible or immediately upon determining that one will be absent or late. If the Office Manager or Director is not available, the employee should leave a message for her/him. Teachers are also responsible for arranging for a qualified substitute to teach the class. If the absence is longer than one day, the employee is expected to keep the Director sufficiently informed of the situation. Excessive absence or lateness is unacceptable and may lead to disciplinary action, up to and including termination.
- 2.8. Drug Free Workplace
 - 2.8.1. MATES shall comply with all Federal and State regulations regarding drug use while on the job. This policy covers all employees who are violators of any one of the following prohibitions:
 - 2.8.1.1. Use, possession, offer for sale, or being under the influence of illegal drugs during working hours, including lunch and break periods, or in the presence of students.
 - 2.8.1.2. Use, possession, offer for sale, or being under the influence of illegal drugs on School property at any time.
 - 2.8.2. For the purpose of this policy, engaging in any of the activities above shall be considered as a violation of School policy.
- 2.9. Confidential Information - All information relating to students including, schools, addresses, contact numbers, and progress information is confidential, and may not be shared with unauthorized parties. All records concerning special education students shall be kept strictly confidential and maintained in separate files.
- 2.10. Use of E-Mail, Voicemail and Internet Access
 - 2.10.1. At all times, employees shall not have a reasonable expectation of privacy with regard to their electronic mail, voicemail systems, or Internet access while at MATES. MATES will permit employees to use its electronic mail, voicemail systems, and Internet access subject to the following:
 - 2.10.1.1. Minimal personal use as long as it does not interfere with timely job performance and is consistent with law and appropriate protocols.
 - 2.10.1.2. The e-mail system and Internet access is not to be used in any way that may be disruptive, offensive to others, or harmful to morale. For example, sexually explicit images, ethnic slurs, racial epithets, or anything else that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, religious beliefs, or political beliefs may not be displayed or transmitted.

- 2.10.1.3. Employees should not attempt to gain access to another employee's personal file of e-mail or a voicemail message without the latter's express permission.
 - 2.10.1.4. MATES' information systems may not be used for proselytizing for commercial ventures, political causes, outside organizations or other non-job related activities without the express, advance written permission by the Director. They may not be used to commit any crime or fraud, or to transmit sensitive or privileged information to unauthorized persons or organizations.
 - 2.10.1.5. Information on MATES' information systems, including software, data, and research materials, is proprietary to MATES and may not be used for personal purposes.
- 2.10.2. Prohibited Uses and Activities - In addition to the above, employees may not:
- 2.10.2.1. Install programs on MATES' computer systems (including virus checking and screen savers) without prior consent of the Director.
 - 2.10.2.2. Copy MATES' software programs for personal use.
 - 2.10.2.3. Connect computers (including laptops and personal computers) not owned or leased by MATES' information systems network without the prior consent of the Director.
 - 2.10.2.4. Disclose access codes, log-on or passwords or otherwise make MATES' electronic resources available to persons not authorized to such access.
 - 2.10.2.5. Infringe on other's access and use of MATES' information systems, including, but not limited to:
 - 2.10.2.5.1. Sending of excessive messages, either locally or off-site;
 - 2.10.2.5.2. Unauthorized modification of system facilities, operating systems or disk partitions;
 - 2.10.2.5.3. Attempting to crash or tie up a School computer or network;
 - 2.10.2.5.4. Damaging or vandalizing School computing facilities, equipment, software, or computer files;
 - 2.10.2.5.5. Developing or using programs which disrupt other computer users, access private or restricted portions of the system, and/or damage software or hardware components of the system;
 - 2.10.2.5.6. Install or use a model on School owned or leased computers without the prior consent of the Director; and
 - 2.10.2.5.7. Violate any federal, state, or local laws in the use of MATES' information systems.
- 2.11. Hours of Work, Overtime and Paydays
- 2.11.1. Normal working hours for full-time non-teaching employees at MATES are specified within each employee's employment agreement. However, employees may be required to work other than the normal hours and to take their lunch breaks on a rotating basis so that telephones and reception areas are always covered.
 - 2.11.2. 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. Non-exempt 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 non-exempt employees. MATES will attempt to distribute overtime evenly and

accommodate individual schedules. All overtime work must be previously authorized by the Executive Director. MATES provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

2.11.2.1. 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.

2.11.2.2. Compensatory Time Off (CTO)

CTO may be accrued up to a maximum of 240 hours (160 hours of overtime work). An employee who wishes to receive CTO must elect to do so pursuant to a written agreement entered into between the employer and the employee before the work is performed.

2.11.3. 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.

2.11.3.1. Overtime Exemptions

Executive, administrative and professional employees are exempt from overtime pay and compensatory time off requirements. Each classified position will be reviewed individually for determination of exempt status, in accordance with Fair Labor Standards Act Regulations.

2.11.4. Paydays are scheduled on the last working day of each month. If an employee observes an error in his/her check, it should be reported immediately to the Director.

2.12. Business Standard Mileage Rate - The Board shall fix the cost per mile allowance for use of personal cars for necessary school business. The mileage rate shall be the current IRS allowance per mile. MATES recognizes that there will necessarily be a certain amount of personal car use within MATES and that such driving is predicated upon the job assignment and the task to be completed. Therefore, the Director will determine qualification for mileage reimbursement.

2.13. Smoking - All MATES buildings and facilities are non-smoking facilities.

2.14. Personal Business - MATES' facilities for handling mail and telephone calls are designed to accommodate MATES business. Employees should have personal mail directed to his/her home address and limit personal telephone calls to an absolute minimum. Long distance toll calls may not be made from MATES' telephone system. Personal telephone calls should be made on a personal calling card or cell phone. School materials, time, or equipment should not be used for personal projects.

2.15. Health and Safety Policy - MATES is committed to providing and maintaining a healthy and safe work environment for all employees. Employees are required to know and comply with MATES' General Safety Rules and to follow safe and healthy work practices at all times. Any potential health or safety hazard, and all injuries or accidents should be reported immediately to the Director. In compliance with Proposition 65, MATES will inform employees of

any known exposure to a chemical known to cause cancer or reproductive toxicity.

- 2.16. TB Testing - No person shall initially be employed by MATES unless the employee has submitted proof of an examination within the last sixty (60) days that the employee is free of active tuberculosis. This examination shall consist of an x-ray of the lungs or an approved intradermal tuberculin test which if positive shall be followed by an x-ray of the lungs. Thereafter, all employees who previously tested negative shall be required to undergo the foregoing examination at least once every four (4) years, excepting food handlers who shall be examined annually. After such examination each employee shall provide a certificate to MATES from the examining physical showing the employee was examined and found free from active tuberculosis.
- 2.17. Criminal Background Checks - It is the policy of MATES to require fingerprinting and background checks for its employees consistent with legal requirements. MATES may on a case-by-case basis, require an entity providing school site services to certify that the entity's employees comply with the requirements for fingerprinting, unless MATES determines that the employees of the entity will have limited contact with students. In determining whether a contracted employee will have limited contact with students, MATES must consider all relevant circumstances, including factors such as the length of time the contractors will be on school grounds, whether students will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. If MATES makes this determination, MATES shall take appropriate steps to protect the safety of any students that many come in contact with these employees.
- 2.18. Security Protocols - MATES has developed guidelines to help maintain a secure workplace. Unknown or suspicious persons loitering in parking areas, walkways, entrances, exits and service areas should be reported immediately to the Director. Desks, classrooms, and offices should be secured at the end of the day. Valuable or personal articles should be secured if an employee needs to leave his/her work area for an extended length of time. The security of facilities as well as the welfare of employees depends upon the alertness and sensitivity of every individual to potential security risks. Employees should immediately notify the Director when keys are missing or if security access codes or passes have been breached.
- 2.19. Payroll Withholdings
 - 2.19.1. MATES is required by law to withhold Federal Income Tax, State Income Tax, Old Age, Survivors and Disability Insurance (OASDI) and Medicare from each employee's pay as follows:
 - 2.19.1.1. Federal Income Tax Withhold: The amount varies, with the number of exemptions the employee claims and, of course, the gross pay amount.
 - 2.19.1.2. State Income Tax Withholding: The same factors, which apply to federal withholdings, apply to state withholdings.
 - 2.19.2. Every payroll deduction is explained on the check voucher. Questions regarding payroll deductions should be directed to the Office Manager or Director for explanation.
 - 2.19.3. The number of withholding allowances an employee wishes to claim for Federal Income Tax purposes may be changed at any time by filling out a new W-4 form and submitting it to the Office Manager or Director. These forms will be available in MATES office. All Federal, State, and Social

Security taxes will be automatically deducted from paychecks. Federal Withholding Tax deduction is determined by the employee's W-4 form. The W-4 form should be completed upon hiring and it is the employee's responsibility to report any changes in filing status to the Office Manager and to fill out a new W-4 form.

2.19.4. At the end of the calendar year, a "withholding statement" (W-2) will be prepared and forwarded to each employee for use in connection with preparation of income tax returns. The W-2 shows Social Security information, taxes withheld and total wages.

3. EMPLOYEE BENEFITS AND LEAVES –

3.1. In order to secure and hold specialized and experienced staff committed to innovation, MATES recognizes the importance of an attractive compensation package, which includes salaries and health benefits. MATES will establish Certificated and Classified salary schedules. Teachers at MATES will be covered by the State Teachers Retirement System ("STRS"). Administrative and support staff will be covered by Social Security as well as the Public Employees Retirement System ("PERS"). MATES will make all employer contributions required by STRS, PERS and social security, as applicable to the position. MATES will also make the employer contributions required for Workers' Compensation Insurance, Unemployment Insurance, and any other applicable payroll benefits.

3.2. Health Coverage

3.2.1. Full-time employees are eligible for medical coverage. Summary descriptions of MATES' benefit plans are available from the Office Manager. It is the responsibility of the employee to be aware of the open enrollment deadline. The MATES contribution towards health and welfare benefits will be reviewed on an annual basis.

3.2.2. MATES will pay 50% of the health and welfare benefits full-time employee contribution for part-time employees working greater than or equal to 50.0% of a Full Time Equivalency ("FTE"). Part-time employees working less than 50% of a FTE are not eligible for health and welfare benefits through MATES.

3.2.2.1. Full Time Equivalency is defined as 40 hours per standard work week.

3.3. Holidays - Employee holidays will be defined in the annual school calendar for all employees.

3.4. Sick Leave

3.4.1. Sick leave is a form of insurance that employees accumulate in order to provide a cushion for incapacitation due to illness or injury. It is intended to be used only when actually required to recover from illness or injury. Full time employees earn one ("1") paid sick day per work month and accrue the full annual allotment at the start of each school year. Time off for medical and dental appointments will be treated as sick leave. Unless otherwise specified in an Employment Agreement, MATES will accept all sick leave accrued by certificated employees in other districts.

3.4.2. Temporary and part-time employees accrue Sick Leave benefits on a pro rata basis based on their calculated FTE equivalency.

3.4.2.1. Pursuant to AB 1522 Employees who work for 30 or more days within a year from the commencement of employment shall accrue sick leave. Employees will accrue one hour for every 30 hours worked

which can be used beginning on the 90th day of employment. The sick leave may be used for the employee's own health condition or that of a family member.

3.4.2.2. If an employee separates from employment and is rehired within one year, the sick leave balance would be reinstated.

3.4.3. Employees may utilize a maximum of seven (7) days per year of current and accrued sick leave for discretionary reasons.

3.4.4. Additional use of sick leave for discretionary purposes may be approved by the Executive Director.

3.5. Extended Medical Leave

3.5.1. Once an employee has exhausted all accumulated sick leave and continues to be absent from his/her duties due to illness or accident, they shall be entitled to Extended Medical Leave and received their salary net of substitute costs for a period of up to 100 days. The Extended Medical Leave shall commence immediately at the conclusion of accumulated sick leave. At the conclusion of any eligible Sick Leave and Extended Medical Leave, the employee may continue on an unpaid medical leave, if eligible under applicable medical leave law depending upon the facts and circumstances of the employee's basis for leave beyond accrued sick leave. If medical leave beyond accumulated sick leave is required, the employee's use of Family Medical Leave Act (FMLA) benefits, if not yet taken, shall commence at the beginning of, and run simultaneously with, the Extended Medical Leave.

3.6. Personal Necessity Leave

3.6.1. Employees may utilize a maximum of seven (7) days per year of current and accrued sick leave for personal necessity. Personal necessity is defined as: circumstances of serious nature, which the employee cannot be reasonably expected to disregard, and require the attention of the employee during assigned hours of work. Events justifying personal necessity leave will include:

3.6.1.1. Death of a member of your immediate family when additional leave is required beyond that provided in the bereavement leave policy.

3.6.1.2. Up to one day will be allowed to attend the funeral of a close friend or non-immediate family member.

3.6.1.3. An accident involving your personal property, a member of your immediate family, or an immediate family member's property.

3.6.1.4. Appearance in court as a litigant or a witness under subpoena.

3.6.1.5. Incapacitating illness of a member of your immediate family.

3.6.1.6. Imminent danger to your home as a result of earthquake, fire or flood.

3.6.1.7. Other occasions you cannot reasonably be expected to disregard until other than working hours.

3.6.1.8. One (1) day leave is granted to allow the father's presence at the time of birth of his child when birth is considered imminent.

3.6.1.9. Religious holiday.

3.6.2. Proof of the need for use of personal necessity leave may be required.

3.7. Donation of Sick Leave for Catastrophic Illness and Injury

3.7.1. The catastrophic leave program permits employees to donate eligible leave credits to an employee when that employee or a member of his or her

family suffers from a catastrophic illness or injury. For the purposes of this section the following terms are defined as follows:

- 3.7.1.1. "Catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off.
- 3.7.1.2. "Eligible leave credits" means sick leave accrued to the donating employee.
- 3.7.2. Eligible leave credits may be donated to an employee for a catastrophic illness or injury if all of the following requirements are met:
 - 3.7.2.1. The employee who is, or whose family member is, suffering from a catastrophic illness or injury must submit a written request to the Executive Director asking that eligible leave credits be donated. Attached to the application form must be an attending physician's original statement which certifies that the nature and extent of the illness or injury causes the applicant to be unable to perform regularly assigned duties, and states both the date of the onset of the illness or injury and the anticipated date that the applicant will be able to return to work. If the employee is incapacitated or otherwise unable to initiate the application process, a person identified on the employee's emergency information card may submit the application.
 - 3.7.2.2. The Executive Director determines that the employee is unable to work due to the employee's or his or her family member's catastrophic illness or injury.
 - 3.7.2.3. The employee has exhausted all accrued paid leave credits.
- 3.7.3. If the transfer of eligible leave credits is approved by the Executive Director, any employee may, upon written notice to the Executive Director or designee, donate eligible leave credits at a minimum of 1 day, and in daily increments thereafter. Each donor must maintain a balance of at least 7 days of eligible leave credits subsequent to the donation.
 - 3.7.3.1. All transfers of eligible leave credit are irrevocable. Donated leave credits cannot be withdrawn after it has been received.
 - 3.7.3.2. The Executive Director shall ensure that all donations are confidential.
- 3.7.4. The employee who is the recipient of the donated leave credits shall use those credits within 12 months of the date of donation. If donated credits are not used by the employee within 12 months from the date of donation, the credits shall be placed in a pool that will be available to the next eligible employee who requests catastrophic leave.
- 3.7.5. Once eligible to receive donations, an employee may apply for donations for subsequent illnesses or injuries occurring during the current school year.
- 3.7.6. An employee who receives paid leave pursuant to this section shall use any leave credits that he or she continues to accrue on a monthly basis prior to receiving paid leave pursuant to this section.
- 3.7.7. In no case shall recipients of sick leave donations be paid by MATES more than the amount they would have received if they, or their family member, were not suffering from catastrophic illness or injury. Employees

will not utilize donated sick leave days for any period of time that the employee normally would not have worked.

3.8. Unpaid Leave of Absence

3.8.1. MATES recognizes that special situations may arise where an employee must leave his or her job temporarily. At its discretion, the Board may grant employees unpaid leave of absences. The granting of an unpaid leave of absence always presumes the employee will return to active work by a designated date or within a specific period.

3.8.2. For any covered employee, health coverage will remain in force during a medical leave of absence, provided the employee pays the appropriate premiums. Whether an employee is required to pay his/her own premiums will depend upon the length of leave of absence. During a family/medical leave, the employee's medical and dental benefits will remain in force provided s/he pay the appropriate premiums. Benefits are terminated the day 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 vacation pay, provided that the vacation pay was earned prior to the commencement of leave. No vacation time is accrued during any type of unpaid leave of absence.

3.9. Family Care and Medical Leave

3.9.1. MATES complies with the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), both of which require MATES to permit each eligible employee to take up to 12 workweeks of FMLA leave in any 12-month period for the birth/adoption of a child, the employee's own illness or to care for certain family members who have a serious illness. For purposes of this policy, all leave taken under FMLA or CFRA will be referred to as "FMLA leave." FMLA leave is unpaid unless the employee is entitled to pay under another defined benefit.

3.9.2. Employee Eligibility Criteria - To be eligible for FMLA leave, the employee must have been employed by MATES for the last 12 months and must have worked at least 1,250 hours during the 12-month period immediately preceding commencement of the FMLA leave.

3.9.3. Events That May Entitle An Employee To FMLA Leave - The 12 week FMLA allowance includes any time taken (with or without pay) for any of the following reasons:

3.9.3.1. To care for the employee's newborn child or a child placed with the employee for adoption or foster care.

3.9.3.2. 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 MATES' separate pregnancy disability policy).

3.9.3.3. To care for a spouse, domestic partner, child, or parent with a serious health condition.

3.9.3.4. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment

in connection with such inpatient care, or (2) continuing treatment by a health care provider.

3.9.4. Amount of FMLA Leave That May Be Taken

3.9.4.1. FMLA leave can be taken in one or more periods, but may not exceed 12 workweeks total for any purpose in any 12-month period, as described below, for any one, or combination of the above-described situations. "Twelve workweeks" means the equivalent of twelve of the employee's normally scheduled workweeks. For a full-time employee who works five eight-hour days per week, "twelve workweeks" means 60 working and/or paid eight-hour days.

3.9.4.2. The "12 month period" in which 12 weeks of FMLA leave may be taken is the 12-month period immediately preceding the commencement of any FMLA leave.

3.9.5. Health Benefits - The provisions of MATES' various employee benefit plans govern continuing eligibility during FMLA leave, and these provisions may change from time to time. The health benefits of employees on FMLA leave will be paid by MATES 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 leave is granted, MATES will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

3.9.6. Medical Certifications

3.9.6.1. An employee requesting FMLA leave because of his or her own or a relative's or a domestic partner's serious health condition must provide medical certification from the appropriate health care provider on a form supplied by MATES. Failure to provide the required certification in a timely manner (within 15 days of the leave request), may result in denial of the leave request until such certification is provided.

3.9.6.2. If MATES has reason to doubt the medical certification supporting a leave because of the employee's own serious health condition, MATES may request a second opinion by a health care provider.

3.10. Workers' Compensation Insurance

3.10.1. It is MATES' policy that when there is a job-related injury, the first priority is to ensure that the injured employee receives appropriate medical attention. MATES' employees are covered by workers' compensation insurance for injuries sustained while on the job. If the injury causes loss of work for more than three working days, this coverage pays a percentage of the employee's average weekly earnings as defined by state law. Therefore, if an employee is injured on the job, even slightly, the employee must report the injury immediately to the Director. The Director must be advised within 24 hours of the injury so that the claim process may be initiated.

3.10.2. Employees are required to obtain treatment with an approved medical provider/facility in order to ensure Worker's Compensation eligibility. A list of approved medical providers and/or facilities is available from the Office Manager.

3.10.3. When there is a job-related injury that results in lost time, the employee must have a medical release from a physician before returning to work.

- 3.11. Military Leave of Absence - MATES will grant employees an unpaid military leave of absence to the extent required by applicable federal and state law.
- 3.12. Jury and Witness Duty - MATES will provide employees up to 1 day paid time off to serve as required by law on a jury or grand jury if the employee provides reasonable advance notice. MATES will also provide employees with unpaid time off to: 1) appear in court or other judicial proceeding as a witness to comply with a valid subpoena or other court order, or 2) obtain any relief including a temporary restraining order, to help ensure the health, safety, or welfare of a domestic violence victim or his or her child.
 - 3.12.1. Employees performing jury duty must provide court-approved validation of service.
- 3.13. Bereavement Leave - Employees who have worked with MATES for more than six months will be paid up to three consecutive working days off to arrange and attend the funeral of an immediate family member. For purposes of this policy, an employee's immediate family member is defined to include a current spouse, domestic partner, father, mother, sister, brother, children, current parent-in-law, grandparents, and grandchildren and/or those of the employee's spouse. If an employee requires more than three days off for bereavement leave, the employee may request additional unpaid leave or may request the opportunity to use any accrued vacation time.

4. EMPLOYEE RIGHTS

- 4.1. All employees of MATES have certain employment rights. All employees have the right to:
 - 4.1.1. Expect MATES to provide equal opportunity in employment without regard to gender, race, creed, national origin, or disability;
 - 4.1.2. Be treated with respect at all times from colleagues and supervisors;
 - 4.1.3. Work free of the threat or actual incidence of racism, sexual harassment, or any other form of discrimination as defined in this document;
 - 4.1.4. Work in an atmosphere consistent with the values and mission of MATES; and
 - 4.1.5. Be provided adequate instruction and the necessary working conditions for the performance of his/her duties.
 - 4.1.6. Expect a periodic performance review conducted at a minimum annually.
- 4.2. Employment Status – Unless otherwise specified in a written employment agreement, all employees will serve at-will, meaning that employment may be terminated at any time, with or without advance notice, and with or without cause.

5. SEPARATION

5.1. Resignation

- 5.1.1. Any non-teaching employee who wishes to resign is requested to provide the Director, in writing, a minimum of two weeks' notice prior to the desired resignation date. Any accrued and unpaid compensation excluding sick or personal leave benefits shall be paid to the employee as soon as possible as required under the law. If the employee is participating in MATES' health and welfare benefits, information regarding his/her rights under COBRA will be sent to him or her.
- 5.1.2. All teachers, other than substitute and hourly teachers are considered to be under contract for an entire school year. Teachers who decide not to

return for the next academic year shall provide the Director written notice before the end of the prior school year.

5.2. Suspension and Termination

5.2.1. Unless otherwise specified in a written employment agreement, all employees, both certificated and classified, may be released at any time during MATES year, with or without cause, and with or without advance notice. All other certificated employees may be suspended or terminated for cause as set forth below. The specification of this list of conduct in no way alters the at-will employment relationship as to at-will employees of the School. Terminated regular full-time employees eligible to accrue vacation leave shall be provided compensation for accrued vacation leave after termination. The Board will make the final decision regarding the termination of any employee of MATES after considering the recommendations by the Director. Cause for termination includes but is not limited to:

- 5.2.1.1. Insubordination - refusing to perform a task or duty assigned or act in accordance with instructions provided by an employee's manager or proper authority.
- 5.2.1.2. Inefficiency - including deliberate restriction of output, carelessness or unnecessary wastes of time or material, neglect of job, duties or responsibilities.
- 5.2.1.3. Unauthorized soliciting, collecting of contributions, distribution of literature, written or printed matter is strictly prohibited on MATES School property by non-employees and by employees. This rule does not cover periods of time when employees are off their jobs, such as lunch periods and break times. However, employees properly off their jobs are prohibited from such activity with other employees who are performing their work tasks.
- 5.2.1.4. Damaging, defacing, unauthorized removal, destruction or theft of another employee's property or of MATES' property.
- 5.2.1.5. Fighting or instigating a fight on MATES' premises.
- 5.2.1.6. Violations of the drug and alcohol policy.
- 5.2.1.7. Using or possessing firearms, weapons or explosives of any kind on MATES' premises.
- 5.2.1.8. Gambling on MATES' premises.
- 5.2.1.9. Tampering with or falsifying any report or record including, but not limited to, personnel, absentee, sickness or production reports or records, specifically including applications for employment and time cards.
- 5.2.1.10. Recording the clock card, when applicable, of another employee or permitting or arranging for another employee to record your clock card.
- 5.2.1.11. Use of profane, abusive or threatening language in conversations with other employees and/or intimidating or interfering with other employees.
- 5.2.1.12. Excessive absenteeism or tardiness excused or unexcused.
- 5.2.1.13. Immoral or indecent conduct.
- 5.2.1.14. Conviction of a criminal act.
- 5.2.1.15. Engaging in sabotage or espionage (industrial or otherwise)
- 5.2.1.16. Violations of the sexual harassment policy.
- 5.2.1.17. Failure to report a job-related accident to the employee's manager or failure to take or follow prescribed tests, procedures or treatment.

- 5.2.1.18. Release of confidential information without authorization.
 - 5.2.1.19. Any other conduct detrimental to other employees or MATES' interests or its efficient operations.
 - 5.2.1.20. Refusal to speak to supervisors or other employees.
 - 5.2.1.21. Dishonesty.
 - 5.2.1.22. Failure to meet agreed-upon performance plan goals.
- 5.3. Financial Exigency - Any employee may be released at will due to financial exigency. A state of financial exigency will be considered active only when declared formally by an approved motion of the Board.
- 5.4. Non-Disclosure of Personnel Information - Reasons for involuntary terminations are privileged information and are treated confidentially. Anyone disclosing such information inappropriately is subject to disciplinary action, up to and including termination of employment. Inquiries regarding an employee who has been terminated should be referred to the Director.
- 5.5. Salary and Benefits In The Event of Termination - In the event of termination of employment prior to the end of an employment contract, the employee shall be entitled only to the prorated salary and benefits earned through the last date of actual service.
6. DISPUTE RESOLUTION - MATES will follow its Internal Complaint Policy to address complaints. The Board of Directors and the Executive Director shall be responsible for investigation, remediation, and follow-up on matters submitted to MATES through this procedure with the exception of complaints involving the Director which shall be handled by the Board of Directors. Any MATES administrative employee or member of the board receiving such a complaint will constitute Board receipt.

NON-COMPLIANCE TO POLICY:

Violations of this policy may result in the employee being subject to disciplinary action in accordance with Board disciplinary policy and administrative regulations.

GOVERNANCE:

The Executive Director and MATES Board will be responsible for monitoring adherence to the policy.

REVIEW CYCLE:

The MATES Board will be responsible for reviewing the policy every two years or more frequently as required.

REVISION HISTORY:

<u>Policy Version:</u>	<u>Effective Date:</u>	<u>Revision:</u>
PP-PP1-07202009	7/20/2009	Original Version
PP-PP1-09212009	9/21/2009	Added Sections related to Personal Necessity Leave, Discretionary use of Sick Leave and Extended Medical Leave. Also added reference to OASDI and removed reference to Social Security (FICA) in Payroll Withholdings section.
PP-PP1-10192009	10/19/2009	Modified Sick Leave section to increase use of discretionary use to 7 days and add approval for Executive Director to authorize additional discretionary use at his/her discretion.
PP-PP1-11162009	11/16/2009	Added Donation of Sick Leave for Catastrophic Illness or Injury
PP-PP1-03152010	3/15/2010	Modify Review Cycle section to modify cycle from bi-annual to

		every two years.
PP-PP1-06072010	6/7/2010	Modified Section 1.3 to clarify composition of HR committee. Modified Section 5.2.1 to revise language on board decision on employee terminations.
PP-PP1-10182010	10/18/2010	Modified Section 3.2.1 to confirm 100% H&W Benefit contribution by MATES for employees for 2010-2011.
PP-PP1-06082011	6/8/2011	Modified Section 3.2.1 to remove time period limitation for 100% H&W Benefit contribution by MATES.
PP-PP1-06112012	6/11/2012	Modified Section 3.2 to remove defined H&W Benefit contribution by MATES from policy and clarify P/T contribution in relation to a full-time contribution..
PP-PP1-10152012	10/15/2012	Added Section 2.3.2 to include additional guidance on the use of performance improvement plans in the application of teacher/staff evaluation.
PP-PP1-10192015	10/19/2015	Added Section 2.11.2.2 to include Compensatory Time Off Added Section 2.11.3.1 to include Overtime Exemptions Added Section 3.4.2.1 to include accrual of sick leave for part-time hourly employees pursuant to AB1522. Added Section 3.4.2.2 to include reinstatement of sick leave if rehired within one year of separation of employment.