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Welcome Letter

Welcome to The Foundation For Hispanic Education *Familia*!

We are happy to have you join The Foundation for Hispanic Education (TFHE). We believe our organization is truly unique. TFHE was established in 1981 as a product of the late Dr. B. Roberto Cruz’s vision of providing quality education and support for all underserved learners, with a focus on Latino students. Committed to its mission *to identify, understand, and address the Latino education achievement gap through innovation and collaboration*, TFHE continually funds and provides resources to local and national initiatives undertaking educational issues facing minorities in innovative ways. Serving the East San Jose community for over 30 years, TFHE currently operates the Center for Latino Education and Innovation, two charter high schools, and a third charter high school opening in 2015.

We serve a diverse group of talented and hardworking students. We regard the work we do as being of utmost importance. Therefore, we have high expectations for professionalism and performance for each one of our employees. All employees should treat all individuals, students, teachers, administrators, volunteers, vendors and family members, with respect and approach all situations as opportunities to learn and succeed.

This manual has been written to provide you with an overview of TFHE, its personnel policies and procedures, and your benefits as an employee of the Foundation and its charter schools.

This manual is intended to explain in general terms those policies that most often apply to your day-to-day work activities. This manual cannot anticipate every situation or answer every question about employment, and it is not an employment contract. Employees are expected to read this manual thoroughly upon receipt, to know and abide by the policies outlined herein, and as revised over time, throughout their employment.

We welcome you to our *familia* and wish you great success and fulfillment at TFHE!
I. VISION AND MISSION

VISION

The Foundation for Hispanic Education envisions a world in which all English Language Learner students are provided with the opportunity to learn in an environment that addresses their educational needs, supports cultural awareness, emphasizes their abilities and provides them with a path to success.

MISSION

The mission of TFHE is to identify, understand, and address the Latino education achievement gap through innovation and collaboration.
II. INTRODUCTION TO MANUAL

This Manual has been written to serve as a guide for the employer/employee relationship with TFHE and its charter high schools, The Latino College Preparatory Academy (LCPA), The Luis Valdez Leadership Academy (LVLA), and the Roberto Cruz Leadership Academy (RCLA). It explains the policies and procedures that guide employment with TFHE, as well as the priority areas for building a dedicated and competent staff. These priority areas include:

1. Balance between the belief that our student population can and will succeed, and position knowledge and abilities;
2. Willingness and flexibility to incorporate the philosophy and practice of TFHE in day to day performance on the job;
3. Desire to be a life-long learner both individually and as a collective part of a team or community

In addition to the above priorities, Faculty must specifically exhibit:

4. Demonstrated mastery of course content now or the potential to develop mastery within 2 years;
5. Desire and willingness to understand and work with the assets and areas for growth of the individual student in Academic achievement status; Language; Socio-economic status; Culture; and Life experience.
6. Appropriate valid credential, where applicable

Although this Manual encompasses the policies under which TFHE operates, it is not intended to represent all of the policies of the Board of Trustees for TFHE. The intention of this document is to serve as a reference document for employees throughout their employment at TFHE. Employees should understand, however, that this Manual is not intended to be a contract (express or implied), nor is it intended to otherwise create any legally enforceable obligations on the part of TFHE or its employees. In no way does the Manual replace any official plan documents (e.g., health insurance, retirement plan, Collective Bargaining Agreement, etc.) or insurance contracts, which will govern in all cases. This Manual supersedes and replaces all previous personnel policies, practices, and guidelines.

If any policies or procedures set forth in this document be in conflict with the terms of a Certificated or other contracted employee agreement, that agreement takes precedence.

Due to the fact that TFHE is a growing and changing organization, it reserves full discretion to add to, modify, or delete provisions of this Manual, or the policies and procedures on which they may be based, at any time without advance notice. TFHE also reserves the right to interpret any of the provisions set forth in this Manual in any manner it deems appropriate.

No individual other than the Board of Trustees or its designee(s) has the authority to enter into any employment or other agreement that modifies TFHE policy. Any such modification must be in writing.

This Manual is the property of TFHE, and is considered confidential and is intended for personal use and reference by employees of TFHE. Circulation of this Manual outside of TFHE requires the prior written approval of the Board President or his/her designee(s).

The standards of conduct apply to all individuals who work on the school premises including independent contractors, vendors, and visitors. Unless otherwise indicated, a benefit, policy, program, or procedure applies, or is available, to ALL eligible employees.

Employees must sign the acknowledgment forms at the front of this Manual, tear it out, and return it to the HR Office. This will provide TFHE with a record that each employee has received this Manual.

III. EMPLOYMENT

A. RIGHT TO REVISE

This employee Manual contains the employment policies and practices of TFHE in effect at the time of publication. All previously issued Manuals and any inconsistent policy statements or memoranda are superseded.

TFHE reserves the rights to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in the Manual or in any other document, except for the policy of at-will employment. However, any such changes must be in writing and signed by the President of the Board of Trustees.

Any written changes to this Manual will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this Manual.
This Manual sets forth the entire agreement between you and TFHE as to the duration of employment and the circumstances under which employment may be terminated. Nothing in this employee Manual or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

B. Employment Application
We rely upon the accuracy of 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 exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

C. Employment At-Will
Except if stated expressly otherwise by employment contract, it is the policy of TFHE that all employees are considered “at-will” employees of TFHE. Employment at-will may be terminated with or without cause and with or without notice at any time by the employee or TFHE. Nothing in this Manual shall limit the right to terminate at-will employment. No manager, supervisor, or employee of TFHE has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms for TFHE personnel and non-faculty LCPA, LVLA and RCLA staff. Unless otherwise delegated by the President of TFHE, only the President of TFHE has the authority to make any such agreement, which is binding only if it is in writing.

D. Equal Employment Opportunity
TFHE is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available persons in every job. TFHE policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, age, national origin or ancestry, physical or mental disability, and medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful.

E. Disability Accommodation
TFHE is committed to complying with all applicable provisions of federal, state and local laws prohibiting discrimination on the basis of disability. It is TFHE’s policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual’s disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, TFHE will provide reasonable accommodation to a qualified individual with a disability who has made TFHE aware of his or her disability, provided that such accommodation does not constitute an undue hardship on TFHE. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the HR Department. TFHE encourages individuals with disabilities to come forward and request reasonable accommodation.

(SEE APPENDIX A for further information)

F. Anti-Harassment
TFHE is committed to providing a work environment free of harassment. TFHE policy prohibits sexual harassment, and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status,
age, sexual orientation, bullying or any other basis protected by federal, state or local law or ordinance or regulation. **All such harassment is unlawful.** The Foundation’s anti-harassment policy applies to all persons involved in the operation of the Foundation and prohibits harassment by any employee of the Foundation, including supervisors, co-workers and any other persons. It also prohibits harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

Prohibited harassment includes, but is not limited to, the following behavior:

- Offensive remarks, comments, jokes or slurs pertaining to an individual’s race, religion, sex, sexual orientation, gender or gender identity, age, national origin or ancestry, disability, citizenship, veteran status, or any other protected status as defined by law or regulation whether verbally or by electronic means including email, and/or text messages
- Offensive sexual remarks, sexual advances, flirtations, or requests for sexual favors regardless of the gender of the individuals involved and whether verbally or by electronic means
- Offensive physical conduct, including touching, regardless of the gender of the individuals involved, including threats of harm, violence or assault
- Offensive pictures, drawings or photographs or other communications, including email, text messages, or other forms of electronic communication
- Holding company functions in inappropriate venues, such as a strip-club, sex or gender based practical jokes, sexual favoritism
- Threatening reprisals due to an employee’s refusal to respond to requests for sexual favors or for reporting a violation of this policy
- Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual natures, regardless of gender, when:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
  - Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting such individual;
  - Such conduct has the purpose or effect of substantially interfering with the individual’s work performance or creating an intimidating, hostile or offensive working environment.

Responsibility

All Foundation employees have a responsibility for keeping our work environment free of harassment and discrimination.

Reporting

TFHE encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender’s identity or position. Individuals who believe that they have been the victims of such conduct should discuss their concerns with their immediate supervisor, or the Human Resources Coordinator. In addition, TFHE encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. TFHE recognizes, however, that an individual may prefer to pursue the matter through formal complaint procedures. Every effort will be made to keep such reports as confidential as possible, although it is understood that an investigation will normally require the involvement of third parties. TFHE is serious about enforcing its policy against harassment; however, TFHE cannot resolve a harassment problem that it does not know about. Therefore, employees are responsible for bringing any such problems to TFHE’s attention so it can take whatever steps are necessary to correct the problems.
Retaliation
Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Conclusion
This policy was developed to ensure that all employees could work in an environment free from harassment, discrimination and retaliation. TFHE will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately. Any employee who has questions or concerns about these policies should talk with his/her immediate supervisor or the Human Resources Coordinator. Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and the policies of TFHE prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

(SEE APPENDIX B process for filing a complaint)

G. WHISTLEBLOWER POLICY
TFHE requires its directors, officers, employees, and volunteers to observe high standards of ethics in the conduct of their duties and responsibilities. As representatives of TFHE, such individuals must practice honesty and integrity in fulfilling all responsibilities and must comply with all applicable laws and regulations. The purpose of this policy is to create an ethical and open work environment, to ensure that TFHE has a governance and accountability structure that supports its mission, and to encourage and enable directors, officers, employees, and volunteers of TFHE to raise serious concerns about the occurrence of illegal or unethical actions within TFHE before turning to outside parties for resolution.

All directors, officers, employees, and volunteers of TFHE have a responsibility to report any action or suspected action taken within TFHE that is illegal, unethical or violates any adopted policy of TFHE. Anyone reporting a violation must act in good faith, without malice to TFHE or any individual at TFHE and have reasonable grounds for believing that the information shared in the report indicates that a violation has occurred. A person who makes a report does not have to prove that a violation has occurred. However, any report which the reporter has made maliciously or any report which the reporter has good reason to believe is false will be viewed as a serious disciplinary offense. No one who in good faith reports a violation, or who, in good faith, cooperates in the investigation of a violation shall suffer harassment, retaliation, or adverse employment action.

For information on filing a report, please contact the HR Department
V CONDITIONS OF EMPLOYMENT

A. IMMIGRATION LAW COMPLIANCE
TFHE employs only personnel authorized to work in the United States in compliance with the Immigration and Control Act of 1986. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with TFHE within the past three years or if their previous I-9 is no longer retained or valid.

B. CREDENTIAL REQUIREMENTS
If you are a credentialed team member, you must provide copies of your credential, transcripts, and test scores each fall 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 both the HR Department with verification of renewals. Failure to provide these updated documents to the school may result in suspension without pay until such time as the necessary documentation has been provided.

If you allow a credential, certificate, registration, or required course deadline to expire, or if you fail recertification, training, or testing, TFHE is required to remove you from the work schedule until you meet the requirements or renew your credential.

C. CRIMINAL BACKGROUND CHECKS
TFHE recognizes the importance of maintaining a safe workplace with employees who are honest, trustworthy, qualified, reliable, and nonviolent, and do not present a risk of harm to students, coworkers or others. TFHE will perform applicant background checks and employee investigations as required by Education Code section 47605 [b] [f], which requires that “each employee of the school furnish the school with a criminal record summary”.

All employees must have Live Scan fingerprint results on file with TFHE. Proof of Live Scan fingerprinting is a requirement of employment and the results must be provided to TFHE’s Custodian of Records prior to the first day of work. Live Scan fingerprinting will be required of all job applicants, employees, and volunteers as required by California and federal law. Background checks may also be required of employees whose job duties involve care of students, handling of money, valuables or confidential information, or as otherwise deemed prudent by the Foundation. These background checks are performed through a fingerprinting service coordinated by the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). Any information obtained by TFHE may be taken into consideration in evaluating one’s suitability for employment, promotion, reassignment, or retention as an Employee.

TFHE may occasionally find it necessary to investigate current employees, where behavior or other relevant circumstances raise questions concerning work performance, reliability, honesty, trustworthiness, or potential threat to the safety of coworkers, students or others. Employee investigations may, where appropriate, include credit reports and investigations of criminal records, including appropriate inquiries about any arrest for which the employee is out on bail. In the event that a background check is conducted, TFHE will comply with the federal Fair Credit Reporting Act and applicable state laws, including providing the employee with any required notices and forms. Employees subject to an investigation are required to cooperate with TFHE’s
lawful efforts to obtain relevant information, and may be disciplined up to and including suspension without pay and/or termination for failure to do so.

Employees with adverse background information (such as a criminal conviction) may be ineligible for employment with TFHE. In case of a prior arrest or conviction, the employee must discuss the history of the arrest or conviction with the School’s Director, or immediate supervisor if part of the Foundation team. The employee may be required to provide proof of a mistake in the official records or provide official explanation of the nature of the offense.

For additional information on background checks, please contact the HR Department.

**Background checks are done at the expense of TFHE.**

**D. SUBSEQUENT ARREST NOTIFICATION**

All employees are subject to “Subsequent Arrest Notification Service” by the Department of Justice (DOJ) once they have been fingerprinted for employment at TFHE or any of its charter schools. Any time an employee is arrested after his or her initial background clearance for the school, the DOJ will notify the Custodian of records and send the school the new CORI information.

**E. HEALTH TESTING REQUIRED BY STATUTE**

Before the first day of employment, all new employees must have had a tuberculosis (TB) test as described in Education Code 49406 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 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 must be on file in the office before the first day of employment. Failure to provide documentation on time may result in delay of your ability to begin work or termination.

Results of these tests are strictly confidential. TB Clearance is good for four years and it is the employee’s responsibility to remain in compliance and ensure the HR Department has a valid certificate on file.

Testing such as TB testing, are mandated by statute and are done at the expense of the employee, prior to employment.

**F. FIRST-AID AND CPR TRAINING**

All individuals working unsupervised with children or in a classroom setting (i.e. core teachers, advisors, non-core teachers, administrators) must receive, renew, and maintain basic first-aid and CPR certification by the first day of school for students. TFHE will provide First Aid and CPR training for teachers, assistants and staff. Any employee hired after the beginning of the school year will be required to provide proof of completion of both First Aid and CPR training prior to the first day of work.

**For additional information on the training required, please contact the HR Department.**

**G. 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 TFHE’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. Classroom teachers who become aware of suspected child abuse should request class coverage from the Main Office immediately and make reports to the administrators.

It is extremely important that TFHE Charter 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.

The HR Coordinator 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. If an employee makes a report pursuant to CANRA without the school’s or TFHE’s assistance, he or she is required to notify the school Director of the report if it is based on incidents he or she observed or became aware of during the course and scope of his or her employment with any of the charter schools of TFHE.

For information on filing a report, please contact the HR Department

H. 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 the Human Resources department. All requests should be put in writing preferably on the form maintained by Administration. If the request includes a request for copies the employee or former employee may be required to pay for the actual costs of copying. Employer will respond to such a request within 30 days of receipt of the written 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.

I. CHANGES IN EMPLOYMENT
An employee is responsible for notifying the human resources department about changes in the employee’s personal information and changes affecting the employee's status (for example, 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.
J. TERMINATION OF EMPLOYMENT

Voluntary termination: This results when an employee voluntarily resigns his or her employment, or fails to report to work for three consecutively scheduled workdays without notice to, or approval by, his or her supervisor. All TFHE-owned property, including keys, identification badges, credit cards, laptops, cell phones, etc., must be returned immediately upon termination of employment.

All wages and accrued vacation earned but unpaid for an employee who quits with more than 72 hours notice to TFHE will be paid on the last day of work.

All wages and accrued vacation earned but unpaid for an employee who quits with fewer than 72 hours notices to TFHE will be paid not later than 72 business hours after notice is given. An employee who gives fewer than 72 hours notice will receive his/her final wage payment by mail to his/her last known mailing address. Alternatively and in writing the employee may request to pick up their check at the end of the 72 business hour period. The date of mailing is considered the date of payment for purposes of the 72 hour requirement. The payment deadlines for final wages do not apply to reimbursement of expenses.

Involuntary Termination and Progressive Discipline: Violation of TFHE policies and rules may warrant disciplinary action. TFHE may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to, and including, termination of employment.

All wages and accrued vacation earned but unpaid will be paid immediately when an employee is terminated.

The payment deadlines for final wages do not apply to reimbursement of expenses.

Reorganization, Economics, or Lack of Work: Under some circumstances, TFHE may need to restructure or reduce its workforce. If restructuring our operations or reducing the number of employees becomes necessary, TFHE will attempt to provide advance notice, if possible, to help prepare affected individuals.

In determining which employees will be subject to termination, TFHE will take into account, among other things, operation and requirements, the skill, productivity, ability, and past performance of those involved, and also, when feasible, the employee’s length of service.

VI EMPLOYMENT PROCESSES

A. EMPLOYEE CLASSIFICATIONS

Employee classifications are basically based on how they are paid: W-2 status employees and 1099 non-employee contracted.

W-2 status staff may be regular or certificated contracted employees and are subject to statutorily mandated payroll withholding (see Section IV, B, 1). In addition, W-2 status classified employees are further identified as Exempt and Non-exempt (see Section IV, B. 6 & 7).

1099 staff is contracted, paid on a fee-for-services and not subject to payroll withholding.
Your employee classification is determined based upon the position for which you are applying. An overview of this description follows.

If you are a W-2 employee, other conditions may apply per your employment agreement.

1. **New Hires**
   The first 90 days of employment are considered an introductory period during which time the Foundation evaluates new employees to see if they are suited to the job. Immediate supervisors will closely monitor performance.

   During the introductory period, your supervisor will explain your job responsibilities and the performance standards expected of you.

   TFHE reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

   Completion of the introductory period does not entitle you to remain employed by TFHE for any definite period of time, but rather allows both you and TFHE to evaluate whether or not you are the right fit for the position.

2. **Exempt Employees**
   This category includes all regular employees who are determined by the organization 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. Because they are exempt, such employees are not entitled to additional compensation for extra hours of work or time off in lieu of additional compensation. Exempt employees shall be paid an established salary and are expected to fulfill the duties of their positions regardless of hours worked; greater emphasis is placed on meeting the responsibilities assigned to the position than on working a specified number of hours.
Reduced Salary for Exempt Employees: Salaried employees will receive their salary for any week in which they perform any work. For purposes of this salary pay policy, a week is Sunday 12:01 AM through Saturday midnight. An employee will receive his or her full salary for any week in which an employee does any work, subject to the following rules:

- An employee’s salary may be reduced for complete days of absence due to sick leave, vacations, and personal leave, before sick leave and vacation benefits accrue or after they are exhausted, and incomplete initial and final weeks of work; and
- An employee’s salary will not be reduced due to partial weeks of work due to service as a juror, witness, or in the military, or for lack of work.

This salary pay policy is intended to comply with the salary pay requirements of the California labor law regulations regarding exempt employment. Employees are encouraged to direct any questions concerning their salary pay to the human resources office so that any inadvertent error can be corrected.

3. Non-Exempt Employees

This category includes all regular employees who are covered by certain wage and hour provisions of state and federal laws. Non-exempt employees are entitled to overtime for hours worked beyond 8 hours in one workday or beyond 40 in one workweek, as well as meal and rest breaks as prescribed by law.

Rest Breaks: Rest breaks are provided at the rate of not less than 10 consecutive minutes for each four hours (or major portion thereof) worked, occurring as near as possible to the middle of the work period. You may not combine rest breaks or add them to meal breaks. Nor may they be used to come in 10 minutes late or leave 10 minutes early. Break times are paid.

<table>
<thead>
<tr>
<th>Hours of Work</th>
<th>Rest Breaks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.0 - 3.5</td>
<td>0</td>
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<tr>
<td>3.5 - 6.0</td>
<td>1</td>
</tr>
<tr>
<td>6.0 – 10</td>
<td>2</td>
</tr>
<tr>
<td>10 – 14</td>
<td>3</td>
</tr>
<tr>
<td>14 – 18</td>
<td>4</td>
</tr>
</tbody>
</table>

Meal Periods: A meal break of at least 30 minutes is provided for every work period of more than five hours. However, if six hours of work complete the day’s work, the employee may voluntarily choose to waive (in writing) the meal break; otherwise, the employee is required to take at least a 30 minute meal break. A second meal break of at least 30 minutes will be provided for all workdays on which an employee works more than 10 hours. Meal breaks may be up to one hour in length, based on the discretion of the department head. Meal periods are unpaid. If you are unable to take your schedule meal break or rest break you are to notify your supervisor immediately.

Overtime: TFHE provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

- All hours actually worked in excess of eight hours in one workday or 40 hours in one workweek will be treated as overtime. A workday begins at 12:01 a.m., and ends at midnight 24 hours later. Workweeks begin each Sunday at 12:01 a.m.;
- Compensation for hours in excess of 40 for the workweek, or in excess of eight and not more than 12 for the workday, and for the first eight hours on the seventh consecutive day of work in one workweek, shall be paid at a rate one and one-half (1.5) times the employee’s regular rate of pay;
- Compensation for hours in excess of 12 in one workday and in excess of eight on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay; and
Exempt employees may have to work hours beyond their normal schedules, as work demands require. No overtime compensation will be paid to exempt employees.

**Time Worked Records.** By law, TFHE is obligated to keep accurate records of the time worked by non-exempt employees. Such employees shall be required to utilize TFHE’s time-keeping system.

Non-exempt employees are solely responsible for ensuring accurate information on their time and remembering to record time worked.

While TFHE is required to pay unapproved overtime, working unapproved overtime is grounds for disciplinary action, up to and including termination.

**Off the clock work:** TFHE prohibits all non-exempt 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, PDAs or cell-phones to check work email, voicemail or to send text messages after hours.

4. **Full-Time Classified Employees**
An employee who works at least 30 hours per week is eligible for all benefits set forth in this Manual as required by law or described in this handbook.

In addition, full time employees are further classified as either non-exempt (hourly) or exempt (salary). This is required by law to identify those employees who qualify to be paid at an overtime rate for hours worked in excess of 40 hours in a work week. Only non-exempt employees are entitled to receive overtime pay.

5. **Full-Time Temporary Employees**
A Full-Time Temporary employee is an employee who has been hired as a temporary replacement for a regular employee, for special projects or to meet additional workloads. Temporary employment may be terminated any time without notice or severance based on funding, workload or performance.

6. **Part-time Classified Employees**
An employee who regularly works 20-25 hours per week and is entitled only to sick days and statutory benefits on a pro-rata basis.

7. **Part-time Temporary Employees**
An employee who works 20 or fewer hours per week and is not entitled to the privileges and benefits set forth in this Manual. Students who work in this capacity at TFHE must have and maintain a 2.5 GPA to be considered for the following academic year.

8. **Employees Under Contract**
   a) Faculty – Certificated
      For classification details refer to the Collective Bargaining Agreement.
   b) Non-faculty, certificated and non-certificated
      Staff members not covered under the Collective Bargaining Agreement and hired on a “number of work days” basis per individual contracts.
9. Faculty
Faculty is defined as employees that are certificated by the state and work directly with students in the classroom. Faculty is considered to be contracted employees and the terms of employment are set forth in individual contracts. The Directors of the charter schools have the authority to execute said contracts. Should any policies in this manual be in conflict with said contracts, the terms set forth in the contracts will supersede those in TFHE Employee Manual.
Expenses incurred for certification are the responsibility of the employee.

B. Employee Wages

1. Payroll Withholdings
As required by law, TFHE shall withhold Federal Income Tax, State Income Tax, Social Security (FICA) and State Disability Insurance from each regular employee’s pay, as follows:

a) Federal Income Tax Withholding: The amount varies with the number of exemptions the employee claims and the gross pay amount.

b) State Income Tax Withholding: The same factors which apply to federal withholdings apply to state withholdings.

c) Social Security (FICA) and Medicare: The Federal Insurance Contribution Act requires that a certain percentage of employee earnings be deducted and forwarded to the federal government, together with an equal amount contributed by TFHE.

d) State Disability Insurance (SDI): This state fund is used to provide benefits to those out of work because of illness or disability.

Every deduction from your paycheck is explained on your check voucher. If you do not understand the deductions, ask the HR Department to explain them to you.

You may change the number of withholding allowances you wish to claim for Federal Income Tax purposes at any time by filling out a new W-4 form and submitting it to the HR Department. The HR Office maintains a supply of these forms.

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 hire and it is the employee’s responsibility to report any changes in filing status to the HR Office and to fill out a new W-4 form.

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 and Medicare withheld; federal taxes withheld; state taxes withheld, and total wages.

2. Payment of Wages
- Paydays for salaried employees fall on the last business day of each month.
- Paydays for hourly employees are scheduled on the 15th and on the last business day of the month.
• When payday falls on a weekend, paychecks will be released on Friday. When payday falls on a holiday, paychecks will be released on the day before the holiday, unless the holiday is a Monday and in that case, paychecks will be released the preceding Friday.
• Paydays for contracted employees are established pursuant to the terms of their contract.

If you observe an error on your check, please report it immediately to your supervisor, the finance office or the human resources office.

Time sheets must be submitted by 5:00 pm three days prior to pay roll processing day. Should eligible employees elect dependent coverage under any TFHE insurance plan, the cost of that coverage will be deducted from your paycheck each pay period. If you decide to make any voluntary contributions to a pension plan, and/or if you elect any other voluntary benefits, the appropriate amount will be deducted from your paycheck each pay period.

TFHE offers automatic payroll deposit for its regular employees. Further information is available in the human resources office or the finance office. A written, signed authorization is required for mail delivery or for delivery of your paycheck to any other person. If you have 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,” the school 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.

VII. BENEFITS

A. INSURANCE BENEFITS
Full time employees of TFHE are eligible to receive the following benefits. Eligible dependents are defined according to each insurance coverage plan. Please refer to the summary plans to determine dependent eligibility. This information is available in the human resources office.

1. Medical Insurance
TFHE provides a comprehensive medical insurance plan for eligible regular full-time employees and their dependents. Eligibility begins on the first day of the month following date of regular full-time employment. Premium costs for eligible employees are paid by TFHE. The employee pays elected coverage for eligible dependents through payroll deduction. Eligible employees who choose to waive medical insurance may choose to elect coverage only during open enrollment or must meet qualifications to enroll at another time. Details about medical insurance and enrollment are available in the human resources office.

2. Dental Insurance
TFHE provides a comprehensive dental insurance plan for eligible regular full-time employees and their dependents. Eligibility begins on the first day of the month following date of regular full-time employment. Premium costs for eligible employees are paid by TFHE. The employee pays elected coverage for eligible dependents through payroll deduction. Eligible employees who choose to waive dental insurance may choose to elect coverage only during open enrollment or must meet qualifications to enroll at another time. Details about dental insurance and enrollment are available in the human resources office.
3. **Vision Insurance**
TFHE provides a comprehensive vision insurance plan for eligible regular full-time employees and their dependents. Eligibility begins on the first day of the month following date of regular full-time employment. Premium costs for eligible employees are paid by TFHE. The employee pays elected coverage for eligible dependents through payroll deduction. Eligible employees who choose to waive vision insurance may not enroll at a later date unless they meet specific qualifications stipulated by the vision insurance company. Details about vision insurance and enrollment are available in the human resources office.

4. **Life and Accidental Death and Dismemberment**
TFHE pays life and AD&D insurance premiums for all eligible regular full-time employees. Eligibility begins on the first day of the month following three months of continuous full-time employment. Please contact the human resources office for a detailed plan description discussing the policy.

5. **Short and Long Term Disability**
TFHE pays short and long term disability premiums for all eligible regular full-time employees. Eligibility begins on the first day of the month following three months of continuous full-time employment. Please contact the human resources office for a detailed plan description discussing the policy.

B. **Retirement Plan**
Employees who are eligible for the California State Teachers Retirement System (CALSTRS) are required to participate in CALSTRS. Please contact the HR Office for a detailed description of the plan.

**CALSTRS-eligible** employees of TFHE are defined as:

- K-12 teachers and all others who work directly with pupils a minimum 1050 hours/175 days per year, and
- Program Managers, principals, or administrators at a school site or district offices who work a minimum of 1520 hours/190 days.
- Substitute teachers have the option to participate in CALSTRS upon employment. However, even if they decline, they are automatically enrolled after 100 days of employment.

C. **Vacation**
Classified full-time LCPA, LVLA and RCLA site staff does not accrue paid vacation days because they are granted paid time off during school calendar scheduled breaks.

Hourly employees do not accrue paid vacation days.

Certificated Employees do not accrue paid vacation days.

Classified full-time, TFHE Staff accrue paid vacation days in accordance with the following policy:

- 1st day through 1st year:  five days
- 2nd year through 4th year: 10 days per year
- 5th year through 8th year: 15 days per year
- 9th year through 12th year: 20 days per year
- 13th year and thereafter: 22 days per year
Classified part-time TFHE Staff accrue paid vacation days on a pro-rata basis according to the number of days worked based on the above schedule. Eligible employees start accruing vacation time on the first day of employment. Vacation time is calculated according to full time anniversary date.

Temporary employees do not accrue paid vacation time.

Part-time employees who are scheduled to and do work 20 hours or more every week accrue pay vacation based on the number of hours worked and the accrual rates below.

Full-time employees begin to accrue vacation time at the rate of .01923 hours per hour worked. An employee who is scheduled to and does work 40 hours per week will normally accrue five working days, or 40 hours of vacation in the first year of continuous employment.

In the second, third and fourth years of continuous employment, full time employees will accrue vacation time at the rate of .0385 hours per hour worked. An employee who is scheduled to and does work 40 hours per week will normally accrue 10 working days or 80 hours vacation time per year in the second, third, and fourth years of employment.

Beginning with the fifth year through the 8th year of continuous employment, full-time employees begin to accrue vacation time at the rate of .0576 hours per hour worked. An employee who is scheduled to and does work 40 hours per week will normally accrue 15 working days or 120 hours of vacation per year beginning in the fifth year of employment.

Beginning with the 9th year of continuous employment, full-time employees begin to accrue vacation time at the rate of .0769 hours per hour worked. An employee who is scheduled to and does work 40 hours per week will normally accrue 20 working days or 160 hours of vacation time per year beginning in the 12th year of employment.

Beginning with the 13th year of continuous employment, full-time employees begin to accrue vacation time at the rate of .0846 hours per hour worked. An employee who is scheduled to and does work 40 hours per week will normally accrue 22 working days or 176 hours of vacation time per year beginning in the 13th year of employment.

TFHE encourages employees to take vacation annually. Earned vacation time accrues to a maximum of:
• 20 working days in the second through fourth years of employment;
• 30 working days in the fifth through 8th years of employment;
• 40 working days in the 9th through 12th years of employment; and
• 44 working days in the 13th and following years of employment

• If the maximum accrual is reached, no additional vacation will be earned until accrued vacation time is used.
• Vacations must be scheduled to provide adequate coverage of job responsibilities and staffing requirements. Supervisors must approve employee requests for vacation time in advance and submit approved requests to the HR office.
• Approved vacation time requested prior to accrual or that is more than accrued will be taken without pay.
• In the event that you and another employee have requested vacation time covering the same period and may not be absent simultaneously, and if both requests were submitted at the same time, preference will
be given to the employee with greater length of service. Otherwise, preference will be given to the request made first. Employees on un-paid leave do not accrue vacation time.

At no time may an employee receive pay in lieu of accrued vacation except at the time of termination.

**Required Use of Vacation Before Unpaid Sick Leave:** You are required to take accrued and unused vacation before taking unpaid leave, or having unpaid absences where legally allowed.

Family and Medical Leave (under both state and federal law) are included in this requirement, unless the absence is pregnancy-related.

If you are absent for a reason that qualifies you for Paid Family Leave (PFL) payments, you are required to first use any accrued and unused vacation, up to a maximum of two weeks in a 12-month period. Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after you have been absent from work for seven calendar days. If you have accrued sick leave, sick leave will be used for the first seven days before SDI payments begin. If you do not have accrued sick leave, but do have accrued vacation, vacation will be substituted for the unpaid absence.

SDI benefits do not replace all of your usual wages. Your SDI benefits may be supplemented with any accrued and unused sick leave. If you have no sick leave, or once you exhaust your sick leave, accrued and unused vacation may be used to supplement your SDI benefits. You may request that your SDI benefits be supplemented by contacting the human resources office at least one week prior to the first day of your leave.

**D. HOLIDAYS**

TFHE and its charter schools observe the following paid holidays:

- New Year’s Eve
- New Year’s Day
- Day after New Year’s Day
- Cesar Chavez Day
- Martin Luther King Jr. Day
- President’s Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Eve
- Christmas Day
- Day after Christmas Day

Any time a holiday falls on a Saturday or Sunday, it is usually observed on the preceding Friday or the following Monday. However, TFHE may close on another day. Holiday observance will be announced in advance.

To be eligible for holiday pay, you must be regularly scheduled to work on the day on which the holiday is observed and must work your regularly scheduled working days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by your supervisor. Employees who are **required** to work on a paid scheduled holiday will receive straight time pay in addition to holiday pay or an alternate paid day off.

Part time regular employees receive holiday pay if they are regularly scheduled to work on the day on which the holiday is observed for the hours they would normally work on that day. (Example: If a part time regular
employee normally works six hours on a particular day, then they would receive six hours of holiday pay if that scheduled workday were a holiday).

Part time temporary employees do not receive holiday pay.

- **School Calendar Scheduled Breaks**
  
  This policy applies only to LCPA, LVLA and RCLA staff.

### E. **Sick Leave**

Sick leave is a form of insurance that employees accumulate in order to provide a cushion for incapacitation due to illness. It is intended to be used only when actually required to recover from illness or injury; sick leave is not for “personal” absences. Time off for medical and dental appointments will be treated as sick leave.

TFHE will not tolerate abuse or misuse of your sick leave privilege. **All employees are required to notify their immediate supervisor and the HR department of any absences due to illness or injury.**

As of July 1st, 2015 TFHE offers paid sick leave to **all eligible employees** who have worked 30 days. New regular full-time employees have a full year’s worth of sick leave available for use on the 91st day of employment. Regular full-time employees earn 12 days of sick leave per year, or the equivalent of one sick day per month of service.

At no time may an employee other than CalSTRS eligible employees, accumulate more than 12 days of sick leave. Sick days do not roll over to the following year. TFHE does not pay employees in lieu of unused sick leave.

1) **CALSTRS eligible employees** earn 10 days of annual sick leave each school year at the rate of one (1) sick leave day per school month of actual paid service. Unused sick leave may be accumulated and utilized as needed per school year. Any sick days accumulated but unused, if applicable, will be transferred to a public school employer upon separation from employment. Employees will not be paid for unused sick time upon separation from employment with TFHE.

   **Accumulations and transfer of sick leave:** The full year’s credit of current sick leave shall be available and can be used on the first day of contracted service, with accumulated sick leave added to it. Subject to the limitations noted in the Collective Bargaining Agreement, sick leave accumulated in other California school districts shall be credited upon employment and shall be transferred, if applicable, to a school district or other public school upon separation.

   Further details or changes to this policy regarding Sick Leave may be found in the Collective Bargaining Agreement.

2) **Temporary employees** earn 3 days worth of sick time per year. Sick time is available for use on the 31st days of employment.

3) **Part time classified employees** earn 3 days worth of sick time per year. Sick time is available for use on the 31st days of employment.

**Classified employees** who have depleted their sick leave may use accrued vacation time to cover for absences.
Kin Care: Employees may use up to one-half of their yearly sick leave to attend to a child, grandchild, parent, grandparent, sibling, spouse, spouse’s parent, domestic partner, domestic partner’s parent, or domestic partner’s child who is ill.

For purposes of sick leave use, a “child” is defined as a biological, foster, or adopted child; stepchild; or a legal ward. A “child” also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.

A “parent” is your biological, foster, or adoptive parent; stepparent; or legal guardian.

A “spouse” is your legal spouse according to the laws of California, which do not recognize “common law” spouses (a union that has not been certified by a civil or religious ceremony). All conditions and restrictions placed on employee’s use of sick leave apply also to sick leave used for care of a child, parent, or spouse.

A “domestic partner” is another adult with whom you have chosen to share your life in an intimate and committed relationship of mutual caring, and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State.

A “domestic partner’s child” is the biological, foster, or adopted child; stepchild; or legal ward of your domestic partner. A “domestic partner’s child” also may be someone for whom your domestic partner has accepted the duties and responsibilities of raising, even if he or she is not your domestic partner’s legal child.

New hire employees will be entitled to use accrued sick leave on the 90th day of their employment and may use sick leave in increments of 2 hours. Employees must provide reasonable advance notice of the need for sick leave if foreseeable. If not foreseeable, the employee must provide notice as soon as practicable.

Sick leave may be used for the diagnosis, care, or treatment of an existing health condition, or for preventative care for the employee or the employee’s family member. Family member includes: child, spouse, parent, registered domestic partner, grandparent, grandchild and sibling.

Sick leave may also be used for victims of domestic violence, sexual assault or stalking.

Request
Sick time leave requests and notifications must be sent to the human resources office and approved by the employee’s supervisor. If you are absent longer than three days due to illness, medical evidence of your illness and/or medical certification of your fitness to return to work, which is satisfactory to TFHE, will be required to honor any sick pay requests. All employees must present proper documentation to the HR department, no later than five business days after returning to work. TFHE may withhold sick pay if it suspects that sick leave has been misused.

VIII. LEAVES

Please contact your immediate supervisor and the HR office as soon as you have determined the need for any type of leave. Requirements for the timing or verification of need differ depending on the type of leave requested.
Please refer to the appropriate section of your employee manual for these requirements, and necessary forms.
A leave request form may be obtained from the HR Department.

A. **EXTENDED MEDICAL LEAVE**

A medical leave of absence without pay may be granted for non-work-related temporary medical disabilities (other than pregnancy, childbirth, and related medical conditions) for up to four months with a doctor’s written certificate of disability. Employees should request any leave in writing as far in advance as possible. If you are granted a medical leave, you must use your accrued sick time and accrued vacation time.

A medical leave begins on the first day your doctor certifies that you are unable to work, and ends when your doctor certifies that you are able to return to work or after a total of four months of leave, whichever occurs first. Human resources will supply you with a form for your doctor to complete, showing the date you were disabled and the estimated date you will be able to return to work. An employee returning from a medical disability leave must present a doctor’s certificate declaring fitness to return to work.

If returning from a non-work-related medical leave, you will be offered the same position you held at the time your leave began, if available. If your former position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, your return to work will depend on job openings existing at the time of your scheduled return. TFHE makes no guarantees of reinstatement, and your return will depend on your qualifications for existing openings.

B. **FAMILY MEDICAL LEAVE (FMLA/CFRA)**

Family/Medical leave is provided through the Federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). CFRA contains family care and medical leave provisions for California employees and covers employers who do business in California and employ 50 or more part-time or full-time staff. FMLA and CFRA provide for up to 12 workweeks of unpaid family/medical leave within a 12-month period under the following conditions.

1) **Eligibility:**
   - The employee must have more than 12 months of continuous service;
   - The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave.

2) **Leave may be taken for one or more of the following reasons:**
   - The birth of the employee’s child, or placement of a child with the employee for adoption or foster care (FMLA/CFRA)
   - To care for the employee’s spouse, registered domestic partner, child, or parent who has a serious health condition (FMLA/CFRA)
   - To care for the employee’s registered domestic partner (CFRA only)
   - For a serious health condition that makes the employee unable to perform his or her job (FMLA/CFRA)
   - For any “qualifying exigency” (as defined by federal regulation) because the employee is the spouse, son, daughter, or parent of an individual on active military duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation (FMLA only).

An employee who is the spouse, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member (FMLA only).
3) Calculating the 12 month period

For purposes of calculating the 12-month period during which 12 weeks of leave may be taken, TFHE uses the rolling backward calculation method.

Under most circumstances, leave under FMLA and CFRA law will run at the same time and the eligible employee will be entitled to a total of 12 weeks of family and medical leave in the designated 12-month period.

Any leave taken under this provision that qualifies as leave under the state, CFRA and/or federal FMLA, Family and Medical Leave Acts will be counted as family/medical leave and charged to your entitlement of 12 workweeks of family/medical leave in a 12-month period.

a. Pregnancy, Childbirth or Related Conditions (ALSO SEE PDL POLICY)

FMLA will run at the same time as PDL. Once the pregnant employee is no longer disabled, she may apply for leave under the California Family Rights Act, for purposes of baby bonding.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. California Family Rights Act leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, TFHE will grant a request for a California Family Rights Act leave (for birth/placement of a child) of less than two weeks’ duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

b. Leave for Employee’s Own Health Condition

Please contact the HR Department as soon as you realize the need for family medical leave. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify the HR Department at least 30 days before leave is to begin. The employee must consult with his or her supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the organization.

If the employee cannot provide 30-days notice, the HR Department must be informed as soon as is practical.

TFHE requires the employee to provide medical certification within 15 days of any request for family medical leave under state and federal law, unless it is not practicable to do so. TFHE may require recertification from the health care provider if additional leave is required. If the employee does not provide medical certification in a timely manner to substantiate the need for FMLA, TFHE may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered FMLA and therefore not subject to the protections afforded by FMLA/CFRA.

If the FMLA/CFRA request is made because of the employee’s own serious health condition the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- Inability of the employee to work at all or perform any one or more of the essential functions of his/her position because of the serious health condition.
TFHE may require, at its expense, a second opinion from a health care provider that TFHE chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by TFHE.

If the second opinion differs from the first opinion, TFHE may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on TFHE and the employee.

Return to work. TFHE will require certification by the employee’s health care provider that the employee is fit to return to his or her job. Failure to provide certification by the health care provider of the employee’s fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

c. Leave to Care for a sick child, spouse, or parent
The employee must provide a certification from the health care provider stating:
- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- Confirmation that the serious health condition warrants the participation of the employee.

When both parents are employed by TFHE and request simultaneous leave for the birth or placement for adoption or foster care of a child, TFHE will not grant more than 12 workweeks total of family/medical leave for this reason. If an employee cites his/her own serious health condition as a reason for leave, the employee must provide a certification from the health care provider stating:
- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Inability of the employee to work at all or perform any one or more of the essential functions of his/her position because of the serious health condition.

The School will require certification by the employee’s health care provider that the employee is fit to return to his or her job. Failure to provide certification by the health care provider of the employee’s fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

d. Leave Related to Military Service
A leave taken due to a “qualifying exigency” related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification by the service member’s health care provider.

4) Continuation of Benefits
Health and welfare benefits: An employee taking family/medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave for a maximum of 12 workweeks (26 workweeks if the leave is to care for a covered service member) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. TFHE will continue to make the same premium contribution as
if the employee had continued working. The continued participation in health benefits begins on the date leave first begins under FMLA/CFRA.

In some instances, TFHE may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following FMLA.

Employees on FMLA who are not eligible for continued paid coverage may continue their group health insurance coverage through TFHE in conjunction with the federal COBRA guidelines by making monthly payments to TFHE for the amount of the applicable premium. Employees should contact the human resources office for further information. Payment is due on the same schedule as payments that are made under COBRA.

**Carryover:** Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement in a 12-month period. The 12-month period is measured forward from the date any employee’s first Family and Medical Leave Act leave begins. Successive 12-month periods commence on the date of an employee’s first use of such leave after the preceding 12-month period has ended. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

5) **Substitution of Paid Leave**

Paid leave will be substituted for unpaid leave in the following circumstances:

- **Accrued sick leave** is required to be used during Family and Medical Leave Act/California Family Rights Act leave for the employee’s own serious health condition, or, up to a limit of that which is accrued over six months, to attend to the illness of a child, parent, spouse, or registered domestic partner of the employee; or
- **Vacation time** is required to be used for any family/medical leave qualifying event, except leave that is also pregnancy disability leave.

6) **Reinstatement**

**Return rights after CFRA leave:**

- After CFRA leave, employees are guaranteed a return to the same or comparable position and can request the guarantee in writing
- If the same position is no longer available, such as layoff or closure, the employer must offer a position that is comparable in terms of pay, location, job content, and promotional opportunities, unless the employer can prove that no comparable position exists.
- An employee is not entitled to reinstatement if the employee would have been otherwise laid off or terminated.

In addition, an employee’s use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

**Reinstatement after family/medical leave may be denied** to certain salaried “key” employees under the following conditions:

- An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within 75 miles of the work site at which the employee worked at the time of the leave request;
The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to TFHE’s operations;

- The employee is notified of TFHE’s intent to refuse reinstatement at the time TFHE determines the refusal is necessary; and
- If leave has already begun, TFHE gives the employee a reasonable opportunity to return to work following the notice described previously.

Temporary Transfers
Employees who request a temporary transfer for medical and/or family medical leave reasons will be considered for that transfer if a position exists at the time the transfer is requested and the employee is qualified to perform the job. The employee will be paid in accordance with the responsibilities and duties of the temporary job.

7) Vacation or Sick Time Accrual
Employees on Family and Medical Leave Act/California Family Rights Act leave will not continue to accrue sick, vacation and/or PTO leave during unpaid FMLA/CFRA. Holidays will not be paid while on FMLA/CFRA.

If you have any questions regarding FMLA/CFRA, please contact the HR Department.

C. Pregnancy Disability Leave
You may take up to four months (693 hours for a full-time employee) of medically necessary pregnancy disability leave for pregnancy, childbirth or a related medical condition under California State law and (if eligible and you have not exhausted your entitlement) an additional 12 workweeks for non-pregnancy disability-related family medical leave under the California Family Rights Act (CFRA) for the purpose of baby-bonding. The first 12 workweeks of pregnancy disability run concurrently with the federal FMLA, if eligible. Any remaining FMLA leave will run concurrently with CFRA leave. The amount of leave will be pro-rated based on number of hours worked (i.e. a part-time employee working 20 hours per week would be entitled to 346.6 hours of leave).

Pregnancy, childbirth, or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave.

Any female employee planning to take pregnancy disability leave should advise the human resources office as early as possible. The individual should make an appointment with human resources to discuss the following conditions:

- Employees who need to take pregnancy disability must inform TFHE’s human resources office when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with their supervisor regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of TFHE. Any such scheduling is subject to the approval of the employee’s health care provider;
- If 30 days advance notice is not possible, notice must be given as soon as practical;
- Upon the request of an employee and recommendation of the employee’s physician, the employee’s work assignment may be changed if necessary to protect the health and safety of the employee and her child;
• Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached;
• Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons;
• Pregnancy leave usually begins when ordered by the employee’s physician. The employee must provide the human resources office with a certification from a health care provider. The certification indicating disability should contain:
  ▪ The date on which the employee became disabled due to pregnancy;
  ▪ The probable duration of the period or periods of disability; and
  ▪ A statement that, due to disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
• Leave returns will be allowed only when the employee provides a release to return to work from her health care provider.

Except to the extent that other paid leave is substituted for pregnancy-related disability leave, PDL is unpaid. An employee will be allowed to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. An employee will be allowed to use accrued vacation or personal time (if otherwise eligible to take the time) during a pregnancy disability leave. The substitution of sick pay and/or vacation/PTO pay for pregnancy disability leave does not extend the total duration of the leave to which the employee is entitled and which is supported by medical certification.

Duration of the leave will be determined by the advice of the employee’s physician, but employees disabled by pregnancy may take up to 17 -1/3 weeks or 693 hours for a full-time employee. Part-time employees are entitled to leave on a pro rata basis. The duration of leave includes any period of time for actual disability caused by the employee’s pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of one (1) hour.

Unless TFHE and the employee have already agreed upon the employee’s return to work date, an employee who has taken a pregnancy disability leave or transfer must notify the Human Resources contact at least thirty (30) days prior to her anticipated return to work or, as applicable, before her transfer back to her former position. Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

Employees on pregnancy disability leave will accrue leave benefits, such as sick leave, vacation and/or PTO only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual. No leave benefits shall accrue when the employee is in unpaid status.

Baby bonding leave is covered by the California Family Rights Act (CFRA). If the employee has not exhausted the full 12 weeks of her FMLA entitlement, a portion of the baby bonding leave may be protected under FMLA as well. The employee must complete a request for baby bonding leave. See the HR Department for the proper form to use to request this leave. Prior to commencing baby bonding leave, the employee will be required to
submit a certification from her health care provider showing that the employee is no longer disabled by pregnancy or childbirth, to the HR Department.

**Coordination of Pregnancy Disability Leave with FMLA**

TFHE will maintain its portion of group health insurance coverage that the employee was provided before the leave commenced on the same terms as if the employee had continued to work up to the maximum leave allotment allowed under the Pregnancy Disability Leave law (693 hours) and for the first 12 weeks of CFRA “Baby-Bonding Leave”. TFHE may recover premiums it paid to maintain health coverage if the employee does not return to work following pregnancy disability leave. Employees are still responsible to pay for their own portion of group health benefits premium. See the HR Department to review the amount that employee will need to reimburse the school while on pregnancy disability leave.

If you are on pregnancy disability leave and are not eligible for continued paid coverage, or if paid coverage ceases after 17 1/3 workweeks, you may continue your group health insurance coverage through TFHE in conjunction with federal COBRA guidelines by making monthly payments to TFHE for the amount of the relevant premium. Contact the human resources office for further information.

**Intermittent Leave:** Employees may take Family and Medical Leave Act/California Family Rights Act leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee’s child, parent or spouse, or of the employee, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is one (1) hour.

**D. WORKERS’ COMPENSATION**

Employees that are temporarily disabled due to a work-related illness or injury will be placed on workers’ compensation leave. The duration of your leave will depend upon the rate of your recovery and the medical provider’s recommendation. Workers’ compensation leave will run concurrently with any other applicable medical leave of absence (FMLA/CFRA). Unless otherwise mandated by law, employees on a leave of absence of more than (90*) days are responsible for selecting continuing health coverage and paying the premium for such coverage through COBRA.

TFHE or its insurer will not be liable for payment of workers’ compensation benefits for any injury that arises out of an employee’s voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee’s work-related duties, except where these activities are a reasonable expectancy of, or are expressly or implicitly required by employment.

**Benefits:**

- **Medical care:** Paid for by your employer, to help you recover from an injury or illness caused by work.
- **Temporary disability benefits:** Payments if you lose wages because your injury prevents you from doing your usual job while recovering.
- **Permanent disability benefits:** Payments if you don’t recover completely.
- **Supplemental job displacement benefits** (if your date of injury is in 2004 or later): Vouchers to help pay for retraining or skill enhancement if you don’t recover completely and don’t return to work for your employer.
- **Death benefits:** Payments to your spouse, children or other dependents if you die from a job injury or illness.

**Return to work**
Upon submission of a medical certification that an employee is able to return to work after a workers’ compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available.

If the employee on workers’ compensation leave would have been terminated had he or she not gone on leave, or if the employee’s position has been eliminated or filled in order to avoid undermining TFHE’s ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement.

An employee’s return depends on his or her qualifications for any existing openings. If, after returning from a workers’ compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, TFHE’s obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

The law requires TFHE to notify the workers’ compensation insurance company of any concerns of false or fraudulent claims.

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying workers’ compensation benefits or payments is guilty of a felony. A violation of this law is punishable by imprisonment for one to five years, or by a fine not exceeding $50,000 or double the value of the fraud, whichever is greater, or both. Additional civil penalties may also apply.

(See Appendix C for Workers Compensation claim process)

Workers’ Compensation and FMLA/CFRA
Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work.

The leave under these laws run concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks.

Workers’ Compensation and Paid Sick Leave
Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers’ compensation insurance. However, workers’ compensation benefits may not cover absences for medical treatment.

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If you have accrued and unused sick leave, the additional absences from work will be paid with the use of sick leave.

If you do not have accrued, paid sick leave, or if you have used all of your sick leave, you may choose to substitute vacation time for further absences from work, related to your illness or injury.

E. Bereavement Leave
TFHE grants leave of absence to employees in the event of the death of the employee’s current spouse, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-,
or daughter-in-law. An employee with such a death in the family may take up to three consecutive scheduled workdays off with pay with the approval of TFHE. Requests must be made through the human resources office.

F. MILITARY LEAVE
Employees who wish to serve in the military and take military leave should contact the human resources office for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

G. MILITARY SPOUSE LEAVE
An eligible employee-spouse of a qualified service member is entitled to take ten (10) days unpaid leave during a period when the spouse is on leave from deployment during a period of military conflict.

An eligible employee must work an average of 20 hours per week; must provide notice of his or her intention to take the leave within two (2) business days of receiving official notice that the service member will be on leave; and submit written documentation certifying that the service member will be on leave during the time the leave is required.

The employee may use accrued vacation/sick or PTO for this leave.

H. JURY DUTY AND WITNESS LEAVE
TFHE encourages employees to serve on jury duty when called. Employees will receive full pay while serving up to two weeks of jury duty. You should notify your supervisor of the need for time off for jury or witness duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of performance of jury service. If work time remains after any day of jury selection, jury duty, or witness duty, you will be expected to return to work for the remainder of your work schedule.

Non-exempt employees may take an unpaid leave of absence for jury duty. Exempt 12-month employees may take up to 5 days of paid leave for jury duty. Exempt employees on a 10-month calendar are directed to postpone a summons to perform jury duty to the summer period.

I. TIME OFF TO VOTE
TFHE 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 the School 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 TFHE will not pay the employee for this time off. Vacation or personal hours which have accrued but not been used may be paid to the employee for this time off.

J. DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING LEAVE
Employees who are victims of domestic violence, sexual assault or stalking, are eligible for unpaid leave. You may request leave if you are involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure your health, safety, or welfare, or that of your child.
You should provide reasonable advance notice of the need to take time off, unless advance notice is not feasible, and certification of your need to take leave under this policy. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee was a victim of domestic violence, sexual assault or stalking;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health-care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault or stalking.

TFHE will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision. The length of unpaid leave an employee may take is limited to 12 weeks provided for in the federal Family and Medical Leave Act of 1993. Any absence from work will be unpaid, unless you choose to take paid time off, such as accrued vacation or sick leave.

**K. Victims of Crime Leave**

An employee who is a victim or who is the family member of a victim of a violent felony or serious felony may take time off from work under the following circumstances:

- The crime must be a violent or serious felony, as defined by law; and
- You must be the victim of a crime, or you must be an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim.
  - An immediate family member is defined as: a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather.
  - A registered domestic partner means a domestic partner who is registered in accordance with California state law.

The absence from work must be in order to attend judicial proceedings related to a crime listed above.

Before you are absent for such a reason, you must provide documentation of the scheduled proceeding. Such notice is typically given to the victim of the crime by a court or government agency setting the hearing, a district attorney or prosecuting attorney’s office or a victim/witness office.

If advance notice is not possible, you must provide appropriate documentation within a reasonable time after the absence.

Any absence from work to attend judicial proceedings will be unpaid, unless you choose to take paid time off, such as accrued vacation or sick leave.

**L. School Activities Leave**

Employees are encouraged to participate in the school activities of their child/ren. The absence is subject to all of the following conditions:

- Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades one to 12 may take time off for a school activity;
- The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of 40 hours each school year;
• Employees planning to take time off for school visitations must provide as much advance notice as possible to their supervisor, and is subject to supervisor approval.
• Regular employees must use accrued vacation time in order to receive compensation for this time off;
• Employees who do not have paid time off available will take the time off without pay;
• If both parents are employed by TFHE, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her supervisor; and
• Employees must provide their supervisor with documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

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

N. ORGAN DONOR / BONE MARROW DONOR LEAVE
If you volunteer to donate an organ you may take up to thirty (30) days paid leave per year for this process or up to five (5) days paid leave for the donation of bone marrow.

You must give as much notice as is practicable and must provide certification of the medical necessity of the procedure. You will be required to use up to two weeks of any accrued paid leave (sick and/or vacation/PTO) for organ donation and up to five (5) days accrued paid leave (sick and/or vacation/PTO) for bone marrow donation. This leave does not run concurrently with FMLA/CFRA. You must have been employed for at least a 90-day period immediately preceding the beginning of the leave, if otherwise eligible.

You may take this leave incrementally, as medically necessary, or all at one time. All health benefits shall be maintained during this leave to the extent they exist at the time of the leave. This leave shall not be considered a break in service and the employee shall continue to accrue paid time off and other benefits as if they had continued working. The Employee shall be required to pay any portion of their benefits they are currently paying.

An employee shall not have any greater rights during this leave than if he or she had been actively working during this time but will be reinstated to their same or equivalent job prior to the leave. No employee shall be discriminated or retaliated against for taking an organ donation or bone marrow leave.

O. OTHER LEAVES OF ABSENCE
TFHE may grant leaves of absence to employees in certain circumstances. Unused sick leave or accrued vacation may be used during unpaid leaves. Request any leave in writing as far in advance as possible, keep in touch with your supervisor or human resources office during your leave, and give prompt notice of any change in your anticipated return date. If your leave expires and you fail to return to work without contacting your supervisor or the human resources office within 3 days, TFHE will assume that you do not plan to return and that you have terminated your employment. Upon return from a leave of absence, you will resume all aspects of your employment status that existed prior to the start of your leave.
a) **PERSONAL LEAVE**

A personal leave of absence without pay may be granted at the discretion of TFHE. Requests for personal leave should be limited to unusual circumstances requiring an absence of longer than two weeks. Approved personal absences of shorter duration are not normally treated as leaves, but rather as excused absences without pay.

**Health Insurance Premium:** TFHE will continue to pay for health insurance for employees on leaves of absence or while using accrued sick leave or vacation, granted that employees on leave continue to make their portion of contributions on a timely basis. After that, you may self-pay premiums under the provisions of COBRA. The human resources office can give you additional information.

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**IX. PERSONNEL RECORDKEEPING AND EVALUATION**

**A. PERSONNEL RECORDS**

It is important that all personnel files contain current information regarding each employee. It is the responsibility of each employee to make sure that the personnel data in his or her file is accurate and up to date. Report any change of address, phone number, name, filing status, etc., to the human resources office by completing the required change forms. All personal information change forms must be submitted to the human resources office.

TFHE will restrict disclosure of your personnel file to authorized individuals within TFHE. Any request for information contained in personnel files must be directed to the human resources office. Only the human resources office is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited. However, TFHE will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

**Names and Addresses:** TFHE is required by law to keep current all employee’s names and addresses. Employees are responsible for notifying the human resources office in the event of a name or address change. Post Office boxes are not acceptable for tax purposes. If you use a P.O. Box for correspondence, please provide an alternative mailing address for tax purposes.

**Employment References:** All requests for references must be directed to the human resources office. No other manager, supervisor, or employee is authorized to release references for current or former employees. By policy, TFHE discloses only the dates of employment and the title of the last position held of former employees. If you authorize the disclosure in writing, TFHE also will inform prospective employers of the amount of salary or wage you last earned.

**Inspection of 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 the Human Resources Office. All requests should be put in writing preferably on the form maintained by Administration. If the request includes a request for copies the employee or former employee may be required to pay for the actual costs of copying. Employer will respond to such a request within 30 days of receipt of the written 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.

**B. PERFORMANCE EVALUATIONS**

Employees are expected to observe and maintain certain standards of job performance and good conduct. When performance or conduct does not meet TFHE standards, the Foundation will endeavor when it deems appropriate to provide the employee a reasonable opportunity to correct the deficiency. However, if the employee fails to meet required standards, he or she will be subject to disciplinary action, including termination.

1. **Classified employees**
   
   Periodic performance reviews are conducted by the employee’s supervisor. Your first performance evaluation will take place after completion of your introductory period. Subsequent performance evaluations will be conducted annually. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

   Your performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude, and your attitude toward others. The performance evaluations are intended to make you aware of your 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 TFHE and depend upon many factors in addition to performance. After the review, you will be required to sign the evaluation report simply to acknowledge that it has been presented to you, that you have discussed it with your supervisor, and that you are aware of its contents.

   Non faculty evaluations are done on an annual basis with the employee’s immediate supervisor.

2. **Faculty**
   
   Faculty evaluations are based on the California Standards for Teaching Professionals. These evaluations are done on a regular basis, both formally and informally, and are consistently used to support faculty in their professional development goals. Additional details can be found on the Collective Bargaining Agreement.

   Full details on faculty evaluations may be obtained from the schools Director’s office.

**X. WORKPLACE POLICIES**

**A. STANDARDS OF CONDUCT**

1) **Punctuality and Attendance**

   As an employee of TFHE, you are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for your fellow employees and your supervisor. When you are absent, others must perform your assigned work.
Employees are expected to report to work as scheduled, on time, and prepared to start work.

Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized TFHE business. Late arrival, early departure, or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided.

If you are unable to report for work on any particular day, you must under all but the most extenuating circumstances call your supervisor at least one hour before the time you are scheduled to begin working for that day. If you call less than one hour before your scheduled time to begin work and do not arrive in time for your assigned shift, you will be considered tardy for that day. In all cases of absences or tardiness, employees must provide their supervisor with an honest reason or explanation. Employees also must inform their supervisor of the expected duration of any absence. Excessive absenteeism or tardiness, whether excused or not, will not be tolerated. TFHE defines excessive absenteeism as more than three days absence in a one-month period.

If you fail to report for work without any notification to your supervisor and your absence continues for a period of three days, TFHE will consider that you have abandoned your employment.

2) Dress Code and Other Personal Standards

All Employees are expected to wear, at a minimum, business casual attire.

3) Prohibited Conduct

The following conduct is prohibited and will not be tolerated by TFHE. This list of prohibited conduct is illustrative only; other types of conduct that threaten security, personal safety, employee welfare and TFHE’s operations also may be prohibited.

- Falsifying employment records, employment information, or other TFHE records;
- Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time card, either your own or another employee’s;
- Theft and deliberate or careless damage or destruction of any TFHE property, or the property of any employee, student or customer;
- Removing or borrowing TFHE property without prior authorization;
- Use or possession of another employee’s property without his or her permission;
- Participating in horseplay or practical jokes on TFHE time or on TFHE premises;
- Carrying firearms or any other dangerous weapons on TFHE premises at any time;
- Engaging in criminal conduct whether or not related to job performance;
- Smoking in a non smoking area;
- Causing, creating, or participating in a disruption of any kind during on TFHE property;
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
- Using abusive language at any time on TFHE premises;
- Unreported absence of three consecutive scheduled workdays (including Friday/Monday combination);
- Failing to obtain permission to leave work for any reason during normal working hours;
• Working overtime without authorization or refusing to work assigned overtime;
• Wearing disturbing, unprofessional or inappropriate styles of dress or hair while working;
• Violating or failing to observe any safety, health, security or TFHE policy, rule, or procedure;
• Committing a fraudulent act or a breach of trust under any circumstances;
• Unauthorized soliciting of employees for membership, funds, contributions or sales on TFHE property;
• Abuse of sick time; and
• Acting contrary to the interests of TFHE.

This statement of prohibited conduct does not alter TFHE’s policy of at-will employment. Either you or TFHE remain free to terminate the employment relationship at any time, with or without reason or advance notice.

B. 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, but 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 that 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 without parental permission
- Being alone in a room with a student at school with the door closed
- Allowing students in your home without signed parental permission for a pre-planned and pre-communicated educational activity which must include another educator, parent, or other responsible adult
- Remarks about the physical attributes or physiological development of anyone
- Excessive attention toward a particular student
- Sending emails, text messages, Facebook responses, or letters to students if the content is not about school activities.

Acceptable and Recommended Behaviors
- Obtaining parent’s written consent for any after-school activity on or off campus (exclusive of tutorials).
- Obtaining formal approval (site and parental) to take students off school property for activities such as field trips or competitions.
- Emails, text-messages, phone conversations, and other communications to and with students, if permitted, must be professional and pertain to school activities or classes (communication should be initiated via school-based technology and equipment).
- Keeping the door open when alone with a student.
- 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.
- Asking for advice from senior-staff or administration if you find yourself in a difficult situation related to “boundaries.”
- Involving your direct supervisor about situations that have the potential to become more severe.
- Making detailed notes about an incident that 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 if you will be alone with any student who may have severe social or emotional challenges (and you are not the assigned case educator).
- Asking another staff member to be present, or within close supervisory distance, when you must be alone with a student after regular school hours.
- Giving students praise and recognition without touching them in questionable areas; giving appropriate pats on the back, high-fives, and handshakes are appropriate.
- Keeping your professional conduct a high priority 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, parent, or student becomes aware of a staff member having crossed the boundaries specified in this policy, or has a strong suspicion of misconduct, he or she must report the suspicion to the school director promptly. ** A reasonable suspicion means something more than a
mere suspicion but less than absolute knowledge. 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 the school 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**

The Human Resources Office will promptly investigate and document the investigation of any allegation of sexual misconduct or inappropriate behavior, using such support staff or outside assistance, as he or she 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. The investigating administrator shall promptly notify the Governing Board in closed session of the existence and status of any investigations. Upon completion of any such investigations, the Human Resources Office shall report to the Governing Board any conclusions reached. The investigating administrator shall consult with legal counsel, as appropriate, prior to, during, and after conducting any investigation.

**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.

California Penal Code Section 11166 requires any teacher or child care custodian 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 to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

**C. BUSINESS HOURS**

Office hours are normally 8:00 a.m. – 6:00 p.m. Monday through Friday.

The regular workday schedule for non-exempt employees is 8 hours. **For example:** 8-5 or 9-6. The regular workweek schedule is forty (40) hours.

Exempt employees are also generally expected to be present during business hours and to commit whatever additional time is necessary to satisfactorily complete all job requirements.

For faculty and other staff who work with students, the normal day will start at 7:30 a.m. and end 4:30 p.m. There will be different times scheduled for certain activities such as meetings, extra-curricular activities, parent conferences and other activities deemed vital to the performance of the charter school.

**D. BUILDING SECURITY/CLASSROOMS AND OFFICE KEYS**

All employees who are issued keys to an office and/or classrooms are responsible for their safekeeping. These employees will sign a key control card upon receiving the key.

You will be assigned all appropriate building keys needed to conduct your daily job responsibilities. You are responsible for all keys. Duplication of any school key is not allowed and strictly prohibited. It is against TFHE policy to loan or distribute your assigned keys to another employee or non-employee of the organization. If
your school keys are lost, misplaced, destroyed, or stolen, you must report it immediately to the Operations and Facilities manager.

Employees must adhere to exit the building prior security or maintenance personnel sets alarm and locks the building. It is the responsibility of the employee to make sure all appliances and lights are turned off before exiting his/her office or classroom area. Employees are not allowed on TFHE’s property after hours without prior authorization.

E. **CONFIDENTIALITY AND NON-DISCLOSURE OR USE OF TRADE SECRET INFORMATION**

Each employee is responsible for safeguarding the confidential information obtained during employment. In the course of your work, you may have access to confidential information regarding TFHE, its suppliers, its customers, its students, or its employees. You have the responsibility to prevent revealing or divulging any such information unless it is necessary for you to do so in the performance of your duties. Access to confidential information should be on a “need-to-know” basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and legal action may be taken by TFHE.

During their term of employment with TFHE, employees may have access to and become acquainted with information of a confidential, proprietary, or secret nature that is or may be either applicable or related to the present or future business of TFHE, its research and development, or the business of its customers. For example, trade secret information includes, but is not limited to, devices, secret inventions, processes and compilations of information, records, specifications, and information concerning customers, vendors, students, or trustees. Employees shall not disclose any of the above-mentioned trade secrets, directly or indirectly, or use them in any way, either during the term of their employment or at any time thereafter, except as required in the course of employment with the company. The above agreement should not be construed as constituting a promise of continued employment for at-will employment purposes.

Each employee will be required to sign a non-disclosure agreement. The non-disclosure agreement is included at the front of this document and must be returned to the HR office upon commencement of employment.

F. **CONFLICT OF INTEREST**

All employees must avoid situations involving actual or potential conflict of interest. Personal or romantic involvement with a competitor, supplier, or subordinate employee of TFHE, which impairs an employee’s ability to exercise good judgment on behalf of TFHE, creates an actual or potential conflict of interest. Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment, and morale problems.

An employee involved in any of the types of relationships or situations described in this policy should immediately and fully disclose the relevant circumstances to his or her immediate supervisor, or human resources office, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, TFHE may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action, up to, and including termination.

**Conducting Personal Business During Work Hours:** Employees may not conduct personal business or business for another employer during their scheduled working hours.
Additional Employment and Off-duty Conduct: While TFHE does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with TFHE’s legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect TFHE’s or their own integrity, reputation or credibility. Illegal or immoral off-duty conduct by an employee that adversely affects TFHE’s legitimate business interests or the employee’s ability to perform his or her job will not be tolerated.

The following describes the types of outside employment and/or activities (other than specific Leaves of Absence) that are strictly prohibited and may be cause for dismissal.

- Outside employment and/or activity that conflicts with an employee’s work schedule, duties, and responsibilities at TFHE;
- Outside employment and/or activity that creates a conflict of interest or is incompatible with the employee’s position with TFHE;
- Outside employment and/or activity that impairs or has a detrimental effect on the employee’s work performance with TFHE;
- Outside employment and/or activity that requires the employee to conduct work or related activities on TFHE’s property during the employer’s working hours or using TFHE’s facilities and/or equipment; and
- Outside employment and/or activity that directly or indirectly competes with the business or the interests of TFHE.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to the human resources office explaining the details of the additional employment. If the additional employment is authorized, TFHE assumes no responsibility for it. TFHE shall not provide worker’s compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time. Staff working at LCPA, LVLA and RCLA may obtain a request form from the HR Department.

G. Property

Employer Property: Filing cabinets, desks, computers, and storage areas are TFHE property and must be maintained according to TFHE rules and regulations. They must be kept clean and are to be used only for work-related purposes. TFHE reserves the right to inspect all TFHE property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee’s presence. Employees are expected to use reasonable care when using TFHE fax machines, copy machines, computers, telephones, any other office equipment and TFHE property, and to use such property only for work-related purposes.

Employee Property: An employee’s personal property, including but not limited to packages, purses, and backpacks, may be inspected upon reasonable suspicion of unauthorized possession of TFHE property. Please do not bring valuables to work and leave unattended or unsecured. TFHE is not responsible for loss or damage to personal items of its employees, students, or visitors.

Terminated employees shall remove any personal items at the time they leave TFHE. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee’s termination. Terminated employees must return all TFHE property including office keys, pagers, telephones, lap tops, palm pilots, cell phones, and employee manual at the time they leave TFHE.
**Personal Off-duty Use of Facilities:** Employees are expressly prohibited from using TFHE facilities, TFHE property, or TFHE equipment for personal off-duty use.

### H. USE OF TECHNOLOGY

#### Purpose

This policy and related administrative procedure shall outline the responsibilities, requirements and other restrictions that govern use of and access to Foundation Technology.

#### Definitions

For purposes of this policy and any related administrative procedure, the following definitions shall apply:

- **“Foundation Technology”** – Any computers, electronic devices, systems, software or network owned, operated or provided by the Foundation, including but not limited to servers, desktop and laptop computers, chromebooks, mobile phones, smartphone devices, IP telephony devices, devices that provide internet and/or network connectivity, e-mail and messaging systems and accounts owned or operated by or on behalf of the Foundation, web pages published on the Foundation’s web servers and/or under its domain and any other personal communications devices or software that run on any of the above.

- **“Authorized User”** – Staff, teachers, and/or other individuals who the CEO/President or designee has explicitly authorized to use or access Foundation Technology for professional, educational and/or other uses that further the Foundation’s interests.

#### Applicability

Employee acknowledges this policy and related procedures and is subject to its terms by using or accessing Foundation Technology. All TFHE employees are subject to this policy and related procedures.

#### Acceptable Use

Only Authorized Users may use or access Foundation Technology. Employees are expected to use or access Foundation Technology for professional, educational or other uses that further the Foundation’s interests, which include but are not limited to research, professional communications and other administrative and educationally relevant activities. Employees are also expected to maintain the highest standards of ethical behavior and to assume personal responsibility for their use. Other uses (including personal uses) must be minimal and must not interfere with the purposes of this policy or the Foundation’s interests. In addition to complying with this policy, Authorized Users must comply with State and Federal laws and regulations, the terms of administrative procedures implementing this policy and the terms of any other related policies and procedures.

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against TFHE policy, or not in the best interest of TFHE at any time.

New employees are required to sign and return an acknowledgement form acknowledging the duty to comply with such policies, procedures, laws and regulations before becoming an Authorized User.

Employees may not install personal software on TFHE computer systems.
Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by TFHE management.

No employee may install or use anonymous e-mail transmission programs or encryption of e-mail communications, except as specifically authorized by the IT Manager.

Personal phone calls and other avenues of communication, both incoming and outgoing, are discouraged by TFHE. We recognize that there may be limited occasions when personal calls or other forms of communication must be made or received during business hours. However such calls must be held to a minimum and not interfere with the employee’s work. TFHE will not pay for personal long distance calls. Employees must use a calling card or other means to pay for these calls.

**Limited Rights of Use**

Use of Foundation Technology is a privilege, not a right. Foundation Technology is not a limited public forum. The CEO/President or designee may, when necessary in his or her sole discretion, act to protect and ensure the operability, integrity, security and reliability of Foundation Technology, which may require denying users access in whole or in part.

Materials created by staff members in or related to the performance of their employment duties, including materials created on Foundation Technology, are property of the Foundation. The Foundation retains the right to review, edit and/or delete any material posted on the Foundation’s web servers or web pages or on behalf of the Foundation on other web servers or web pages at any time.

**No Expectation of Privacy** – Employees have no expectation of confidentiality or privacy with respect to any communication or access made though Foundation Technology, regardless of whether that use is for Foundation -related or personal purposes, other than as specifically provided by law. The Foundation may, without prior notice or consent, log, supervise, access, view, monitor and record use or access of Foundation Technology (including reviewing files and other materials) at any time for any reason related to the operation of the Foundation and/or for any purpose that furthers the interests of the Foundation. By using or accessing Foundation Technology, users agree to such access, monitoring and/or recording of their use.

**Internet Safety and Protection**

The Foundation installs and operates filtering software on Foundation Technology to limit users’ Internet access to obscene, pornographic, and harmful to children or otherwise inappropriate material as required by the Children’s Internet Protection Act. TFHE does not and cannot guarantee the efficacy of such software. It may block access to legitimate materials, and may fail to successfully block access to all inappropriate material.

The Foundation’s use of such software does not absolve users of the responsibility not to access inappropriate materials or to otherwise abide by State and Federal laws and regulations, the terms of administrative procedures implementing this policy and the terms of any related policies and procedures.

**Responsibility for Use and/or Misuse**

**No Warranties** – The Foundation is not responsible for any information that may be lost or damaged (including being rendered unavailable) by use or access of Foundation Technology or any material or services accessed and/or transmitted thereby or thereon, including the Internet and e-mail. The Foundation specifically denies any liability or responsibility for transmissions or other communications made by any user of Foundation Technology.

**User Responsibility** – Employees must maintain the confidentiality of any username(s) and/or password(s)
provided to access Foundation Technology and is responsible for all actions taken under those username(s) and/or password(s).

**Enforcement**
Where the CEO/President or designee determines that an Authorized User has violated this policy or related procedures, any other relevant Foundation policy or procedure, and/or State or Federal law, he or she may revoke or suspend the Authorized User’s access rights. All users, whether authorized or unauthorized, may also be subject to criminal liability and/or civil liability to the extent authorized by law, as well as disciplinary action up to and including suspension and dismissal.

**Administrative Procedures**
The CEO/President or designee shall establish administrative procedures that implement this policy, and shall take any other action appropriate to implement this policy.

Employees who use devices on which information may be received and/or stored, including but not limited to cell phones, cordless phones, portable computers, fax machines, tablets, and voice mail communications are required to use these methods in strict compliance with the confidential communication policy established by TFHE. Except for such uses, these communication tools should not be used for communicating confidential or sensitive information.

**I. Use Of TFHE Credit Cards**
TFHE may, at its discretion, issue a credit card to an employees for travel & entertainment expenses incurred while conducting official TFHE business. Cardholders must abide by TFHE Expense Policy when making charges. Credit cards may not be used for cash advances. Once an individual has been approved to receive a credit card, TFHE accounting office will contact the bank to have a credit card issued in the employee’s name.

The employee must sign a Credit Card Agreement Form upon receipt of the credit card. This agreement form stipulates that the employee agrees only to use the credit card for legitimate TFHE expenses and that he/she will abide by the Expense Policy for those expenses. The Credit Card Agreement Form is kept on file in the Office of the CFO. A list of credit cardholders along with the authorized credit limit for each cardholder is submitted annually to the Finance Committee of the Board of Directors for review.

It is the cardholder’s responsibility to safeguard the credit card and account number to the same degree that a cardholder safeguards his/her personal credit information. If the credit card is lost or stolen, the cardholder must notify the bank and the accounting office immediately. A new card will be issued to the cardholder after the reported loss or theft. A card that is subsequently found by the cardholder after being reported lost must be given to the accounting office.

The cardholder is responsible for all charges made on the credit card. At the end of each billing cycle, the cardholder shall receive from the bank his/her monthly statement of account that will list the transactions for that period. The cardholder must check each transaction listed against his/her receipts to verify the charges. If the cardholder has personal expenses included on the same receipt as the business expenses, i.e. personal phone calls on the lodging bill, a spouse’s dinner on the restaurant receipt, he/she must identify those expenses on the receipt and attach to his/her monthly statement a check payable to TFHE for the amount of the personal expense charges. The monthly statement and all required receipts as outlined in the credit card
agreement must be attached to a completed and approved Credit Card Expense Form and sent to the Accounts Payable Department by the published due date. The Accounts Payable Office will issue a calendar of the monthly due dates to each cardholder annually. Cardholders who do not submit the required information for paying the credit card charges by the due date may lose their credit card privileges.

If the cardholder is disputing a charge, he/she shall note on the monthly statement that the item is in dispute along with an explanation for the dispute. The Accounts Payable Office will send the required information for the disputed charge to the bank.

A cardholder’s credit card may be revoked at any time for lack of need, unauthorized purchases, improper usage, or continual tardiness in submitting the required payment information to the Accounts Payable Office. A cardholder who makes unauthorized purchases or improperly uses the credit card may be liable for the total dollar amount of such unauthorized purchases plus any administrative fees charged by the bank in connection with misuse.

J.  REIMBURSEMENT OF QUALIFIED AND PRE-APPROVED EXPENSES
To be a qualified expense, it must serve the best interest of TFHE. All expenses must have been qualified and pre-approved prior to being incurred. Reimbursement requests for these expenses must be submitted within 45 days of the date they are incurred, with original receipts.

An expense request form and reimbursement form may be obtained from the Accounting Department

K.  GOOD-FAITH COMPLAINTS, QUESTIONS AND SUGGESTIONS
Suggestions for improving TFHE are always welcome. At some time, you may have a complaint, suggestion, or question about your job, your working conditions, or the treatment you are receiving. Your good-faith complaints, questions, and suggestions also are of concern to TFHE. We ask you to first discuss your concerns with your supervisor.

For information on filing a report, please contact the HR Department

XI.  SAFETY

A.  DRUG AND ALCOHOL POLICY
TFHE is concerned about the use of alcohol, illegal drugs, or controlled substances as it affects the workplace. Possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes TFHE to the risks of property loss or damage, or injury to other persons. Behavior that applies to all employees on TFHE property, during the workday (including meals and rest periods), or officially representing TFHE or the schools, which violates TFHE policy includes:

- Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job;
- Driving an TFHE vehicle while under the influence of alcohol; and
- Distribution, sale, or purchase of an illegal or controlled substance while on the job.
Violation of this policy will not be tolerated. TFHE also may bring the matter to the attention of appropriate law enforcement authorities.

Any employee who is using prescription or over-the-counter drugs that may impair the employee’s ability to safely perform the job, or affect the safety or well being of others, must notify a supervisor of such use immediately before starting or resuming work.

TFHE will encourage and reasonably accommodate employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. TFHE is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is TFHE obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person’s job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency problem, will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect TFHE’s treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

B. SMOKING

In accordance with California education code, no smoking is allowed where underage students meet. All School buildings and facilities are non-smoking facilities. This includes nicotine and non-nicotine cigarettes including (herbal cigarettes) as well as e-cigarettes, and vaping. Smoking is prohibited within 20 feet of a school building and within 25 feet of a school playground. Smoking is not permitted in any TFHE office or work area or anywhere on the LCPA, LVLA or RCLA campus. Violation of this policy will result in discipline up to and including termination.

C. EMPLOYEES REQUIRED TO DRIVE

Employees who are required to drive a Foundation vehicle or their own vehicles on TFHE’s business will be required to show proof of current valid driving licenses and current effective insurance coverage before the first day of employment. TFHE’s liability insurance applies on a secondary basis if the underlying personal auto insurance is insufficient. In no event does TFHE’s automobile liability insurance coverage pay for damage to the employee’s vehicle. Insuring your vehicle against collision damage is recommended for your protection.

TFHE retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under the Foundation’s policy.

Employees who use their own automobiles for travel on authorized TFHE or school business will be reimbursed for mileage at the rate established by the Internal Revenue Services. Employee 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.

Employees who are designated to drive the Foundation 14-passenger van must complete the appropriate paperwork and file it with the DMV. Please contact the human resources office for further information.
D. PARKING
Employees may park their vehicles in designated areas, if space permits. If space is unavailable, employees must park in permissible public areas in the vicinity of TFHE property. Employees may not use parking areas specifically designated for customers, vendors, TFHE vehicles, or restricted areas. Employees are encouraged not to leave valuables in their vehicles and to keep vehicles locked at all times. TFHE is not responsible for any loss or damage to employee vehicles or contents while parked on TFHE property or in the course of conducting TFHE business.

E. WORKPLACE VIOLENCE
The safety and security of TFHE employees is of vital importance. Acts or threats of physical violence, including intimidation, harassment and/or coercion, which involve or affect TFHE, or which occur on TFHE property, will not be tolerated. This prohibition against threats and acts of violence applies to all persons involved in the operation of TFHE, including, but not limited to, TFHE personnel, contract and temporary workers and anyone else on TFHE property. Violations of this policy by any individual on TFHE property, by any individual acting as a representative of TFHE while off TFHE property, or by any individual acting off of TFHE property when his or her actions affect the Foundation’s business interests will lead to disciplinary action up to and including termination and/or legal action as appropriate.

Acts or threats of violence include conduct which is sufficiently severe, offensive, or intimidating to alter the employment conditions at TFHE or to create a hostile, abusive, or intimidating work environment for one or several TFHE employees. Examples of workplace violence include, but are not limited to, the following:

- Threats or acts of violence occurring on TFHE premises, regardless of the relationship between the Foundation and the parties involved in the incident.
- Threats or acts of violence occurring off Foundation premises involving someone who is acting in the capacity of a representative of TFHE.
- Threats or acts of violence occurring off Foundation premises involving an employee of TFHE if the threats or acts affect the legitimate interests of the Foundation.
- Threats or acts of violence occurring off Foundation premises of which an employee of TFHE is a victim if TFHE determines that the incident may lead to an incident of violence on Foundation premises.
- Threats or acts resulting in the conviction of an employee or agent of the Foundation, or of an individual performing service for the Foundation on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of TFHE.

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

- Threatening physical or aggressive contact directed toward another individual.
- Threatening an individual or his or her family, friends, associates or property with physical harm.
- The intentional destruction or threat of destruction of Foundation property or another’s property.
- Harassing or threatening phone calls.
- Surveillance.
- Stalking.
- Veiled threats of physical harm or like intimidation.
Workplace violence does not refer to occasional comments of a socially acceptable nature, such as references to legitimate sporting activities, popular entertainment or current events. Rather, it refers to behavior that is personally offensive, threatening or intimidating.

F. SECURITY
The security of our facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. You should immediately notify your supervisor when unknown persons are acting in a suspicious manner in or around the facilities, or when keys or identification badges are missing. TFHE is not responsible for lost or stolen property.

Doors to all classrooms and maintenance areas shall be kept locked except while in use. Keys are not to be loaned out or left unattended at any time. Duplication of keys without authorization may result in disciplinary action, up to, and including termination.

G. HEALTH AND SAFETY
All employees are responsible for their own safety, as well as that of others in the workplace. To help us maintain a safe workplace, everyone must be safety-conscious at all times. All work-related injuries or illnesses should be reported immediately to the human resources office or to your supervisor.

In compliance with Proposition 65, TFHE will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

No candles, incense or anything else may be burned or lit on fire at any time for any reason inside any building, as this is a fire hazard. The only exceptions are controlled experiments in the Science Labs.

Housekeeping: All employees are expected to keep their work areas clean and organized; when placing items in cubicles or desk areas, please do not situate anything that will be visible above the cubicle panels. Please do not eat or keep open food or drinks at desks, in classrooms, laboratories, the library or the atrium. Packaged or re-sealable food items may be kept inside desks or drawers. Please eat only in designated areas to help keep our building clean.

People using common areas such as eating areas, appliances, and restrooms are expected to keep them sanitary. Please clean up after meals and dispose of trash properly. Do not place containers of liquid in trash receptacles; please pour out liquid in sinks only; do not use drinking fountains for this purpose.

Accident/Incident Reporting: It is the duty of every employee to immediately or as soon as it is practical report any accident or injury occurring during work or on TFHE premises so that arrangements can be made for medical or first aid treatment, as well as for investigation and follow-up purposes.

All accidents/incidents must be reported to immediate supervisor and the HR office.

Reporting Fires and Emergencies: It is the duty of every employee to know how to report fires and other emergencies quickly and accurately. Employees should report any such emergency by calling management. In addition, all employees should know the local emergency numbers such as 911.

H. EMERGENCY PROCEDURES
The School office and TFHE office maintain an Emergency Manual and it is available to all employees.
AMERICAN WITH DISABILITIES ACT

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the human resources office and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. TFHE then will conduct an assessment to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform his or her job. TFHE will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, TFHE will make the accommodation.

If you believe you have been subjected to any form of unlawful discrimination, submit a written complaint to your supervisor or the individual with day-to-day personnel responsibilities. Your complaint should be specific and should include the names of the individuals involved, the names of any witnesses, and the date of the incident. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact the human resources office. TFHE will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If TFHE determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. TFHE will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management, employees or your coworkers.
APPENDIX B

PROCEDURE FOR FILING AN UNLAWFUL HARRASSMENT COMPLAINT

All complaints of harassment or discrimination will be promptly investigated. If the investigation substantiates the accusations, the appropriate corrective action will be taken. This may include, but not be limited to, reprimand, suspension or dismissal, depending on the nature and severity of the offense. Appropriate action will also be taken in the event the accusations are intentionally false or malicious in intent.

Individuals who believe they have been the victims of conduct prohibited by this policy statement or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor or the Human Resources Department, or the President of the Foundation as soon as possible after the incident. Supervisors will refer the complaints to the human resources office or investigative officer. Complaints involving students will be referred to Academic Director. TFHE encourages the prompt reporting of complaints or concerns so that rapid and appropriate remedial action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation methods and appropriate corrective actions. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as TFHE believes appropriate under the circumstances. False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints, which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

If the Foundation determines that unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Foundation to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to, and including termination. The Foundation will take appropriate action to remedy any loss to you resulting from harassment. The Foundation will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management, employees or co-workers.

The Foundation encourages all employees to report any incidents or harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved. If you believe you have experienced discrimination or harassment, you may file a Department of Fair Employment and Housing (“DFEH”) or Equal Employment Opportunity Commission complaint. For information contact the DFEH or EEOC. You may find their phone numbers in the phone directory.
PROCEDURE FOR FILING A WORKERS’ COMPENSATION CLAIM

Filing for Worker’s Compensation Procedures:

Report the injury to your employer
Tell your supervisor right away if you believe your injury was caused by your job.

Get emergency treatment if needed
If it’s a medical emergency, go to an emergency room right away. TFHE will tell you where to go for treatment. Tell the health care provider who treats you that your injury or illness is job-related.

Fill out a claim form and give it to your employer
Your employer must give or mail you a claim form (DWC 1) within one working day after learning about your injury or illness. Use it to request workers’ compensation benefits.

Submit a health care provider certification to the Human Resource Department
This certification must include your need for workers’ compensation, disability leave, as well as your eventual ability to return to work from the leave.