

# PBS Employee Handbook 2023-2024

This guide to your employment at Phillips Brooks School (PBS) was last updated on August 15, 2023.

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## **Introduction**

This handbook has been prepared to acquaint you with the personnel policies, services, and benefits of Phillips Brooks School ("PBS" or the "School"). It applies to all employees of the School, and all are expected to carefully read the entire handbook. If an employee has problems understanding the handbook because of an inability to read or understand English or if an employee has any questions, please contact the Head of School ("HOS"), the Associate Head of School ("AHOS"), a member of the Administrative Team, or the Business Office. This handbook is not a contract for continued employment or employment for a specified term, nor is it intended to imply a contractual relationship contrary to at-will employment.

This handbook replaces all earlier PBS handbooks and policies, and it supersedes all memoranda and oral descriptions of the terms and conditions of employment except (1) any individual written employment contract signed by the HOS or the Board Chair and (2) the provisions of specific employee benefit plans and insurance policies. The School retains the right to change the policies contained in this handbook at any time by the HOS, except for the policy of at-will employment. Faculty and staff shall also follow all other applicable School guidelines, protocols, and procedures, including, but not limited to, safety policies, student attendance and record keeping, field trip procedures, parent/guardian communication guidelines, homework expectations, duty rotations, ordering procedures for books/supplies, and evaluation and professional development procedures.

## **Equal Employment Opportunity Policy**

It is the policy of PBS to provide equal opportunity for all employees and applicants. The School does not discriminate on the basis of race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, ancestry, national origin, citizenship status, religion, age, sex, sexual orientation, gender identity, gender expression, pregnancy, breastfeeding, physical or mental disability, medical condition related to a genetic characteristic or cancer, marital status, registered domestic partner status, military or veteran status, reproductive health decision making, or any other status or condition protected by federal, state, or local laws. This policy applies to all areas of employment, including recruitment, hiring, training, promotion, compensation, benefits, and other conditions of employment.

Employees who believe that an incident of discrimination has occurred are encouraged to follow the complaint procedure described in the School's Harassment, Discrimination, and Retaliation Prevention policy contained in this handbook.

## **I-9 Policy**

All offers of employment are contingent on verification of an applicant's or employee's right to work in the United States. As required by federal law, and as a condition of employment, applicants must complete the Employment Eligibility Verification Form I-9 and present original documents verifying their right to work in the United States. If the applicant or employee cannot comply with laws requiring or allowing them to work in the United States at any time, the applicant or employee must notify the School, and the School may be required to terminate employment. Violation of this policy may result in discipline, up to and including termination.

## **TB Evaluation**

In accordance with California law, all employees are required to comply with applicable tuberculosis (TB) risk assessment requirements. Prior to starting employment with the School, an applicant must produce a certificate showing they have submitted to a TB risk assessment within the last 60 days. The TB risk assessment must be administered by a health care provider. If no risk factors are identified, no TB examination is required. If TB risk factors are identified, the applicant must be examined and provide a certificate showing they have been found free of infectious TB prior to beginning employment.

An employee who has no identified risk factors or who tests negative for infectious TB shall be required to undergo the TB risk assessment once every four years, or more often if directed by the School upon recommendation of the local health officer.

## **Reasonable Accommodation Policy**

The Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA), and the Fair Employment and Housing Act (FEHA) are federal and state laws that prohibit employers from discriminating against applicants and employees with disabilities and require that employers, when needed, provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

The following is the policy for requesting accommodations:

**Request for Accommodation:** An employee or applicant who desires a reasonable accommodation in order to perform essential job functions should make such a request orally or in writing to the AHOS. The request must identify: (1) the job-related functions at issue; and (2) the desired accommodation(s).

**Reasonable Documentation of Disability:** Following the receipt of the request, if the disability or the need for reasonable accommodation is not obvious, the School may require the individual requesting such accommodation to provide reasonable medical documentation

confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the School will do the following: (1) explain the insufficiency of the documentation provided; (2) allow the employee or applicant to supplement the documentation in order to remedy the issue with the documentation provided; (3) require the employee to be examined by a medical provider to determine the employee's fitness for duty; or (4) pursue the interactive process only to the extent that the request is supported by the documentation provided.

**Fitness for Duty Examination:** The School may require an employee to submit to a fitness for duty examination at the School's expense in order to determine whether the employee has a disability and is able to perform the essential functions of their job with or without reasonable accommodation when there is significant evidence of the following: (1) The employee's ability to perform one or more essential functions of their job has declined; or (2) Grounds for a reasonable person to question whether an employee is still capable of performing one or more of their essential job duties, or is still capable of performing those duties in a manner that does not harm themselves or others.

The School may also require that a School-approved physician conduct the examination.

**Interactive Process Discussion:** The School will initiate the interactive process when: (1) An applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodation(s); (2) The School otherwise becomes aware of the need for an accommodation through a third party (e.g., a doctor's note requesting an accommodation), or by observation of the employee's work; (3) The School becomes aware of the possible need for an accommodation because the employee with a disability has exhausted leave under the Family and Medical Leave or California Family Rights Leave Acts, or other statutory leave rights, but the employee and/or the employee's health care provider indicate that the employee has restrictions that may require further accommodation; or (4) An employee disabled by pregnancy, childbirth, or related medical conditions requests a reasonable accommodation or transfer based on the advice of the employee's health care provider.

After receipt of a request for accommodation or the circumstances set forth above, and, to the extent applicable, reasonable documentation of disability and/or a fitness for duty report, the School will arrange for a discussion with the employee or applicant. The purpose of the discussion is to work in good faith to fully discuss all feasible potential reasonable accommodations.

**Case-by-Case Determination:** The School determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The School will not provide accommodation(s) that would pose an undue hardship upon School finances or operations, or that would pose a direct threat to the health and safety of themselves or others.

The School will inform the employee or applicant of its decision as to reasonable accommodation(s) in writing.

Employees and applicants should contact the AHOS with any questions or requests for accommodation. PBS will not retaliate against an applicant or employee for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by administrators, employees, or colleagues.

### **Reasonable Accommodation of Employees' Religious Beliefs and Practices**

Absent undue hardship or direct threats to the health and safety of employee(s), the School provides employment-related reasonable accommodations to employees who request reasonable accommodations to address a conflict between a religious belief or observance and any employment requirement. Applicants or employees who believe they need a reasonable accommodation of a religious belief or practice should discuss the need for a possible accommodation with the AHOS.

### **Harassment, Discrimination, and Retaliation Prevention**

The School prohibits harassment, discrimination, or retaliation against an applicant, employee, student, board member, contractor, unpaid intern, or volunteer, by an employee, student, board member, or an individual with whom the School has a business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors, on the basis of any protected classification, as defined in this policy. Harassment, discrimination, and retaliation as defined in this policy are strictly prohibited and will not be tolerated.

This policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, transfer, leave of absence, compensation, and training. A single act can violate this policy and provide grounds for discipline or other appropriate sanctions. Conduct need not be or rise to the level of a violation of law in order to violate this policy. Similarly, a violation of this policy does not necessarily qualify as a violation of law, and there are many circumstances in which a violation of this policy would not also constitute a violation of law. If you are in doubt as to whether or not any particular conduct may violate this policy, do not engage in the conduct, and seek guidance from the HOS.

#### **Definitions**

**Protected Classifications:** This policy prohibits harassment or discrimination because of an individual's protected classification(s). A "protected classification" includes the basis of an individual's sex (including gender, gender identity, gender expression, transgender, pregnancy and breastfeeding), race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, national origin, ancestry, religious creed

(including religious dress and grooming), sexual orientation (including heterosexuality, homosexuality, and bisexuality), age (40 and over), marital status, military or veteran status, genetic characteristic or genetic information, physical or mental disability, reproductive health decision making, or any other characteristic protected by federal, state, or local laws.

**Policy Coverage:** This policy prohibits employees, students, or individuals with whom the School has a business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors, from harassing or discriminating against applicants, employees, students, contractors, unpaid interns, or volunteers, because of (1) an individual's protected classification; (2) the perception of an individual's protected classification, or (3) the protected classification or perceived protected classification of a person with whom the individual associates. This policy also prohibits retaliation as defined below.

**Discrimination:** Discrimination means treating individuals differently from other similarly situated individuals at the School, by taking an adverse action against or denying a benefit to that individual, because of the individual's actual or perceived protected classification, or the protected classification or perceived protected classification of a person with whom the individual associates.

**Harassment:** Harassment means words or conduct undertaken because of an individual's actual or perceived protected classification, or association with an individual who has an actual or perceived protected classification, which are both objectively and subjectively offensive to another person.

Harassment is not limited to conduct by School employees. Under certain circumstances, harassment can also include conduct by students, or individuals with whom the School has a business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors. Harassment may include, but is not limited to, the following types of behavior engaged in because of a person's protected classification:

1. **Speech:** This includes epithets (nicknames and slang terms), derogatory or suggestive comments, propositioning, jokes, or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of their protected classification. This might include comments on appearance including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
2. **Visual acts:** This includes derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or e-mails on the basis of a protected classification.
3. **Physical acts:** This includes assault, offensive touching, impeding or blocking movement, grabbing, patting, leering, making express or implied job-related threats or promises in return for submission to physical acts.

4. **Sexual harassment:** This is defined as unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment. This may include conduct between members of the opposite or same gender, and may also include conduct not motivated by sexual desire.

**Guidelines for Identifying Harassment:** To help clarify what constitutes harassment in violation of this policy, use the following guidelines:

- Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification or relates to a protected classification.
- It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including not wishing to be or appear insubordinate or to avoid being ostracized or subjected to retaliation.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean the conduct is welcome. Harassment can evolve over time. The fact no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
- Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can, depending on the circumstances, constitute harassment of another employee or individual who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
- Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, excessive attention, endearing nicknames).

The determination of what constitutes harassment will depend on specific facts and the context in which the conduct occurs.

**Retaliation:** Retaliation means an adverse action taken because an applicant, employee, student, contractor, unpaid intern, or volunteer has reported harassment or discrimination, or has participated in the complaint and investigation process described herein. An "adverse action" may include, but is not limited to, the following actions: (1) disciplinary action; (2) counseling; (3) taking sides because an individual has reported harassment or discrimination; (4) spreading rumors about a complainant or about someone who supports or assists the complainant or who participates in the investigation; (5) shunning or avoiding an individual who

reports harassment or discrimination; or (6) making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

### **Process for Reporting Harassment, Discrimination, or Retaliation**

An applicant, employee, board member, student, contractor, unpaid intern, or volunteer who experiences or witnesses conduct that is prohibited under this policy should report the conduct immediately as outlined below, so the complaint can be addressed in a timely manner. There is also a separate policy in the Parent/Guardian Manual for students to use that experience or witness conduct prohibited by this policy. In the event that the complaint is against the HOS, or involves a matter in which the HOS has a conflict of interest, the report must be directed to the Board Chair:

1. **Oral Report:** If a person believes this policy has been violated, they should report the conduct to their supervisor, the AHOS, or any other supervisor, director, or other management employee of the School, or to a member of the Harassment/Discrimination Prevention Committee, which includes the HOS, the AHOS, and the Director of Finance. Any supervisor, director, or other management employee who receives such a report must in turn direct it to the HOS.
2. **Written Process:** An individual who believes this policy has been violated may provide a written complaint to their supervisor, the AHOS, or any other supervisor, director, or other management employee of the School. Any supervisor, director, or other management employee who receives such a report must in turn direct it to the HOS.
3. **Option to Report to Outside Administrative Agencies:** Applicants, employees, contractors, unpaid interns, or volunteers have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (“EEOC”) or the California Department of Civil Rights (“CRD”). The EEOC can be reached at 1-800-669-4000 or at [www.eeoc.gov](http://www.eeoc.gov). The CRD can be reached at 1-800-884-1684 or at <https://calcivilrights.ca.gov/>.

The School takes a proactive approach to potential policy violations and may conduct an investigation if its supervisory or management employees become aware that harassment, discrimination, or retaliation occurred or may be occurring, regardless of whether the recipient or third party reports a potential violation.

### **School’s Response to Complaint of Harassment, Discrimination, or Retaliation**

After receiving a complaint, or the School otherwise learns of an alleged potential violation of this policy, the HOS or their designee may request clarification and/or conduct an initial inquiry, to determine whether the oral report or written complaint alleges a potential violation of this policy. To request clarification and/or conduct an initial inquiry, the HOS or their designee may meet with the individual(s) who made the complaint and/or that was reportedly subjected to conduct that violates this policy.



In the event that a complaint alleging a violation of this policy is either made against the HOS, or involves a matter in which the HOS has a conflict of interest, the Board Chair or their designee will take the place of the HOS for purposes of this section of the policy.

### **Investigation Procedure**

If a complaint alleges a potential violation of this policy, or the School otherwise learns of an alleged potential violation of this policy, the School will initiate an investigation. The investigation will be conducted by qualified personnel and/or a qualified outside investigator as determined in the sole discretion of the School.

During the pendency of the investigation, the HOS or designee may take interim action as appropriate, such as placing the person alleged to have violated this policy (the “Respondent”) on paid administrative leave or temporarily transferring the Respondent. Generally, no interim action should be taken to change the working conditions of the individual(s) who made the oral report or written complaint and/or that was reportedly subjected to conduct that violates this policy, unless that individual voluntarily consents to the temporary change.

The investigation will be conducted in a fair, timely, and thorough manner. The School will document and track the investigation for reasonable progress and timely closures. The investigation will normally include interviews with the individual(s) who made the oral report or written complaint and/or that was reportedly subjected to conduct that violates this policy (“the Complainant”), the Respondent, and other persons believed to have relevant knowledge concerning the allegations. Witnesses will be advised that retaliation against those who report alleged harassment, discrimination, or retaliation, or who participate in the investigation, is prohibited. The Respondent will be notified that a complaint has been made alleging that they have violated this policy. Whenever possible, the investigation will commence with an interview of the complaining party. Before the investigation is concluded, the Respondent will be informed of the general allegations made against them, and be provided with an opportunity to respond to the allegations. Once the information gathering process is completed, the investigator will provide an investigative report containing the investigator’s findings of fact, which will be reasonable conclusions based on the evidence collected. The investigator will make findings based on a “preponderance of the evidence” standard. The report will be shared with School representatives who have a need to know the outcome.

### **Remedial and Disciplinary Action**

Once the investigation is complete, the School will determine if the conduct violates School policy and if so, the appropriate corrective action. Any employee or student determined to have violated this policy will be subject to disciplinary action, up to and including termination or expulsion. Disciplinary action may also be taken against any supervisor, director, or other management employee who condones or ignores potential violations of this policy, or who otherwise fails to take appropriate action to enforce this policy. Because an individual with whom the School has business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors, are not employees

of the School, the School may not be able to take corrective action in the same way or to the same extent that it can with respect to School employees or students. However, the School will make appropriate efforts to take corrective action for violations of this policy, or if appropriate, to cause others to take corrective action.

Please be advised that an employee who engages in unlawful harassment may be personally liable for the harassment, regardless of whether the School knew or should have known of the conduct and/or failed to take appropriate corrective action. The School does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties at the School. Accordingly, to the extent permitted by law, the School reserves the right to refuse to provide a defense or pay legal fees and costs or to pay damages assessed against any employee based on conduct in violation of this policy.

### **Closure**

The investigation will be closed in a timely manner. At the conclusion of the investigation, the HOS or their designee will notify the Complainant or the individual that was reportedly subjected to conduct that violates this policy in general terms of the outcome of the investigation. If discipline is imposed, typically the level of discipline will not be communicated to the Complainant.

### **Confidentiality**

The School cannot keep oral reports or written complaints made under this policy completely confidential due to the need to investigate potential violations of this policy and take effective remedial action, or to comply with other legal requirements. The School will, however, keep complaints made under this policy confidential to the greatest extent possible, disclosing such information only as necessary to investigate the complaint, take interim action, or take corrective action. The School will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, report internally on an as needed basis, take remedial action, defend the School in administrative or legal proceedings, or to comply with the law or a court order.

### **Responsibilities of Employees and Supervisory Employees**

**Employees:** In order to establish and maintain a professional working environment, while at the same time preventing harassment, discrimination, and retaliation, employees are expected to:

- Set an example of acceptable conduct by not participating in or provoking behavior that violates this policy. Try not to be angry or insulted if an individual tells you that your behavior is offensive. People have different ethical values and standards and may be offended by behavior you think is proper. Tell the individual you did not realize your behavior was offensive, and immediately cease the conduct.
- Report harassment, discrimination, or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.

- Fully cooperate with the School's investigation of complaints made or other alleged violations under this policy.

**Supervisory Employees:** In addition to the responsibilities listed above, supervisors, directors, or any other supervisory or management employees, are responsible for the following:

- Implementing this policy by taking all complaints seriously and modeling behavior that is consistent with this policy. Direct all complaints to the HOS or, in the event the complaint is against the HOS, the Board Chair.
- Taking positive steps to eliminate any form of harassment, discrimination, or retaliation observed or brought to their attention.
- Taking positive steps to protect against retaliation through any action of intimidation, restraint, coercion, or discrimination by any supervisor, director, or any other supervisory, management, or other employee.
- Monitoring the work environment and taking appropriate action to stop potential policy violations.
- Following up with those who have complained or were reportedly subjected to conduct that violates this policy to confirm the conduct complained of has stopped.
- Reporting potential violations of this policy of which they become aware, regardless of whether a report has been made or a complaint has been formally submitted.

### **Mandatory Training**

The School requires that all of its supervisory employees receive at least two hours of training on this policy and all other employees receive at least one hour of training on this policy. Employees will receive training on this policy within six months of being hired, and then at least once every two years. Temporary employees hired to work for fewer than six months will receive training on this policy within thirty calendar days after the hire date or within 100 hours worked, whichever occurs first. The School will schedule training sessions and attendance at the training will be documented. The Civil Rights Department provides free online training courses on preventing sexual harassment and abusive conduct in the workplace that are available at: <https://calcivilrights.ca.gov/shpt>.

### **Dissemination of Policy**

All employees shall receive a copy of this policy when they are hired. The policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this policy.

## **Employment**

### **At-Will Employment Relationship**

It is the goal of PBS to provide a positive work environment for all employees. It is also recognized that personnel changes can be initiated by employees and management alike. In this regard, except as stated in an individual written employment contract signed by the HOS or the Board Chair, it is understood that employees retain their right to terminate their employment

with PBS at any time with or without cause or advance notice, and PBS retains a corresponding right. This section is intended by the School as the complete statement on the subject of at-will employment status. All employees at PBS are at-will employees.

## **Employment Status**

The following definitions will apply to specific categories of employment:

- **Regular Full-Time:** A regular full-time employee, including faculty, is authorized to work a five-day workweek of thirty or more hours. Regular full-time employees are eligible for all employer-sponsored benefits.
- **Regular Part-Time:** A regular part-time employee is authorized to work fewer than thirty hours per week. Regular part-time employees are eligible only for legally required benefits.
- **Temporary and Seasonal:** A temporary employee, whether full-time or part-time, is one who is hired to work for a limited period of time, on a special project, or to cover an abnormal workload or emergency. A seasonal employee, whether full-time or part-time, is one who is hired to cover seasonal fluctuations in workflow. An employee will not change from temporary or seasonal to any other employee status or classification simply because of the length of time spent as a temporary or seasonal employee. The status of a temporary or seasonal employee may change only if the employee is notified of the change in status, in writing, by the School. Temporary and seasonal employees are eligible only for legally required benefits.
- **Exempt and Non-exempt Employees:** Exempt employees are exempt from minimum wage and overtime laws. Exempt employees are paid on a salary basis and meet one or more of the duties test exemptions from overtime under applicable federal and state laws. Exempt employees may have to work hours beyond their normal schedule as work demands require and will not receive additional compensation for those hours. Non-exempt employees are covered by minimum wage and overtime laws. Employees who fall within this category will be paid on an hourly basis for all time worked and are eligible for overtime pay and meal and rest breaks as required by state and federal law.

## **Working Hours and Work Week**

Working hours at PBS vary depending upon the position held and the needs of the School, and generally are scheduled by the HOS. The employee's work schedule may vary according to the needs of the School. Employees are expected to attend meetings and other events outside typical work hours, as scheduled. Schedule and duties are subject to change by the HOS at any time. Faculty and all teachers are generally expected to be on campus during school hours each weekday from 8:00 am to 4:00 pm, unless otherwise specified by the HOS.

For purposes of payroll and overtime, the workweek is Monday through Sunday and the workday begins at 12:00 am and ends at 11:59 pm. Pay dates are the 15th and final day of each month following the end of a pay period.

## **Meal Periods for Non-exempt Employees**

For non-exempt employees, the typical workday is defined in your employment agreement. Non-exempt employees who work more than five hours in one day are authorized, permitted, and expected to take a work-free, uninterrupted, unpaid meal break of at least thirty minutes that must begin no later than at the end of the fifth hour of work. If the employee works no more than six hours, the meal period may be waived by mutual written consent of both the School and employee, which should be done by the employee contacting the Business Office. Non-exempt employees who work in excess of ten hours in one day are authorized, permitted, and expected to take a second work-free, unpaid meal break of at least thirty minutes and must begin no later than at the end of the tenth hour of work. If the employee works no more than twelve hours, the second meal period may be waived by the mutual written consent of the School and employee only if the first meal period was not waived, which waiver should be done by the employee contacting the Business Office.

## **Rest Periods for Non-exempt Employees**

Non-exempt employees are authorized, permitted, and expected to take a full ten-minute paid work-free and uninterrupted rest break for each four hours worked (or major fraction of four hours, which means any work period of more than two hours); except if the employee works a total of three-and-a-half hours or less, the employee is not entitled to a rest period. Breaks should be taken as near to the middle of the four-hour segment of time as is practical. Rest periods may not be combined with each other or added to a meal period. If for any reason you are not provided with breaks in accordance with this policy, or if you are in any way discouraged or impeded from taking your breaks or from the full amount of time allotted to you, please immediately notify the HOS, the AHOS, or the Director of Finance.

## **Breaks for Nursing Periods for All Employees**

PBS will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child each time the employee has a need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee. If a non-exempt employee takes lactation breaks at times other than their provided break times, then the lactation break shall be unpaid or the employee may choose to use accrued leave. Those desiring to take a lactation break at times other than their provided break times must notify a supervisor prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

The School will provide the employee with the use of a room or other location, other than a restroom, shielded from view and free from intrusion, that is in close proximity to the employee's work area, for the employee to express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this section. If a multipurpose room is used for lactation, among other uses, the use of the room for lactation will take precedence over other uses for the time it is in use for lactation purposes. Lactation rooms will be safe, clean, and free of hazardous materials. The lactation room will

include a surface to place a breast pump and other personal items, will have a place to sit, and will have access to electricity or alternative devices (such as extension cords or charging stations) needed to operate electric or battery-powered breast pumps. Employees will have access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If a refrigerator cannot be provided near the employee's workspace, another cooling device, such as a cooler, will be provided. An employee using such a private area to express milk shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.

Employees have the right to request lactation accommodations. Employees who need a lactation accommodation should contact the AHOS to request the accommodation. The School will promptly respond to all lactation accommodation requests, and work with each employee to provide them with both lactation break time and lactation space in accordance with applicable law. If the School is unable to provide the requested break time or a requested location for the purpose of expressing breast milk, the School will provide a written response to the employee which specifies this.

Employees who do not believe that the School is providing them with an appropriate lactation accommodation as required by state law have the right to file a complaint with the California Division of Labor Standards Enforcement/Labor Commissioner, if desired.

### **Overtime**

Non-exempt employees must obtain authorization from their supervisor prior to working overtime. Any overtime hours worked must be timely submitted within the current pay period. Non-exempt employees are paid overtime in accordance with California law for working in excess of eight hours per day and/or forty hours per week, which is at the rate of one-and-a-half times the regular rate of pay for all working hours in excess of eight hours per day, or forty hours per week, and the first eight hours worked on the seventh consecutive day in a work week; and at the rate of two times the regular rate of pay for all working hours in excess of twelve hours per day and all hours worked in excess of eight hours on the seventh consecutive day of a workweek. Compensatory time is not allowed in lieu of overtime pay. Any employee who works overtime without authorization in advance will be paid for overtime work, but is subject to disciplinary action up to and including termination.

### **Timekeeping**

Non-exempt employees are required to record hours worked on a timesheet to be submitted to the employee's supervisor for approval on a timely basis for each pay period. The ADP payroll system is used to enter timesheets. Timekeeping must be done accurately to ensure that the paycheck is correct and must include any variance from the regular schedule. Non-exempt employees' time sheets for each workday must include the time work starts, the time the meal

break starts, the time the meal break ends, and the time work ceases. Rest periods need not be recorded. Working off the clock is strictly prohibited.

### **Paychecks**

Employees are paid on the fifteenth and the final day of each month for services rendered during the preceding pay period. If the payday occurs on a weekend or holiday, paychecks will be issued on the preceding workday. Certain deductions from an employee's wages are required by law, including Federal and State Income Taxes, Social Security (FICA), and State Disability Insurance (SDI). Additionally, some employee benefit plans may involve voluntary employee participation, and deductions will be made for these upon written authorization. Paychecks will be distributed to the employee's internal, on-campus mailbox. Employees may elect direct deposit of their paycheck.

### **On-Campus Work, Force Majeure, and School Operations Discretion**

The School normally operates an entirely on-campus learning program. All faculty, staff, and administrative employees must be available to work on-campus to perform their essential functions in spaces allocated to them to facilitate student-based decisions and staffing of the School's normal on-campus learning model or any temporary distance or blended (on-campus and distance) learning model the School may establish. If a force majeure event, such as but not limited to fire, earthquake, pandemic, or other circumstances beyond the School's control, disrupts the normal operation of the School, the School operations may be suspended immediately during all periods that the School is closed, or postponed until such time as the School, in its sole discretion, may safely reopen. The School also reserves the sole discretion to remain in or return to operation and to alter its calendar or to temporarily provide for alternative means of student learning, such as but not limited to distance or blended learning.

### **Communicable and Infectious Diseases Policy**

**Reporting:** The School is required by law to report to the local Health Office the presence or suspected presence of any communicable disease, including but not limited to: measles, mumps, rubella, polio, whooping cough, or in some cases COVID-19. Reportable events or diseases may change from time to time and will depend on the laws, statutes, or orders from the California Department of Public Health and local public health departments in effect at that time. Employees must report to the School if they have tested positive for a communicable disease.

**Prevention and Exposure:** The School may exclude from school any individual affected with a disease that is presumably communicable until that individual's doctor has given written permission for them to return to school or until the expiration of the prescribed period of isolation for that particular disease as dictated by a state or local health authority. The School may prohibit an individual who has been in a quarantine area from returning to school until the person has been cleared by the local health officer or physician. This may include prohibiting someone who has been exposed to a communicable disease from coming to campus until such time as they are cleared and are no longer being exposed to said communicable disease.

The School will require that an individual who is suspected to have a communicable disease either leaves campus on their own or is immediately picked up by a parent, guardian, or other authorized individual and taken home. The School may need to inform the community that someone in the community, without disclosing that person's identity, has been diagnosed with the communicable disease and recommend others in the community speak to their doctor if they have any concerns about exposure.

In the event that there is an epidemic in the City or County of San Mateo or the State of California, such as COVID-19 or any future epidemic, pandemic, or outbreak, that relates to a communicable disease, including but not limited to measles, mumps, rubella, polio or whooping cough, COVID-19 or other viruses, and the Department of Health requires an individual to remain away from the school or take certain precautions because either that person has contracted one of those conditions, or has not been immunized against them, or cannot provide a written record of immunization against them, then that person must adhere to the Department's requirements.

**Safety Protocols:** From time to time, certain communicable diseases may require additional safety protocols. They may also require distance or online learning or small group cohort learning. The School may be required to institute such protocols due to a public health order or as a best practice, and will require all employees, students, and families to comply with the requirements of such safety protocols.

### **COVID-19 Protocols**

1. PBS continues its policy of optional masking indoors and outdoors for all employees, students, and campus visitors.
2. The School encourages all employees to take an antigen test before returning to school after vacation periods, but this is not required unless directed otherwise by the School.
3. PBS encourages all employees to remain up to date on COVID-19 vaccinations and boosters, but this is not required unless directed otherwise by the School.
4. The School strongly recommends symptomatic testing for all employees to help keep our community safe. If an employee tests positive for COVID-19, the employee is required to immediately report the positive result to the Health Coordinator and to follow the directions and response plan of the School based on then-current county and/or state guidance.
5. If a community member tests positive for COVID-19, the School will notify those employees impacted or potentially impacted as determined by the Health Coordinator.
6. The School may amend COVID-19 Protocols from time to time based on updated county and/or state guidance or changing health conditions.



## **Holidays and Vacations**

### **Holidays**

The School publishes an academic calendar each year that lists the days the school will be closed for holidays. Holidays occurring during a non-faculty employee's scheduled vacation are treated as holidays and are not counted as vacation days. Holiday hours are excluded when calculating overtime pay.

Part-time employees are eligible for prorated holiday pay beginning with their first day of employment. Holiday pay for part-time employees is calculated by determining the average number of daily hours worked in the week during which the holiday falls, not to exceed eight hours of holiday pay.

Occasionally non-faculty non-exempt employees may be required to work on a designated paid holiday. When this occurs, the employee will be paid twice the normal rate of pay for each hour worked that day.

The School office is typically open when school is not in session. Additional paid time off during school breaks may be given, at the discretion of the HOS, to staff and administrative employees.

### **Vacations**

Regular full-time staff and administrative employees (non-faculty and non-instructional employees) are eligible to receive vacation with pay. Such employees will accrue 1.67 vacation days per month for a total of 20 accrued vacation days annually.

During all unpaid leaves of absence, employees will not accrue vacation.

Vacations should be scheduled and requested at least one month in advance and must be approved through the School's employee absence approval process in order to plan for adequate coverage of job responsibilities and staffing needs. Employees are encouraged to use all earned vacation each year. When an employee's accrued, unused vacation reaches a maximum of forty vacation days, the employee shall accrue no additional vacation until vacation is taken. When an employee later uses some or all of the accrued vacation so that the accrued, unused vacation falls below the maximum of forty vacation days, the employee will resume earning vacation up to the forty-day maximum accrual limit.

## **Sick/Medical Leave**

All regular, full-time employees are allowed ten days or eighty hours of paid sick/medical leave annually on July 1 of each year. Regular part-time employees that are scheduled to work more than twenty-four hours per week are allowed eight days or sixty-four hours of paid sick/medical leave annually on July 1 of each year. Regular part-time employees that are scheduled to work fewer than twenty-four hours per week are allowed twenty-four hours of paid/sick medical leave annually on July 1 of each year. Temporary and seasonal employees are allowed twenty-four hours of paid/sick medical leave annually on July 1 of each year, but are not entitled to use the paid sick/medical leave unless they are employed for ninety days. Any employee hired between July 2 and June 30 of the subsequent year shall be treated as if they were hired on July 1 of the prior year solely for purposes of crediting the annual paid sick leave. For example, an employee hired on July 2, 2022, or January 1, 2023, shall be treated as if they were hired on July 1, 2022, solely for purposes of crediting paid sick leave under this section. Increments of paid sick leave shall be no shorter than one hour. Unused sick/medical leave does not carry forward into subsequent school years, nor is it paid out upon termination of employment. Sick leave will not be considered hours worked for purposes of overtime calculation. No employee will receive pay in lieu of sick leave. If an employee separates from employment with the School and is re-hired by the School within one year of the date of separation, previously accrued and unused sick leave hours shall be reinstated to the extent required by law. The School will not tolerate abuse or misuse of an employee's sick leave.

Sick/medical leave may be taken for any of the following purposes:

1. For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
2. For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:
  - Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis)
  - Spouse or Registered Domestic Partner
  - Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child)
  - Grandparent
  - Grandchild
  - Sibling
  - A designated person, which means a person identified by the employee at the time the employee requests paid sick days. An employee is limited to use of sick leave for one designated person per 12-month period.
3. To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:

- A temporary restraining order or restraining order
- Other injunctive relief to help ensure the health, safety, or welfare of themselves or their children
- To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking
- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking
- To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practical.

## **Leave of Absence Policies**

### **Medical Leave/Occupational**

A leave of absence will be granted upon request by an employee who sustains a work-related injury or disability. To the extent permitted by law, a leave of absence for a work-related disability will be extended to the employee to the extent it is reasonable for the School to do so and the position has not been eliminated in the interim.

An employee who sustains a work-related injury or disability needs to do the following: immediately report any work-related injury to the employee's supervisor and the Business Office; seek medical treatment, subject to the parameters of the workers compensation plan, and follow-up care, if required; promptly submit an insurance injury claim form; complete appropriate forms through the Business Office; and provide the School with certifications from the employee's health care provider regarding the need for the leave and the employee's fitness to return to work. To the extent permitted by law, the provisions of the School's family/medical leave shall apply to the employee regarding health insurance continuation and the payment of premiums by the School.

### **Pregnancy Disability Leave (PDL)**

The following policy is intended to comply with applicable California Pregnancy Disability Leave laws. Due to the complexity of these laws, this policy statement is intended to serve as a summary and is not inclusive of all governing rules and procedures that apply. If an employee has any questions about the application of the policy, please contact the Business Office for more information.

**Eligibility and Length of Leave:** Pregnant employees are entitled to an unpaid leave of absence on account of a disability resulting from pregnancy, childbirth, or related medical conditions for a reasonable period of time not to exceed four months. A four-month leave means time off for the number of days or hours the employee would normally work within four calendar months (one-third of a year or seventeen-and-1/3 weeks). For a full-time employee who works forty hours per week, four months means 693 hours of leave entitlement, based on forty hours per week times seventeen-and-1/3 weeks. For employees who work less than forty hours per week, or work on variable work schedules, the number of working days constituting four months is calculated on a pro rata or proportional basis.

Increments of intermittent pregnancy disability leave shall be no shorter than one hour.

**Request for Leave:** Where foreseeable, an employee must provide the Business Office with thirty days advance written notice before the start of reasonable accommodation, transfer, or pregnancy disability leave if the need for reasonable accommodation, transfer, or leave is foreseeable. The employee shall consult with the Business Office and make a reasonable effort to schedule any planned appointment or medical treatment to minimize disruption to the School's operations, subject to the healthcare provider's approval. If thirty days advance notice is not practicable, because it is not known when reasonable accommodation, transfer, or leave will be required to begin, or because of a change in circumstances, a medical emergency, or other good cause, notice must be given as soon as practical.

If the employee fails to give timely advance notice when the need for reasonable accommodation or transfer is foreseeable, the School may delay the reasonable accommodation or transfer until thirty days after the date the employee provides notice to the Business Office of the need for reasonable accommodation or transfer; however, such delay will not occur if to do so would endanger the employee's health, pregnancy, or health of her co-workers.

**Medical Certification:** As a condition of granting reasonable accommodation, transfer, or pregnancy disability leave, the School will require a written medical certification. The certification must be returned within fifteen calendar days after it is requested by the School. Failure to do so may, in some circumstances, delay PDL leave, reasonable accommodation, or transfer. The certification indicating the need for disability leave should contain:

- A statement that the employee needs to take pregnancy disability leave because they are disabled by pregnancy, childbirth, or related medical condition.
- The date on which the employee became disabled due to pregnancy.
- The probable duration of the period or periods of disability.
- If the employee needs a reasonable accommodation or transfer, a medical certification is sufficient if it contains all of the following: a description of the requested reasonable accommodation or transfer; a statement that describes the medical advisability of the reasonable accommodation or transfer because of pregnancy; and the date on which the

need for reasonable accommodation or transfer became/will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

**Use of Other Leave and SDI:** The employee should apply for State Disability Insurance (SDI) benefits during their PDL leave. These benefits will be coordinated with the School's supplemental short-term disability plan, subject to the terms and conditions of the plan. The employee is responsible for filing all claims and should meet with the Business Office to obtain the correct forms.

If requested by the employee, any accrued sick pay and vacation time will be applied toward the period of the disability but integrated with SDI and supplementary disability plan benefits so as not to exceed the employee's regular pay. If an employee takes a leave under this section, the employee will not accrue sick leave, vacation, or other benefits during the leave.

**Reasonable Accommodation and Transfer:** Requests for accommodation or transfer for an employee affected by pregnancy shall be granted by the School when the employee's request is based on the advice of their health care provider and the request is reasonable.

**Return to Work:** As a condition of an employee's return from pregnancy disability leave or transfer, the School may require the employee to obtain a release to return-to-work from their health care provider stating that they are able to resume their original job or duties.

**Reinstatement:** Under most circumstances, an employee who exercises their right to take pregnancy disability leave is guaranteed a right to be reinstated to the same position. An employee on leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. If an employee on pregnancy disability leave would have been laid off or if the employee's position would have been eliminated had the employee not gone on leave, and there is no equivalent position available, then the employee would not be entitled to reinstatement.

**Health Insurance Continuation:** If an employee is participating in the School's health plan at the time when the pregnancy disability leave commences, the School will continue the benefits in effect for the duration of the leave up to a maximum of four months that the leave is taken. The health insurance benefits will be subject to the same terms and conditions as if the employee had not taken the leave, including any requirements that would otherwise require the employee to pay a portion of the insurance premium. To the extent provided by law, the School may, in some instances, recover from the employee any premiums the School has paid to maintain health coverage for an employee who fails to return to work following pregnancy disability leave for a reason other than the employee taking leave under the family/medical leave law or the continuation of, recurrence, or onset of a health condition that entitles the employee to leave, or other circumstances beyond the control of the employee.

**Relationship to Family/Medical Leave:** Pregnancy Disability Leave is in addition to any leave rights available to employees eligible for family/medical leave under the CFRA, but the School may count the employee's pregnancy disability leave up to a maximum of twelve weeks against their FMLA leave entitlement.

### **California Family Rights Act (CFRA) Family/Medical Leave**

The following policy is intended to comply with applicable CFRA family/medical leave laws. Due to the complexity of these laws, this policy statement is intended to serve as a summary, and it is not inclusive of all governing rules and procedures that apply. If an employee has any questions about the application of the policy, please contact the Business Office for more information.

The California Family Rights Act (CFRA) provides up to twelve work weeks of unpaid family/medical leave within a twelve-month period, under the following conditions:

- The employee has been employed with the School for a total of at least twelve months prior to the commencement of leave. The twelve months of employment must have accumulated within the previous seven years (certain exceptions apply); and
- The employee has worked at least 1,250 hours during the previous twelve-month period before the need for leave.

Twelve work weeks means the equivalent of twelve of the employee's normally scheduled work weeks. For example, for a full-time employee who works five, eight-hour days per week, twelve work weeks means sixty paid eight-hour days of leave entitlement. For a half-time employee, twelve workweeks may mean thirty-eight-hour days or sixty four-hour days, or twelve work weeks of whatever is the employee's normal half-time work schedule.

Leave may be taken by an employee for one or more of the following reasons:

- Their serious health condition that makes them unable to perform their job
- To care for their family member who has a serious health condition. For purposes of CFRA leave, a "family member" includes their:
  - Spouse
  - Parent
  - Child of any age
  - Registered domestic partner
  - Grandparent
  - Grandchild
  - Sibling
  - Parent-in-law
  - Designated Person, which means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. Employees are limited to one designated person per twelve-month period for CFRA leave.

- The birth of their child, or placement of a child with them for adoption or foster care
- Because of a qualifying exigency related to covered active duty or a call to covered active duty of their spouse, registered domestic partner, child, or parent in the Armed Forces of the United States (see *Qualifying Exigencies Related to Active Duty* below)

**Qualifying Exigencies Related to Active Duty:** Eligible employees whose spouse, domestic partner, child, or parent is on covered active duty or call to covered active duty status may use their twelve-week leave entitlement for certain qualifying exigencies. Qualifying exigencies may include, but are not necessarily limited to, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

**Calculating the Twelve-month Period:** The twelve-month period during which twelve weeks of CFRA leave may be taken is a rolling twelve-month period measured backward from the date an employee uses family/medical leave.

**Pregnancy, Childbirth or Related Conditions, and Baby Bonding:** Leave because of a disability for pregnancy, childbirth, or related medical condition is not counted as time used under CFRA leave. Employees who take time off for pregnancy disability will be placed on pregnancy disability leave (PDL). (See *Pregnancy Disability Leave* policy for more information.)

Once the pregnant employee is no longer disabled, or once the employee has given birth and exhausted PDL, the employee may apply for leave under the CFRA, 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. CFRA leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the School will grant a request for a CFRA 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.

**Leave Procedures:** The following procedures shall apply to CFRA leave:

- Employees will please contact the Business Office as soon as they 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 the employee's serious health condition or that of a family member, they must notify the Business Office at least thirty days before leave is to begin. Employees must consult with their supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the School. Any such scheduling is subject to the approval of the employee's health care provider or the health care provider of their family member.

- If an employee cannot provide 30 days' notice, the Business Office must be informed as soon as is practical.

**Certification:** The School requires employees to provide certification. Employees will have fifteen calendar days from the School's request for certification to provide it to the School, unless it is not practical to do so. The School may require recertification from the health care provider if employees request additional leave upon expiration of the time period in the original certification. (For example, if an employee needs two weeks of family and medical leave, but following the two weeks they need intermittent leave, a new medical certification may be requested and required.) If employees do not provide medical certification in a timely manner to substantiate the need for family and medical leave, the School may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered CFRA leave.

If the leave is needed to care for a sick family member, an employee must provide a certification from the health care provider stating: (1) Date of commencement of the serious health condition; (2) Probable duration of the condition; (3) Estimated amount of time for care by the health care provider; and (4) Confirmation that the serious health condition warrants their participation.

If an employee's serious health condition is the reason for leave, they must provide a certification from the health care provider stating: (1) Date of commencement of the serious health condition; (2) Probable duration of the condition; and (3) Their inability to work at all or to perform any one or more of the essential functions of their position because of the serious health condition.

If an employee is on leave because of their own serious health condition, the School will also require a medical release to return to work form or certification from their health care provider that they are able to resume work.

Failure to provide a release to return to work from the employee's health care provider may result in denial of reinstatement until the certificate is obtained.

**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. Special certification requirements apply to leaves related to military service.

**Health and Benefit Plans:** If an employee is taking CFRA leave, they will be allowed to continue participating in any health and welfare benefit plans in which they were enrolled before the first day of the leave (for a maximum of twelve work weeks) at the level and under the conditions of coverage as if they had continued in employment for the duration of such leave. The School will continue to make the same premium contribution as if they had continued working. The continued participation in health benefits begins on the date the leave first begins. In some



instances, the School may recover premiums paid to maintain health coverage if an employee fails to return to work following CFRA leave. An eligible employee on CFRA leave that is not eligible for continued paid insurance coverage may continue group health insurance coverage through the School in conjunction with federal COBRA guidelines by making monthly payments to the insurance carrier for the amount of the applicable premium.

**Integration with Other Benefits:** As with other leaves of absence, CFRA leave is unpaid. If an employee takes a leave under this section, the employee will not accrue sick leave, vacation, or other benefits during the leave. Accrued sick leave is required to be applied to leave under this section for the employee's own serious health condition. Accrued paid vacation may be applied to any leave taken under this section. Such paid time off will be counted as part of and not be used to lengthen the available leave time under this section.

Please note that incapacity due to pregnancy, prenatal medical care, or childbirth is not an eligible reason for CFRA leave. However, if an employee is eligible for leave under the Family Medical Leave Act (FMLA), then such leave will run concurrently with FMLA. (See *Pregnancy Disability Leave* and *FMLA Leave* policies for additional information).

If an employee is also eligible for leave under the FMLA, and depending on their reason for CFRA leave, FMLA may run concurrently with your CFRA leave. (See the *FMLA Leave* policy for additional information regarding FMLA leave eligibility).

**Reinstatement:** Under most circumstances, upon return from CFRA leave, an employee will be reinstated to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee on CFRA leave would have been laid off had the employee not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of CFRA leave will not result in the loss of any employment benefit that the employee earned before using CFRA leave.

**Carryover:** Leave granted under any of the reasons provided by CFRA and/or FMLA will be counted as family/medical leave and will be considered as part of the twelve-work week entitlement in any twelve-month period. No carryover of unused leave from one twelve-month period to the next twelve-month period is permitted.

**Intermittent Leave:** You may take CFRA leave intermittently (in blocks of time, or by reducing your normal weekly or daily work schedule) if the leave is for your serious health condition or that of a qualifying family member 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 hour.

## **Federal Family and Medical Leave Act (FMLA) Family/Medical Leave**

The following policy is intended to comply with applicable FMLA family/medical leave laws. Due to the complexity of these laws, this policy statement is intended to serve as a summary, and it is not inclusive of all governing rules and procedures that apply. If an employee has any questions about the application of the policy, please contact the Business Office for more information.

The FMLA provides up to twelve work weeks of unpaid family/medical leave within a twelve-month period, under the following conditions:

- The employee has been employed with the School for a total of at least twelve months prior to the commencement of leave. The twelve months of employment must have accumulated within the previous seven years (certain exceptions apply); and
- The employee has worked at least 1,250 hours during the previous twelve-month period before the need for leave.

Twelve work weeks means the equivalent of twelve of the employee's normally scheduled work weeks. For example, for a full-time employee who works five, eight-hour days per week, twelve work weeks means sixty paid eight-hour days of leave entitlement. For a half-time employee, twelve workweeks may mean thirty-eight-hour days or sixty four-hour days, or twelve work weeks of whatever is the employee's normal half-time work schedule.

The employee's leave may be taken for one or more of the following reasons:

- Their serious health condition that makes them unable to perform their job
- To care for their family member who has a serious health condition. For purposes of FMLA leave, a "family member" includes their:
  - Spouse
  - Parent
  - Child under the age of eighteen, or child over the age of eighteen and incapable of self-care due to mental or physical disability at the time FMLA leave is to begin
- The birth of their child, or placement of a child with them for adoption or foster care
- Because of a qualifying exigency related to covered active duty or a call to covered active duty of their spouse, child, or parent in the Armed Forces of the United States, or to care for a covered servicemember (see *Military Family Leave Entitlements* below)
- Incapacity due to pregnancy, prenatal medical care, or child birth

Depending on their reason for leave, the employee may also be eligible for California Family Rights Act (CFRA) leave, in which case both their FMLA leave and CFRA leave will run concurrently. (See the *CFRA Leave* policy for additional information and CFRA leave eligibility.)

**Military Family Leave Entitlements:** Eligible employees whose spouse, son, daughter, or parent is on covered active duty or call to covered active duty status may use their twelve-week leave entitlement for certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal

arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Eligible employees may also take a special leave entitlement of up to twenty-six weeks of leave during a single twelve-month period to care for a covered servicemember. A covered servicemember is either:

- A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

**Calculating the Twelve-month Period:** The twelve-month period during which twelve weeks of FMLA leave may be taken is a rolling twelve-month period measured backward from the date an employee uses family/medical leave.

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

**Pregnancy, Childbirth or Related Conditions, and Baby Bonding:** Time off because of pregnancy disability, childbirth, or related medical condition counts as FMLA leave, but not for CFRA leave. Employees who take time off for pregnancy disability and who are eligible for FMLA will be placed on FMLA that runs at the same time as their pregnancy disability leave (PDL).

Once the pregnant employee is no longer disabled, or once the employee has given birth and exhausted PDL, the employee may apply for leave under the CFRA, for purposes of baby bonding.

Under the FMLA, leave taken for the birth, adoption, or foster care placement of a child must be taken as a continuous block of leave unless the School grants intermittent leave. If, however, the employee's baby bonding leave is under both FMLA and CFRA (running concurrently), such leave does not have to be taken in one continuous period of time, as explained in the CFRA section above. Any leave taken for this purpose must be concluded within one year of the birth or placement of the child with the employee.

**Leave Procedures:** The following procedures shall apply to FMLA leave:

- The employee should please contact the Business Office as soon as they 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 their serious health condition

or that of a family member, they must notify the Business Office at least thirty days before leave is to begin. The employee must consult with their supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the School. Any such scheduling is subject to the approval of their health care provider or the health care provider of their child, parent, or spouse.

- If the employee cannot provide thirty days' notice, the Business Office must be informed as soon as is practical.

**Certification:** The School requires the employee to provide certification. The employee will have fifteen calendar days from the School's request for certification to provide it to the School, unless it is not practical to do so. The School may require recertification from the health care provider if the employee requests additional leave upon expiration of the time period in the original certification. (For example, if the employee needs two weeks of family and medical leave, but following the two weeks they need intermittent leave, a new medical certification may be requested and required.) If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, the School 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 leave.

If the leave is needed to care for a sick family member, the employee must provide a certification from the health care provider stating: (1) Date of commencement of the serious health condition; (2) Probable duration of the condition; (3) Estimated amount of time for care by the health care provider; and (4) Confirmation that the serious health condition warrants your participation.

Under the FMLA, when both parents are employed by the School, and request simultaneous leave for the birth or placement for adoption or foster care of a child, the School will not grant more than a total of twelve work weeks of FMLA leave for this reason. However, under CFRA, each parent employed by the School is entitled to twelve workweeks of leave for this reason.

If the employee's serious health condition is the reason for leave, they must provide a certification from the health care provider stating: (1) Date of commencement of the serious health condition; (2) Probable duration of the condition; and (3) The employee's inability to work at all or to perform any one or more of the essential functions of their position because of the serious health condition.

If the employee is on leave because of their own serious health condition, the School will also require a medical release to return to work form or certification from their health care provider that they are able to resume work.

Failure to provide a release to return to work from the employee's health care provider may result in denial of reinstatement until the certificate is obtained.

**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 servicemember must be supported by a certification by the servicemember’s health care provider or other certification allowed by law. Special certification requirements apply to leaves related to military service.

**Health and Benefit Plans:** If the employee is taking FMLA leave, they will be allowed to continue participating in any health and welfare benefit plans in which they were enrolled before the first day of the leave (for a maximum of twelve work weeks, or twenty-six work weeks if the leave is to care for a covered servicemember) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The School 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. In some instances, the School may recover premiums paid to maintain health coverage if the employee fails to return to work following FMLA leave.

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for up to a maximum of four months of pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if the employee had continued to work. The right to continued group health coverage during pregnancy disability leave is a separate and distinct entitlement from the CFRA entitlement.

**Integration with Other Benefits:** Generally, FMLA leave is unpaid. If an employee takes a leave under this section, the employee will not accrue sick leave, vacation, or other benefits during the leave. Accrued sick leave is required to be applied to leave under this section for the employee’s own serious health condition. Accrued paid vacation may be applied to any leave taken under this section. Such paid time off will be counted as part of and not be used to lengthen the available leave time under this section.

**Reinstatement:** Under most circumstances, upon return from FMLA leave, the employee will be reinstated to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee on FMLA leave would have been laid off had the employee not gone on leave, or if the employee’s job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee’s use of FMLA leave will not result in the loss of any employment benefit that the employee earned before using FMLA leave.

Reinstatement after FMLA leave may be denied to certain salaried “key” employees under the following conditions (however, this exception will not apply if the FMLA leave runs concurrently with CFRA leave):

- An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within seventy-five miles of the worksite 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 the School's operations;
- The employee is notified of the School's intent to refuse reinstatement at the time the School determines the refusal is necessary; and
- If leave has already begun, the School gives the employee a reasonable opportunity to return to work following the notice described previously.

**Carryover:** Leave granted under any of the reasons provided by FMLA and/or CFRA will be counted as family/medical leave and will be considered as part of the twelve work week entitlement (twenty-six work week entitlement if leave is to care for a servicemember) in any twelve-month period. No carryover of unused leave from one twelve-month period to the next twelve-month period is permitted.

**Intermittent Leave:** An employee may take FMLA leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for their serious health condition or that of a qualifying family member 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 hour.

Concerning instructional employees who need intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, or for care of the employee's own serious health condition which is foreseeable based on planned medical treatment and if the employee would be on leave for more than 20 percent of the total working days over the period during which the leave would extend, the School may require the employee either to:

- Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which accommodates recurring periods of leave better than the employee's regular position.

If the instructional employee does not give the required foreseeable leave notice for leave to be taken intermittently or on a reduced leave schedule, the School may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position, or alternatively, may require the employee to delay the taking of leave until the notice provision is met.

Instructional employees who take leave more than five weeks before the end of the School term, less than five weeks before the end of term, and less than three weeks before the end of term are subject to the following rules:

- For an instructional employee who begins leave more than five weeks before the end of term, the School may require that the employee continue taking leave until the end of term if (1) the leave will last at least three weeks; and (2) the employee would return to work during the three-week period before the end of term.
- For an instructional employee who begins leave during the five-week period before the end of term because of the birth of a child, the placement of a child for adoption or foster care, or to care for a spouse, child, or parent with a serious health condition, the School may require that the employee continue taking leave until the end of term if (1) the leave will last more than two weeks; and (2) the employee would return to work during the two-week period before the end of term.
- For an instructional employee who begins leave during the three-week period before the end of term because of the birth of a child, the placement of a child for adoption or foster care, or to care for a spouse, child, or parent with a serious health condition, the School may require that the employee continue taking leave until the end of term if the leave will last more than five working days.

### **Bereavement Leave**

In the event of a death in the family, employees will receive up to five workdays off (three days with pay plus two days without pay) within the three-month period following the death to arrange for and/or attend the funeral. The days off do not have to be taken consecutively. For purposes of this policy, an employee's family is defined to include the immediate family, grandparents, children, and in-laws of the immediate family. The employee shall promptly request bereavement leave through the School's employee absence approval system and shall discuss this request with their supervisor on the Administrative Team. If an employee requires more than five workdays bereavement leave, the employee may use any accrued vacation or must make a written request to the HOS for a personal leave of absence for additional unpaid time.

If requested by the School, the employee must provide documentation of the family member's death within thirty days of the first day of leave. Documentation includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency.

The School will maintain the confidentiality of any employee requesting bereavement leave. Any supporting documentation provided by employee will be treated as confidential and will only be disclosed on a need-to-know basis or as required by law.

### **Jury Duty**

If a regular full-time or regular part-time non-exempt employee is summoned to jury duty, the employee will be given time off from work with pay in order to meet their obligations as a juror up to a maximum of ten workdays of paid leave. For non-exempt employees, unpaid leave time

will be granted for the remainder of any required jury duty in excess of the ten workday paid leave period, or the employee may use any accrued vacation.

For an exempt full-time or regular part-time employee on a salary and who performs no work during the work week when the employee is serving on a jury, the employee will be given time off from work with pay in order to meet their obligations as a juror up to a maximum of ten workdays of paid leave. For an exempt employee on a salary after the ten workday paid leave has been exhausted and so long as the employee performs no work during the work week when the employee is serving on the jury, unpaid leave time will be granted during that time, or the employee may use any accrued vacation.

Upon receipt of notice of such required jury duty, the employee shall promptly request time off through the School's employee absence approval system and shall discuss this request with their supervisor on the Administrative Team. Failure to provide reasonable advance notice of jury service may nullify paid leave. Upon return to work, the employee is required to submit proof of actual jury duty to the Business Office. Jurors on court standby are expected to report to work whenever possible. Employees classified as faculty, co-teachers, senior associate teachers, and associate teachers (non-staff and non-administrative employees) are strongly encouraged to defer jury duty to times when the School is not in session to minimize disruption to student instruction.

### **Military and Reserve Leave (USERRA)**

The School abides by all the provisions of the Uniformed Services Employment and Re-Employment Act (USERRA) and grants military leave to all eligible regular full-time and regular part-time employees. As with any leave of absence, employees must provide advance notice to the Business Office of their intent to take military leave and must provide appropriate documentation.

An employee's salary will not continue during military leave unless required by law; however, employees may request to use any accrued vacation time during military leave. Benefit coverage will continue for thirty-one days as long as employees pay their normal portion of the cost of benefits. For leaves lasting longer than thirty-one days, employees will be eligible to continue health benefits under COBRA.

Upon return from military leave, employees will be reinstated with the same seniority, pay, status, and benefit rights that they would have had if they had worked continuously. Employees must apply for employment within ninety days of discharge from the military. Employees who fail to report for work within the prescribed time after completion of military service will be considered to have voluntarily terminated their employment.

If employees are reservists in any branch of the Armed Forces or members of the National Guard, they will be granted time off for military training. Such time off will not be considered



vacation time; however, employees may elect to have their reserve duty period be considered as vacation time to the extent they have such time available.

### **Military Family Leave**

Any employee whose spouse or registered domestic partner is a member of the Armed Forces of the United States, including the National Guard or Reserves, will be provided an unpaid leave of up to ten days while their spouse or registered domestic partner is on leave from deployment during a time of military conflict, provided the following conditions exist:

1. The employee works an average of twenty or more hours per week;
2. The military spouse or registered domestic partner has been deployed during a period of military conflict to an area designated as a combat theater or combat zone;
3. The employee provides notice of the request for leave within two business days of receiving official notice that his or her spouse will be on leave from deployment; and
4. The employee submits written documentation that his or her spouse will be on leave from deployment during the period for which the employee is requesting leave.

Non-exempt employees may use accrued vacation time during a Military Family Leave. Employees may use accrued sick leave during a Military Family Leave if the leave otherwise qualifies for use of sick leave pursuant to the terms of the School's sick leave policy.

### **Voting**

In the event an employee does not have sufficient time outside of working hours to vote in a state or national election, the School may adjust the employee's work schedule or provide the employee with up to two hours work time off without loss of pay either at the beginning or end of the workday to enable the employee to vote. To the extent possible, an employee should request this time off from their supervisor on the Administrative Team with at least two days advance notice. California also permits voters to vote by mail.

### **School Activities Leave**

An employee who is the parent, guardian, grandparent, stepparent, foster parent, or person who stands in loco parentis to a child in kindergarten or grades 1 through 12, or in a licensed child day care facility, is eligible for up to forty unpaid hours off per year for the purpose of finding, enrolling, or re-enrolling their children in a school or with a licensed child care provider, participating in activities of the School or licensed child day care facility, and/or addressing a child care or school emergency. The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of forty hours each year.

Employees must give as much reasonable advance notice to their supervisor of the planned absence as possible. If both parents are employed by School, the first employee to request such leave will receive the time off, the other parent will receive time off during the same period only if the leave is approved by their supervisor.

Leave under this policy is unpaid, but a non-exempt employee may utilize accrued vacation, if available, for this purpose. Employees may be asked to provide their supervisor with documentation from the School or child day care facility verifying that the employee participated in a school activity on the day of the absence for that purpose.

### **Suspension of Child Leave**

An employee who is the parent or guardian of a child who has been suspended from school is also allowed unpaid time off, if requested, to appear at the School in connection with that suspension. Leave under this policy is unpaid, but non-exempt employees may use accrued vacation time, if available, for this purpose.

### **Victim of Crime Leave**

An employee who is a victim of a crime may take time off to appear in court or attend a judicial proceeding to comply with a subpoena or other court order as a witness. Employees needing time off for this purpose should follow the School's separate policy on witness leave and court appearances. The time off is unpaid, but non-exempt employees may use their vacation leave.

In addition, victims of certain enumerated crimes, or family members of victims of certain enumerated crimes in California, are entitled to leave as set forth in this policy. The School will maintain the confidentiality of an employee requesting leave under this policy to the extent allowed by law and consistent with its obligations to protect the employee's safety in the workplace.

**Leave to Attend Court Proceedings Related to Vehicular Manslaughter While Intoxicated, Child and Elder Abuse, Sexual Abuse, and Other Serious Crimes (Labor Code §230.5):** An employee who is a victim of a crime listed in Labor Code Section 230.5 may take leave from work to appear in court to be heard at any proceeding in which a right of the victim is at issue, if the employee provides the School with reasonable advance notice. An employee who is the spouse, parent, child, sibling, or guardian of such a crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime.

When advance notice of the need for leave is not feasible and an unscheduled absence occurs, the employee must provide the School with certification within a reasonable time after the leave is taken. Any of the following forms of certification is sufficient if it demonstrates that the employee (or family member as described above) was a victim of any of the crimes listed in Labor Code Section 230.5, or appeared in court or sought treatment in connection with such crimes: a police report; a protection court order/other evidence from the court or district attorney; or documentation from a health care provider, victim advocate, or counselor. The leave is unpaid unless the employee elects to use accrued vacation or personal leave.

**Leave to Attend Court Proceedings Related to a Serious or Violent Felony, or a Felony Involving Theft or Embezzlement:** An employee who is a victim of a crime that is a serious or violent felony, or a felony involving theft or embezzlement as listed in Labor Code Section 230.2

may be absent from work in order to attend judicial proceedings related to that crime. An immediate family member of a victim (a spouse, child/stepchild, sibling/stepsibling, or parent/guardian/stepparent), a registered domestic partner of a victim, or the child of a registered domestic partner of a victim may also take leave from work to attend such judicial proceedings.

Before an employee may be absent from work, the employee is required to give the School a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice, unless advance notice is not feasible.

When advance notice is not feasible or an unscheduled absence occurs, within a reasonable time after the absence, the employee is required to provide the School with documentation evidencing the judicial proceeding from any of the following entities: (1) The court or government agency setting the hearing; (2) the district attorney or prosecuting attorney's office; or (3) the victim/witness office that is advocating on behalf of the victim.

The leave is unpaid unless the employee elects to use accrued vacation, personal, or sick leave.

**Leave for Victims of Domestic Violence, Sexual Assault, Stalking, and Other Crimes Resulting in Mental and Physical Injuries:** The School will provide time off to an employee who has been the victim of domestic violence, sexual assault or stalking, a crime that caused physical or mental injury, or that caused mental injury and a threat of physical injury, for purposes of obtaining relief, as defined by this policy. The School will additionally provide time off for purposes set forth in this policy to an employee whose immediate family member died as the direct result of a crime.

Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child.

"Immediate family member" as defined by this policy means a person who is any of the following:

- Regardless of age, a biological, adopted, or foster child, stepchild, or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or a person to whom the employee stood in loco parentis when the person was a minor.
- A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee or the employee's spouse or domestic partner was a minor child.
- A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision.
- A biological, foster, or adoptive sibling, a stepsibling, or a half-sibling.
- Any other individual whose close association with the employee is the equivalent of a family relationship.

In addition, employees may be provided with time off for the following purposes:

- To seek medical attention for injuries caused by the crime or abuse.
- To obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse.
- To obtain psychological counseling or mental health services related to an experience of crime or abuse.
- To participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.

The School requires reasonable advance notice of the leave when feasible. When an unscheduled absence occurs, the employee must provide the School with certification within a reasonable time after the leave is taken.

Any of the following forms of certification is sufficient if it demonstrates that the employee was a victim of domestic violence/sexual assault/stalking, or that the employee appeared in court or sought treatment in connection with such crimes: a police report; a court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court; documentation from a health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse; or any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf.

This leave is unpaid unless the employee elects to use accrued vacation or personal leave, or the leave otherwise qualifies for use of sick leave under the School's separate paid sick leave policy. Employees are entitled to use sick leave to obtain relief or services related to being a victim of domestic violence, sexual assault, or stalking, as is set forth in the School's paid sick leave policy.

The School will also provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for the safety of the victim while at work. Reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime, or referral to a victim assistance organization.

Leave for injuries resulting from domestic violence, sexual assault, stalking, a crime that has caused physical or mental injury or mental injury and a threat of physical injury will run concurrently with FMLA/CFRA to the extent the injuries qualify for a serious health condition.

## **Health and Retirement Benefits**

### **Group Insurance Benefits: Medical, Dental, Vision, Life, Long-Term Disability, and Short-Term Disability**

Regular full-time employees who meet the initial waiting time requirements are eligible to participate in the School's medical, dental, vision, life, and disability insurance programs. Insurance coverage begins on the first day of the month following the employee's start date. The School will pay 100 percent of the medical insurance premium on select plans for an eligible employee; and the employee may enroll eligible family members in the medical, dental, and vision insurance plans by paying the additional premium required by the plan through payroll deductions authorized in writing in advance by the employee. The School reserves the right to modify, rescind, or cancel any of the benefits plans.

**Policy Terms:** The precise terms of this coverage are set forth in the master policy with the applicable insurance carrier, which is available in the Business Office for your review upon request. The specific provisions contained in the master policy and applicable law, including eligibility and benefit terms, shall take precedence over any inconsistency stated herein or elsewhere.

### **Retirement Plan Benefits: TIAA-CREF**

The School provides a defined contribution retirement plan through the Teachers Insurance Annuity Association (TIAA) and the College Retirement Equities Fund (CREF) for eligible employees. Eligible employees mean all employees that are regularly scheduled to work at least twenty hours per week or employees that are not regularly scheduled to work at least twenty hours per week but have completed one year of service. One year of service means a twelve-month period during which the employee completes 1,000 or more hours of service beginning on the date of hire. Employees who qualified for employer contributions in any previous year, and who do not work at least 1000 hours in the current year, are not qualified for employer contributions in the current year.

The School's contributions will be allocated to the employee's account equal to a percentage of the employee's eligible compensation, as follows: 5 percent plus a matching contribution up to 2 percent upon completion of one year of service.

Eligible employees may make voluntary contributions to the plan. The School will match the employee's voluntary contributions up to a maximum of 2 percent of the employee's eligible compensation upon completion of one year of service at the School. Employees may make unmatched voluntary contributions to the School's 403(b) plan upon hire, up to the maximum allowed by law.

All employee and School contributions to the plan are subject to plan terms and to the maximums allowed by law.

**Retirement Plan Terms:** The precise terms of these benefits, eligibility, and participation requirements are set forth in the plan documents, which are available in the Business Office and in the Employee Portal. The specific provisions contained in the plan documents and applicable law, including eligibility and benefit terms, shall take precedence over any inconsistency stated herein or elsewhere.

## **Tuition Remission**

Regular full-time employees whose child qualifies for admission to the School are eligible for tuition remission of 50 percent per each individual child. The maximum tuition remission rate per individual child is 50 percent, even if more than one parent/guardian is employed by the School.

Employees may also apply for financial aid in addition to tuition remission through timely and full completion of the financial aid application process for the following school year. Determination of financial aid (in addition to tuition remission) is consistent with the School's financial aid policy for all PBS families.

Participation in the tuition remission benefit is subject to any written policy or procedures adopted by the School, which may be amended from time to time without advance notice. Upon the termination of an employee's employment with the School, continued re-enrollment of the former employee's child will be at the discretion of the HOS, and, if re-enrolled, the child will not be eligible for the 50 percent tuition remission that is available only to children of current employees.

## **Other Benefits**

### **California Paid Family Temporary Disability Insurance**

All employees are eligible for California's Paid Family Temporary Disability Insurance ("Paid Family Leave") program, which provides up to eight weeks paid leave each year for childbirth and the care of a newborn, medical leave for a serious health condition suffered by the employee, bonding with an adopted or foster child, caring for an immediate family member (parent, grandparent, child, grandchild, sibling, spouse, or registered domestic partner) with a serious medical condition, or to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the individual's spouse, domestic partner, child, or parent in the Armed Forces of the United States. These benefits are paid to the employee by the state and are funded by tax withholdings from the employee's paycheck. An employee may split the eight-week paid leave period over time or may use vacation time. The School is permitted to require that the employee use up to two weeks accrued vacation time before using this State benefit, which limits total paid time away from work to no more than ten weeks. Eligibility and benefits are subject to California law and not set by the School.

Paid Family Leave does not provide employees with a right to a leave of absence; it is limited to a state-mandated wage replacement benefit.

### **State Disability Insurance**

The School is a participant in the disability plan offered by the State of California, which provides short-term disability income to employees unable to work because of non-work-related illness or injury (including pregnancy). Benefits generally begin from the first day of hospitalization or after the seventh day of an illness or injury. All employees, including regular part-time and temporary employees, are required by law to participate in this plan through payroll withholding taxes (SDI). The amount of SDI benefits payable to an employee is calculated based upon the employee's earnings. Other employment benefits, such as sick leave, are to be coordinated with SDI benefits so that the combined benefits do not exceed the employee's regular compensation. In addition, the School maintains a supplemental short-term disability plan, whose benefits are coordinated and integrated with SDI. Plan documents, application, and claim forms are available from the Business Office. Supplemental disability coverage is subject to change or discontinuation by the School.

### **Social Security and Medicare**

The School also participates in the federal social security system for the purpose of providing retirement and other benefits. All employees are required by law to participate in this program through payroll withholding taxes (FICA). Through a matching FICA tax, the School contributes an amount equal to that paid by each employee to help fund this benefit.

### **Workers Compensation**

The School carries workers compensation insurance at no cost to its employees to protect them if they are injured during the course of employment. All employees have a right to receive workers compensation benefits in the event of an injury or illness arising in the course and scope of employment. Such insurance will help pay for lost time and medical expenses for any justified claim. There is a three-day waiting period before benefits are paid unless the injured employee is hospitalized overnight. Any employee who sustains an on-the-job injury, no matter how slight, should immediately report the injury to their supervisor on the Administrative Team and to the Business Office, and complete the appropriate documentation. COVID-19 may be a work-related injury in certain circumstances. If you test positive for COVID-19, please notify the School immediately. Any medical attention required as a result of an on-the-job injury should be consistent with the parameters of the workers compensation plan. Completed documentation must be returned promptly to the Business Office, within twenty-four hours where practical and immediately in the event of a serious injury or death.

If an employee is eligible to receive benefit payments under workers compensation insurance, they will receive a payment plus a portion of any available accrued sick leave that when added to the benefit payment will not exceed their regular earnings for their normal work week. The employee must report the amount of workers compensation insurance payments to the Business Office so that available sick leave pay can be integrated with insurance benefits.

The employee may be treated by their own doctor for any work-related injury if they notify the School in writing of the name of their personal physician before they are injured. Personal physician means a licensed physician and/or surgeon who has treated the employee in the past and who keeps their medical records; otherwise, the School will refer the employee to the local doctor selected by the School for necessary medical care; after thirty days have passed following the date of their injury, the employee may see a doctor of their choice, and the employee must give the School the doctor's name and address.

The School or its insurance carrier will not be liable for the payment of workers compensation benefits for any injury which arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity which is not part of the employee's work-related duties.

### **Attendance and Punctuality**

Satisfactory attendance and punctuality are conditions of employment. The School expects employees to be reliable and punctual by reporting for work on time and as scheduled. When the employee has an unplanned absence or is late or leaves work early, it places a burden on other employees and can impact productivity and the service provided to students.

The School recognizes that occasionally an employee may not be able to report to work on time or at all. It is the employee's responsibility to notify their supervisor on the Administrative Team, the School's main office, and the Health Office no later than 7:30 am, stating the reason for being late or absent, when the employee is expected to report to work, and a telephone number where the employee can be reached. Leaving a voicemail message or a message with a coworker is not acceptable notice. A family member or other individual may not call for the employee unless the employee is incapacitated.

Employees are required to record unplanned absences using the School's employee absence approval process as soon as possible, even if done retroactively. Upon arriving on campus, the employee is expected to indicate the time arrived on the faculty and staff sign in/out sheet in the front office in order to ensure that the School has accurate attendance in case of an emergency. Similarly, if there is a need to leave the campus during the school day, employees are expected to use the faculty and staff sign in/out sheet.

An employee may be subject to disciplinary action, up to and including termination of their employment, if they fail to timely notify the School as specified above; are late or absent excessively; and/or do not have an acceptable excuse for being late or absent.

The School may require employees to provide a physician's statement documenting their absences relating to illness or injury. If the employee is absent for three consecutive days without prior notification, the School will presume they have resigned, and they may be



removed from the payroll. Employees are also subject to termination of employment if they are absent without satisfactory reason for such absence.

In order to ensure high quality and continuity of student instruction, faculty and all instructional employees are required to be in attendance on all days the School is in session, professional days, in-service days, and other days as announced by the HOS. If personal circumstances prevent attendance, employees are required to request approval in writing from their supervisor on the Administrative Team and to make the request at least a month in advance, if possible. The HOS or the supervisor on the Administrative Team will approve paid leave, approve unpaid leave, or disapprove the request.

When a faculty member or instructional employee needs to be absent for any reason, in order to minimize the disruption to the students, it is the employee's responsibility to provide the School with as much advance notice as possible, to provide lesson plans, and to be of assistance to the substitute to the extent possible. Employees are required to request planned absences through the School's employee absence approval process in advance of the absence and to make the necessary notifications and plans so that adequate coverage can be secured. Substitute teachers are coordinated through the main office of the School.

## **Safety and Security**

To achieve the School's goal of providing a safe workplace, everyone must be safety conscious. Please immediately report any unsafe or hazardous condition directly to the HOS and/or AHOS. Every effort will be made to remedy problems as quickly as possible.

In the case of an accident involving a personal injury, regardless of how serious, please immediately notify the Business Office and the Health Office. Failure to report accidents can result in a violation of legal requirements and can lead to difficulties in processing insurance and benefit claims. The following are some, but not all, of the School's general safety rules:

- If employees observe any condition or practice that they feel is unsafe, immediately report it in writing to the HOS and/or AHOS.
- Get first aid promptly, as needed. Use universal precautions when administering first aid or handling bodily fluids.
- Operate only the equipment that you as the employee are trained and authorized to use.
- Do not wear your hair, clothing, or accessories in any manner that may get caught in equipment.
- Lift with legs, and not with the back; in other words, try to keep the back vertical at all times when lifting.
- Use protective equipment whenever required.
- Be familiar with and adhere to all emergency procedures and protocols.
- Observe all parking and speed regulations when entering or leaving the parking lot. Use of cell phone, email, text messaging, etc., while driving on campus is not allowed.
- Lock doors and windows when leaving the classroom during breaks and at the end of the day.

- Lock personal belongings.
- Work areas should be maintained in a neat and orderly manner.
- Wipe up spills or immediately report spills to facilities personnel.
- Use portable or electrical tools and equipment only as directed by the manufacturer. Do not use faulty or worn tools.
- Do not eat in areas where hazardous chemicals are present. Be aware of the potential hazards involving various chemicals, cleaning agents, or supplies stored or used, and follow all safety instructions.
- Do not open more than one upper drawer at a time, particularly the drawers on file cabinets.
- Individual heaters in work areas should be kept clear of combustible materials. Employees must use a heater installed by the School.
- Always use equipment as it was intended. Scissors, staplers, etc., should be used for their intended purposes only and should not be misused as hammers, pry bars, screwdrivers, etc. Misuse can cause damage to the equipment and possible injury to the user.
- Use stepping stools or ladders for reaching. Do not use boxes, swivel chairs, or furniture as a step stool.
- Employees may not drive students to or from school or on field trips, other than their own children.
- Employees may not use cell phones for any reason while supervising students, while teaching, or during school-related meetings, except for emergencies or student photographs taken for school-related communications.
- Employees may not have coffee, other beverages, and/or food in hand while supervising students so that they will be fully available to respond quickly and redirect student behavior if needed.

### **Drug and Alcohol Policy**

While PBS understands that alcohol and drug abuse are problems requiring professional help, the School believes these problems can seriously interfere with the operation of the School and place the welfare and safety of students, coworkers, and visitors at risk. The School therefore encourages affected individuals to seek professional help voluntarily for treatment and/or rehabilitation. Should an employee seek help from the HOS prior to incident or discovery by the School, and the employee successfully pursues appropriate treatment, the School will endeavor to protect the individual's confidentiality and employment status consistent with applicable law. The School has an Employee Assistance Plan (EAP) as part of its benefits package. Information on this benefit is available from the Business Office.

Possessing, buying, selling, distributing, using, being under the influence of or being impaired by an illegal or controlled substance, alcohol, or marijuana while on the School's premises or at a School event is strictly forbidden, subject only to the narrow exception set forth below. Being under the influence of or being impaired by an illegal or controlled substance, alcohol, or marijuana during working hours, while on the School's premises, or while driving a School vehicle, is strictly forbidden, subject only to the narrow exception set forth below. An employee

using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job or may affect the safety of others must report such usage in advance to the HOS and/or AHOS. The School, based on a decision by the HOS and/or AHOS, reserves the right to conduct searches of School property, of vehicles used by employees, and of all offices, desks, lockers, cabinets, and other storage areas and items used by employees; and to take such other measures as necessary in order to enforce this policy and policies regarding possession of other unsafe items or materials, such as weapons or explosives. Limited consumption of alcohol during School-sponsored social events for adults during non-school hours may be permitted only with the knowledge and/or approval of such event by the HOS and/or the AHOS.

Employees must avoid intoxication, observe all motor vehicle and other safety laws, and respect the need for moderation and appropriate behavior at School events. Any violation of these policies will result in corrective action up to and including immediate termination of employment.

### **Drug and Alcohol Testing**

The School, based on a decision by the HOS and/or AHOS, may require an employee to submit to drug and alcohol testing at a medical clinic or laboratory as designated by the School. Submission to drug and alcohol testing may occur based upon the School's reasonable suspicion that the employee is under the influence of (legal and/or illegal) drugs and/or alcohol; immediately following a suspicious accident involving the employee; and as a pre-requisite to an employee's return to work following completion of a drug or alcohol rehabilitation program. Refusal to immediately submit a blood or urine sample upon request may be construed as evidence of being under the influence and may result in immediate termination of employment.

### **Safety Measures**

If an employee exhibits symptoms or effects of illness, injury, medical event, or drug or alcohol use that could pose a threat to the safety of the employee or others, whether on campus or at a School event off campus, the employee's supervisor or a member of the Administrative Team may deem it necessary for the employee to leave the campus or the event for treatment, rest, or recuperation. In such instances, to protect the safety of the employee and others, the School, based on a decision by the HOS and/or AHOS, may require that the employee not drive or travel alone to their home or to a health care provider and may instead provide or secure alternative means of transportation for the employee. The School, based on a decision by the HOS and/or AHOS, may also require written clearance from a licensed health care provider including express verification that it is safe for the employee to return to work and to operate any vehicle or equipment required for their work.

### **Violence in the School/Workplace Environment**

Please immediately report to a faculty member, member of the Administrative Team, or the HOS any concerns or information you have which could lead to violence within our community. This includes potential or actual threats by anyone, including, but not limited to, campus visitors, current students or employees, former students or employees, and their relatives,

friends, and acquaintances. Reports of threats may be made anonymously. No employee or student will be subject to retaliation, intimidation, or discipline as a result of reporting in good faith a threat under this policy.

Weapons or explosives of any kind are prohibited on campus and/or at School events. The possession of a weapon or explosive by anyone at or near the School or at a School event should be reported immediately to a member of the Administrative Team or to a faculty member. Likewise, discussion of any plan or intent to bring a weapon or explosive on campus or to a School event should be reported immediately to a member of the Administrative Team or to a faculty member. If a student, a student's parent, a student's guardian, or employee becomes aware of any actual violence, imminent violence, or threat of imminent violence, it is imperative to immediately report the information to the School and, where appropriate, to the police. Employees should call the police in the event of any emergency involving actual or imminent violence. The School will endeavor to maintain the privacy of any confidential information shared with the School to the extent reasonable under the circumstances. Students and employees may report any incidents of weapons, explosives, violence, or threats of violence without fear of retaliation for any good faith report.

All visitors to the School must check in at the main School office to sign in and obtain a badge. Any visitor without a badge between the hours of 7:30 am and 4:00 pm must be sent to the main School office to check in and should be observed to confirm that they do so. Be aware of persons loitering for no apparent reason (including in parking areas, walkways, entrances/exits, and service areas). Report to the Administrative Team, the front office, or law enforcement any suspicious persons, suspicious activities, or persons who are unknown to you and do not respond to you when you approach them. It is also essential that employees report if they hear any potential threat to safety.

### **Child Abuse/Neglect Reporting**

The Child Abuse and Neglect Reporting Act ("CANRA" or the "Act") (Pen. Code §§ 11164-11174.3) requires certain professionals who have a special working relationship with children to report reasonably suspected abuse or neglect to the proper authorities. All employees at the School must sign an acknowledgment that they have read and understand Penal Code section 11166 regarding the reporting of suspected child abuse and neglect.

#### **Definitions**

"Designated Agencies" means any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (Pen. Code §11165.9)

"Mandated reporters" include, but are not limited to, the following:

- A teacher
- An instructional aide

- A teacher's aide or teacher's assistant employed by a public or private school
- An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school
- An administrator of a public or private day camp
- An administrator or employee of a public or private youth center, youth recreation program, or youth organization
- An administrator or employee of a public or private organization whose duties require direct contact and supervision of children
- A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
- A licensee, an administrator, or an employee of a licensed community care or child day care facility
- An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive
- A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school

"Reasonable Suspicion" means a suspicion of child abuse or neglect where "it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate on his or her training and experience, to suspect child abuse or neglect." (Penal Code § 11166(a)(1)). Reasonable suspicion does not require certainty. In other words, if an employee reasonably suspects child abuse or neglect, they must report.

Child abuse or neglect includes any of the following:

- Physical injury or death – inflicted by other than accidental means on a child (Pen. Code § 11165.6).
- Sexual abuse – sexual assault and sexual exploitation, including child pornography and child prostitution (Pen. Code § 11165.1).
- Severe or general neglect – must be reported if the perpetrator is a person responsible for the child's welfare. It includes circumstances where the child is at substantial risk of suffering serious physical harm or illness. General neglect does not include a parent's economic disadvantage.
- Unlawful corporal punishment or injury – means willfully inflicting any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. (Pen. Code § 11165.4)
- Willful harming or injuring of a child, or the endangering of the person or health of a child – which includes willfully causing or permitting any child to suffer, or inflict thereon, unjustifiable physical pain or mental suffering, or willfully causing or permitting the person or health of the child to be endangered. (Pen. Code § 11165.3)

Examples of sexual abuse and sexual activity, which must be reported, include but are not limited to:

- Rape
- Statutory rape where one party is under the age of 16 and the other is over age 21
- Group rape
- Incest
- Sodomy
- Lewd act on a child
- Penetration by a foreign object
- Oral copulation
- Child molestation

Examples of sexual exploitation which must be reported include but are not limited to:

- Preparing, selling, or distributing matter depicting a minor engaged in obscene acts, including via the internet or electronic device
- Coercing a child to engage in prostitution or coercing parental consent for a child to engage in prostitution
- Depicting a child in or creating, developing, or trading photos of minors engaged in obscene sexual conduct

Examples of neglect, which must be reported, include, but are not limited to, malnutrition, lack of physical hygiene, inadequate clothing, or lack of medical care under circumstances indicating harm or threatened harm to the child's health or welfare.

### **Responsibility for Reporting Child Abuse**

Child abuse or neglect must be reported whenever a mandated reporter, in their professional capacity or within the scope of employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect (Pen. Code § 11166(a)). Abuse and neglect do not only occur outside school. Any abuse by a School employee, independent contractor, volunteer, or student violates School rules and must be reported as well.

The mandated reporter has individual responsibility to report when they receive reliable information or has the initial contact with the child when a concern arises. If the individual confers with a superior and a decision is made that the superior file the report, one report is sufficient. However, if the superior disagrees, the individual with the original suspicion must report. If the mandated reporter "suspects" child abuse, the mandated reporter must make a report without delay.

A mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, evidenced by states of being or behavior, including, but not limited to severe anxiety,

depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to a designated agency (Pen. Code § 11166.05).

If a child reports acts of abuse to a School employee, it is not the employee's responsibility to determine whether the claim is true. It must be reported as instructed in this policy and as required by law. As a matter of School policy, the School also requires you to inform your supervisor or another member of the administration if you are aware of abuse, including abuse of a student by any employee or independent contractor, volunteer, or student of the School. You do not need to inform your supervisor or the member of the administration that you have made a mandated report about the abuse.

### **Procedure**

The mandated reporter reporting the abuse is responsible for filing the necessary reports. A mandated reporter must make an initial report by telephone to a designated agency immediately (or as soon as practically possible). The mandated reporter may call the Child Abuse Hotline at 800-632-4615 to report the incident. Be ready to provide the following information:

- What type of abuse has occurred
- Who or what caused the abuse
- Whether the child is still in danger or is in need of medical care

Within thirty-six hours of receiving the information regarding the incident, the mandated reporter must prepare a written report on a Suspected Child Abuse Report, Department of Justice form SS 8572, and send it by fax or electronic transmission.

If there is a child endangerment situation, the mandated reporter should consider calling the local police and doing so under appropriate circumstances.

Mandated reporters are not legally required to notify the parent or guardian of a suspected victim that they are making a report, and in some cases should not do so. Because reporters are not investigators, they lack the information to determine the potential involvement of the parent/guardian in the suspected abuse or neglect.

Mandated reporters are required to give their names to the reporting agency. Non-mandated reporters may report anonymously. Child protective agencies are required to keep the mandated reporter's name confidential, unless the mandated reporter consents to disclosure or a court orders the information be disclosed.

Mandated reporters have civil and criminal immunity when making a report (Pen. Code §11172). No mandated reporter will be disciplined, dismissed, retaliated against, discriminated against, or harassed for making an authorized mandated report of reasonably suspected child abuse or neglect.

Mandated reporters may consult the School counselor or an administrator if they question that the conditions they are observing constitute abuse, but the reporting obligation belongs to the individual who discovers the abuse or suspects abuse. Abuse must still be reported by telephone as quickly as possible.

Mental or emotional abuse that does not rise to the level of unjustifiable mental suffering may, rather than must, be reported.

### **Smoking and Vaping**

Smoking and vaping are not allowed by employees anywhere at or near PBS facilities, at School events, or in the presence of students at School-related events. Smoking includes the use of electronic smoking devices.

### **Personal Property**

For safety and security reasons, employees should not leave a wallet, purse, or other personal property unattended. The School does not assume responsibility for such property. If employees find any personal property unattended, they should notify the front office of the School.

### **Visitors and Solicitations**

To ensure safety and efficiency, and to avoid disruption, personal visits at work by non-employees should be kept to a minimum, and all visitors must comply with the School's policy regarding checking in upon arrival. Visits by non-employees are also subject to COVID-related restrictions and protocols that are communicated to the community in order to keep as safe a campus environment as possible.

Providing the most ideal work and educational environment is very important to the School. The School hopes that all employees and students feel comfortable and at ease when at work and learning. In order to protect employees and students from unnecessary interruptions and annoyances, the School prohibits distribution of literature in work areas and to prohibit solicitation and distribution of literature during employees' work time. Work time is the time an employee is engaged or should be engaged in performing their work tasks for the School. These guidelines also apply to solicitation by electronic means. Solicitation or distribution of any kind by non-employees on the School's premises is prohibited at all times. Nothing in this section is intended to prevent activity protected by law, including discussing the terms and conditions of employment or engaging in otherwise protected concerted activity.

### **Driving and Parking**

An employee who is required to drive a vehicle on School business is required to maintain and show proof of a current, valid driver's license and insurance coverage. Employees may not drive students to or from School or on field trips, other than their own children. The School is not responsible for any loss to employee vehicles or contents while parked on School property. Drive slowly, be extra alert, and be courteous while driving on School property.



Hand-held phones and email, text, or data services may not be used while driving, and hands-free phones should not be used while driving if there are others in the vehicle, except in an emergency. If an employee needs to place a call or receive a call, email, or text, pull over in a safe manner and location to conduct and complete the call or data transfer. If an employee receives a call while driving, they should ask the caller to hold while they safely pull over and stop their vehicle in a safe and legal area. While driving, do not dial phone numbers, email, text, or do anything related to a telephone call that may take eyes away from the road or require using hands while the vehicle is moving.

PBS community members are not allowed to park on Bellair Way, Deanna Drive, the north side of Avy Avenue (opposite the campus), or in no-parking areas that are marked. Adequate parking is available in the School parking lot and, during heavily attended events, in the St. Denis Church parking lots, as announced.

## **Communications and Conduct**

Employees are expected to be polite, courteous, and attentive to students, alumni, parents/guardians, parents/guardians of prospective students, and visitors. Each employee is expected to work in a cooperative manner with coworkers. When a situation arises where the employee does not feel comfortable or capable of handling a problem with another party, please contact the HOS or a member of the Administrative Team. Employees also have a duty to cooperate with any inquiries or investigations concerning personnel issues, student-related issues, and matters related to PBS families past or present. Failure to cooperate can result in discipline or discharge.

Nothing in this section on communications and standards of conduct and discipline alters the at-will employment relationship as set forth in this handbook. Additionally, nothing in this section on communications and standards of conduct and discipline is intended to prevent activity protected by law, including discussing the terms and conditions of employment or engaging in otherwise protected concerted activity.

PBS communicates with employees by letter, email, memorandum, and at individual as well as at group meetings. Employees are encouraged to communicate directly with the HOS and/or a member of the Administrative Team with regard to suggestions, questions, or any matter of concern. Suggestions for improving the School are always welcome.

### **Confidentiality**

Each employee is responsible for safeguarding confidential information obtained in connection with employment at PBS. An employee may have access to confidential information regarding the School, students, families, or fellow employees. Employees may not use, reveal, or divulge any such information unless it is necessary to do so in the performance of duties. Any conversation about a student or sensitive matter should be conducted in a private setting and

only as necessary. Access to confidential information should be on a need-to-know basis. Confidential information includes, but is not limited to, address and phone lists and data, prospective student lists, employee personnel files, financial information, confidential or anonymous donor information, and student educational and medical information.

### **Standards of Conduct and Discipline**

PBS employee conduct is first and foremost guided by the School's mission and core values. Employees are expected to model good conduct as well as productive, courteous, and cooperative behavior. Employees are expected to devote their best efforts and attention to the performance of their work at PBS to ensure the success of the School's mission. Employees are expected to use good judgment; to adhere to high ethical standards both on and off campus; and to maintain appropriate and professional boundaries with students, families, and fellow employees. For this reason, it may be helpful to identify some examples of the types of conduct that are not permitted and that may lead to disciplinary action, including immediate discharge. While the School may follow progressive disciplinary action including verbal counseling, written warnings, and/or suspension, it is not required to do so, and the School retains its right to discipline or terminate employees under its at-will employment policy. Each situation will be evaluated independently of prior practice.

Although it is not possible to list all types of impermissible conduct and performance, the following are some examples:

- Improper, abusive, or offensive conduct toward anyone at the School, or insubordination or refusal to perform in an appropriate manner tasks that have been assigned by the School.
- Possession, distribution, sale, purchase, use, being under the influence of, or being impaired by an illegal or controlled substance, alcohol, or marijuana while on School property, during work hours, at School-related events, or while operating a vehicle while on School business.
- Release of confidential information about the School, students, families, or prospective students.
- Theft or unauthorized removal or possession of property of the School, students, fellow employees, or anyone visiting School property.
- Altering, falsifying, or destroying any timekeeping record.
- Absence for three or more consecutive workdays without notice to the HOS and/or a member of the Administrative Team, unless a reasonable excuse is offered and accepted by the HOS and/or a member of the Administrative Team.
- Falsifying or making a material omission on an employment application or making erroneous entries or material omissions on School records.
- Providing false documents or statements regarding an I-9 verification of right to live and work in the U.S.
- Misusing, destroying, or damaging property of the School, a student, a fellow employee, or a visitor.

- Being insubordinate, threatening, intimidating, or disrespectful or assaulting a coworker, student, or anyone in contact with the School.
- Making inappropriate gestures, including visual staring or leering.
- Wearing or displaying any logos or graphics reflecting any form of violent, discriminatory, abusive, offensive, demeaning, or otherwise unprofessional message.
- Use of racial slurs, derogatory comments, or insults.
- Bringing dangerous or unauthorized materials, such as explosives, firearms, knives, or other similar items, onto the School's premises.
- Engaging in criminal conduct whether or not related to job performance.
- Unlawful harassment (as described in the School's Harassment, Discrimination, and Retaliation Prevention policy).
- Unsatisfactory performance.

### **Conflict of Interest Policy**

All employees should avoid situations that could or do create an actual or potential conflict between the employee's personal interests and the interests of the School.

Employees are to avoid any appearance of impropriety and are not to adversely affect the School's or their own integrity, reputation, or credibility. Do not accept a gift, gratuity, or payment that influences or might give the appearance of influencing your performance, professional evaluation, decision-making, or service. Conflicts include any arrangements, including family or other personal relationships, that might dissuade the employee from acting in the best interest of the School. It is crucial that employees observe all applicable laws and regulations while conducting business on the School's behalf or interacting with students, families, employees, and others. If a conflict is found to exist, the School may take appropriate corrective or disciplinary action. Employees are also expected to cooperate with any inquiries or investigations concerning a possible or suspected violation of this or any other policy. Violations of the conflict of interest policy or refusal to cooperate may result in discipline up to and including termination of employment.

If you have a question about whether or not a certain transaction or practice may present a conflict of interest, please discuss the matter with the HOS and/or AHOS. Any potential doubt should be resolved in favor of disclosure and a request for specific guidance from the HOS and/or AHOS.

### **Nepotism**

The employment of relatives, spouses, domestic partners, members of the same household, or those in a romantic relationship with another School employee is allowed by the School subject to certain limitations. Such persons may not be hired or continued in employment if employment or the holding of that position would create a supervisor/subordinate relationship with such a person; or have the potential for creating an adverse impact on work performance; or would create either an actual conflict of interest or the appearance of a conflict of interest or favoritism. Employees in this situation should be aware that these restrictions might limit

opportunities for promotion or transfer. Employees in such a situation or who have applied for consideration for a job that would place them in this situation should notify the HOS and/or AHOS. In certain circumstances employees with a family or personal relationship may be asked to decide which of them should be removed from any employment situation resulting in any of the above-described actual or potential conflicts.

### **Fraud and Dishonesty**

Fraud and/or dishonesty will not be tolerated by the School. This policy statement encompasses any conduct in any way connected with the School or which might reflect negatively on the School, including but not limited to, theft, embezzlement, misappropriation of the School's property or of anyone else's property, submission of false claims for payment or reimbursement, accepting or offering a bribe or kickback, falsification of any records or reports, deliberate action for personal gain to the detriment of the School, and aiding or concealing fraud or dishonesty by others.

Employees are obligated to report actual or suspected fraud or dishonesty. If you have actual knowledge of or reason to suspect fraud or dishonesty, you should promptly report the information with as much detail as possible to the HOS and/or AHOS, and/or to the Board Chair or the Board's Finance Committee Chair. If you are not satisfied with the response of the individual to whom you have made a report, please promptly contact the other individuals listed above. The School prohibits retaliatory behavior against anyone who reports or provides information under this policy in good faith.

It is the School's intention that all reports be treated with respect and be investigated in a reasonable manner. The same protections that apply to reporting sexual harassment under the School's harassment reporting policy will apply; that is, your information will be handled in a manner that respects the privacy of the parties concerned to the extent permitted by the situation, and any retaliatory behavior against you for a good faith report is strictly prohibited. Employees have a responsibility to exercise common sense and sound judgment in reporting information, as opposed to making baseless, false, or malicious allegations. If fraud or dishonesty is established, the offending party will be subject to discipline up to and including possible termination of employment and possible criminal prosecution.

### **Media Contacts**

The School strives to anticipate and manage crisis situations in order to reduce disruption of our current and alumni students and families and our employees, and to maintain our reputation as a high-quality educational institution. Events may occur at the School that will draw immediate attention from the news media. If an employee sees reporters, photographers, or camera crews on our campus, unaccompanied by an administrator, please immediately notify the HOS, AHOS, and/or Director of Institutional Advancement. To best serve these objectives, the School will respond to the news media in a timely and professional manner only through the HOS or another person designated by the HOS.

To ensure the privacy or security of our students, never confirm or deny that a student is enrolled at the School, and never provide information about our students or families to anyone in the media.

If an employee hears or sees any information about the School, its students, families, alumni, faculty, and staff in the media (e.g., newspaper articles, television spots, online news sources, etc.), please inform the HOS, AHOS, and/or Director of Institutional Advancement, and, if able to do so, provide a copy of the pertinent materials.

### **Electronic Media Appropriate Use on School Computers, Employer Property, and No Expectation of Privacy**

Desks, equipment, books, instructional materials, telephones and voicemail, computers, software, Internet access systems, and other electronic and digital communication systems are the property of the School and must be operated and maintained according to School rules and regulations.

Except for property regularly used off-site in the employee's normal course of employment, as approved by the HOS or a member of the Administrative Team, removal of other school property must be authorized in advance by the HOS or a member of the Administrative Team. Employees are responsible for any School property they lend to students or families. In general, such lending should be avoided. Employees may not install personal software on the School's computer system or electronic systems/property.

Employees generally are to use voicemail, email, the Internet, and the School's computer and network systems for School purposes only and must exercise good judgment and discretion regarding their use. Employees may use these devices and services for personal matters on a limited basis only when it does not interfere with job performance or School operations, or cause harm or embarrassment to the School or members of the School community. Under no circumstances may School equipment be used to conduct a separate business enterprise. Employees should only use their School email to communicate with students and only for school-related purposes. Employees should never use their personal cell phone to text with students unless for School purposes as approved by the School.

Electronic communications and media may not be used in any manner that would be discriminatory, harassing, disparaging, obscene, or sexually explicit or for any other purpose which is illegal, in violation of copyright or trademark laws, or against School policy. This policy should be read and interpreted in conjunction with all other School policies, including, but not limited to, policies prohibiting harassment, discrimination, offensive conduct, or inappropriate behavior. Email should be drafted with care and in a responsible, reflective, and respectful manner. The proper use of these communication services is the responsibility of the user, and the School, based on a decision by the HOS and/or AHOS, reserves the right to terminate individual or institutional use of any service at any time for any reason.

All electronic information created by an employee on School equipment or on School-maintained systems or in connection with their employment is the property of the School. The School is not responsible for any person or persons having personal or other property temporarily stored on or in School equipment, and the School may access, search, remove, or delete material from its systems without notice or recourse.

Employees using Internet access via School equipment are representing the School. Employees are responsible for seeing that the Internet is used in an effective, ethical, and lawful manner. Use of the Internet must not disrupt the operation of the School's network or the networks of other users. It must not interfere with employee productivity. Employees are discouraged from publicly discussing confidential or sensitive information about the School, students, families, or prospective students, outside of appropriate School channels, including online in chat rooms or blogs or social media or messaging. Nothing in this section is intended to prevent activity protected by law, including discussing the terms and conditions of employment or engaging in otherwise protected concerted activity.

Electronic communications and voicemail are not confidential systems. Personal passwords may only be used for purposes of security, but such use does not affect the School's ownership of the information. The School, based on a decision by the HOS and/or AHOS, has the right to access personal passwords and to override them at its discretion. Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by the HOS.

The School, based on a decision by the HOS and/or AHOS, reserves the right to inspect all School property, including lockers, cabinets, desks, offices, electronic files, and personal property brought onto the campus or in vehicles on or near the campus, such as electronic communication devices and other containers, without notice to the employee and/or in the employee's absence to the extent permitted by law. The School, based on a decision by the HOS and/or AHOS, also reserves the right to monitor, listen to, and/or log an employee's use of any electronic equipment or system, including monitoring Internet site visits/use, accessing voice or text messages, and/or email messages to, for example, conduct work, ensure compliance with School policies, or to investigate possible misconduct, without notice to the employee and/or in the employee's absence to the extent permitted by law. Questions about electronic communications or issues relating to security should be addressed to the HOS and/or AHOS. In the event the School, based on a decision by the HOS and/or AHOS, has a reasonable and good faith belief that personal devices such as, but not limited to, cell phones, smart phones, or laptops are being used to communicate with School employees, students, families, alumni, or others affiliated with the School in a discriminatory, harassing, disparaging, obscene, sexually explicit, inappropriate, or illegal manner, the School, based on a decision by the HOS and/or AHOS, reserves the right to request possession of such personal devices for the sole purpose of investigating any evidence of such misconduct or to request that an appropriate vendor or law enforcement do so. Employees have a duty to cooperate with such investigations as noted in this Section (Communications and Conduct).

There is no reasonable expectation of privacy regarding any email, voicemail, text, and/or other use of School computers, networks, systems/property, personal property, or communications devices brought on to School property or by remote access. Likewise, there is no reasonable expectation of privacy merely because a personal password is required to access electronic information or because an employee maintains personal property or information in a locked room or in a locked or unlocked container or communications devices of any kind.

### **Social Media and Networking**

PBS recognizes the growing use of social networking, which has created new communication opportunities as well as new challenges and risks. The following policy offers guidance to protect employees and the School online.

#### **Professional Use of Social Networking and Internet Tools**

In order to provide equal, age-appropriate access for students to course materials, faculty should limit class activities to School-sanctioned online tools.

#### **Model Appropriate Behavior**

Exercise appropriate discretion when using social networks or messaging for personal communications (friends, colleagues, parents, etc.) with the knowledge that adult behavior on social networks may be used as a model by students at the School and must not reflect poorly on an employee's reputation or, by extension, the reputation of the School.

Avoid using social networks or messaging to communicate with students or former students.

#### **Friending Students, Alumni, and Parents**

Do not initiate or accept social network friend requests with current or former students under the age of eighteen. Recognize that many former students have online connections with current students, and that information shared between School adults and former students may be seen by current students as well. The School expects employees to maintain professional relationships with parents and alumni over the age of eighteen. Employees can better maintain professional boundaries and control access to personal information by avoiding parents and alumni over age eighteen on social networking sites.

#### **Unequal Relationships**

Understand that the uneven power dynamics of the School, in which adults have implied authority over former students, continue to shape those relationships.

#### **Friends and Groups**

Remind all other members of your network of your position as an educator whose profile may be accessed by current or former students, and to monitor their posts to your network accordingly. Conversely, be judicious in your postings to all friend sites and act immediately to remove any material from your site that may be inappropriate. Associate with social networking

groups consistent with the mission and reputation of the School, at which both students and adults practice tolerance and accept competing and diverse views.

### **Privacy Settings and Content**

Exercise care with privacy settings and profile content. Employees should not make statements that would violate any of the School's policies. If the School believes that an employee's activity on a social networking site, blog, personal website, video sharing site, app, or other media may violate the School's policies, the School may request that the employee cease such activity. Depending on the severity of the incident or activity, the employee may be subject to disciplinary action up to and including termination.

### **Time on Social Sites**

Employees should not be on a social networking site for personal use during work hours. Please limit this activity to non-work hours.

### **Use of Artificial Intelligence**

In the course of their work, employees are encouraged to only use Artificial Intelligence (AI) tools that have been provided directly to them by the School or that have been approved for use by the Director of Strategic Operations and Technology. Collecting, storing, and/or sharing of confidential information (see confidentiality section in this handbook) with unapproved AI tools is prohibited. All employee work, including AI-generated work, is to be held to the same standard with respect to intellectual property rights. Employees are encouraged to ask questions about the use of AI ahead of time and report any potential violations of this policy to the Director of Strategic Operations and Technology.

Nothing in this section is intended to prevent activity protected by law, including discussing the terms and conditions of employment or engaging in otherwise protected concerted activity.

## **Other Community Policies and Expectations**

### **Dress**

Employees are expected to groom and dress in a professional manner appropriate for the workplace and the educational environment. Employees should not wear clothing that is overly tight or revealing. If there is a question about the appropriateness of the attire, employees should contact the AHOS.

### **After-school Program and Sports Activities**

Non-PBS students are not allowed to participate in PBS after-school programs or on PBS sports teams.

### **Personal Information**

It is the responsibility of all employees to keep the School informed of pertinent information such as their address, telephone number, dependents, beneficiaries, and emergency contact.



Every time any of this information changes, promptly notify the Business Office. Employees are responsible for ensuring that similar changes are conveyed to their insurance and pension plan providers, where relevant.

### **Personnel Issues**

Should any personnel-related questions arise, please contact the HOS and/or AHOS to discuss any aspects of your employment, including, but not limited to, wage and compensation plans and personnel policies and procedures. If an employee has a concern or question, they should not hesitate to inquire.

### **Personnel Records**

Any request for information from personnel files must be directed to the Business Office. Employees are authorized to review their personnel records consistent with applicable law. If an employee wishes to review their personnel file, the employee must make a request in writing to the Business Office. Employees may designate a representative to conduct the inspection of the records or receive a copy of the records. However, any designated representative must be authorized by the employee in writing to inspect or receive a copy of the records. The School may take reasonable steps to verify the identity of any representative the employee has designated in writing to inspect or receive a copy of the employee's personnel records. The personnel records may be made available to the employee either at the Business Office, or at a mutually agreeable location (with no loss of compensation to the employee for going to that location to inspect or copy records). The records will be made available no later than thirty calendar days from the date the School receives the employee's written request to inspect or copy the personnel records (unless the employee/representative and the School mutually agreed in writing to a date beyond thirty calendar days but no later than thirty-five calendar days from receipt of the written request). If an employee requests a copy of the contents of the employee's file, the employee may be charged the actual cost of copying.

Only the Business Office is authorized to release information about current or former employees. Disclosure of personal information to outside sources is limited. However, the School will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as legally required. Banks and all third-party entities must provide a signed release from the employee before the School releases any information.

### **Employment Verification and References**

All requests for references must be directed to the HOS and/or AHOS. No other manager, supervisor, or employee is authorized to release references for current or former employees. By policy, the School discloses only the dates of employment and the title of the last position held of former employees.

## **Development and Fundraising**

Employees should not ask students, parents, alumni, or fellow employees for monetary contributions under any circumstances, unless sanctioned by the HOS or as part of the employee's specific job responsibilities. The School is responsible for fundraising as well as for collecting possible fees for different events, and it needs to be strategic about limiting the number of requests for contributions.

## **Tutoring Policy**

PBS teachers work to meet the individual needs of each student through differentiated instruction. If, after PBS has exhausted its resources, it is deemed by the administration that a student would benefit from additional academic support to meet the standards of the curriculum, an outside tutoring source may be recommended.

- Any recommendation for tutoring or other outside support must be approved by the HOS and/or the Assistant Head of School for Academics.
- PBS teachers may not tutor current PBS students of any grade level at any time of year (including summer) unless specifically approved by the HOS or the Assistant Head of School for Academics because such an arrangement is in the best interest of the student.
- No private teaching arrangements with current PBS students may be undertaken by current PBS teachers.
- Tutoring should have a skill-based focus, which will be determined by the School or a professional evaluator.
- Tutors who work with students during the school day on the PBS campus must have appropriate documentation on file and be approved by the School.

## **Resignations**

In the event an employee decides to voluntarily resign, PBS asks that as a courtesy the employee gives as much advance notice as possible so as not to disrupt the School's operations or student instruction, and that the employee submits a written resignation to the Business Office. All property belonging to the School must be returned except for the Employee Handbook, which the employee is entitled to retain. Final pay will be paid at the time of separation or within seventy-two hours if advance notice of resignation is provided. An exit interview may be requested by the School, during which your evaluation of the School and your employment would be appreciated.

## **Partisan Activity Policy**

PBS is a 501(c)(3) nonprofit organization. That means none of the School's official resources or employee time can be used for partisan political purposes – meaning, to support or oppose any candidate running for public office. Furthermore, the School as an institution may not take a position in support of or opposition to a candidate. This is called "electioneering." There is a strict prohibition against electioneering, which the School takes seriously.

Examples of activities to avoid include:

- Making public statements that favor or oppose candidates or political parties at any official School event, in your official School capacity, or in any School official publication, including on the website.
- Posting comments that favor or oppose candidates or political parties on any School social media, including the website, Facebook pages, or Instagram or Twitter accounts.
- Forwarding an email from a candidate, political party, partisan PAC, or any partisan political group that came to your School email account, or political emails from your personal account to anyone in your capacity with the School. Do not use your School email address to subscribe to candidate or political material. If you inadvertently get candidate or political emails at work, delete them and unsubscribe your School email address from the email list.
- Making statements or handing out literature supportive or critical of a candidate, political party, or partisan PAC at School or at a School event.
- Inviting a candidate to come speak at School in their capacity as a candidate, unless part of a properly organized candidate debate event.
- Using any School resources, such as a computer, to prepare campaign materials, or a copier or postage machine to make copies of campaign materials or to mail them.
- Wearing buttons or t-shirts that show support or opposition to any candidate or political party for public office while representing the School at any event or meeting or while working at School.

This policy does not affect your individual participation in election activities, provided you do so on your own time and do not use any School resources or represent that you are acting in your capacity as an employee of the School. Examples of the type of individual election activities you may participate in on your own time include voting, making financial contributions to candidates, or volunteering for a campaign or as a poll monitor.

If you have any questions about this policy, or about whether something is considered electioneering, please contact the HOS and/or AHOS.