



# **EMPLOYEE HANDBOOK**

***2023- 2024***

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# INTRODUCTION

## WELCOME

The Midway Star Academy is pleased to provide this source of information pertaining to conditions of employment. This handbook has been produced to assist employees in understanding their roles and responsibilities. It is intended to be a handy reference of general personnel policies, and all employees are urged to become familiar with its contents. Midway Star Academy appreciates the services performed by all staff members on behalf of our students. We know that only through their efforts and dedication will we continue to provide an excellent educational and working environment.

## WHO WE ARE

Midway Star Academy provides its students with educational opportunities that are respectful of the students' background and culture, learning styles and interests. Midway Star Academy primarily serves East African children in the Twin Cities areas, and strives to provide a safe, supportive environment for both students and their families.

Anecdotal information from East African community organizations suggests that more than 90% of East African adults in Minnesota never finished high school. The parents of our student population have cultural and linguistic barriers and have been traumatized by civil wars in their home countries. The children typically have trouble adjusting to school; many are below grade level, have English language and skill deficiencies, and need to close the gap between them and mainstream children.

For this reason, Midway Star Academy has created an environment that is supportive for students and their parents; and it strives daily to help students overcome language barriers, integrate into the scholastic community of Minnesota; and use their talents and experiences to achieve to the best of their ability.

## INTRODUCTION

This booklet is intended as a general guide to the policies and procedures of Midway Star Academy (herein referred to as "School.") It does not attempt to cover all School practices, policies or procedures in detail please see *Staff Procedure Booklet* for more detailed information and forms. This handbook is not intended as an employee contract. This booklet should be seen as an informational guide only. Any deviation from the policies and/or practices stated in this handbook is within the sole discretion of the School and shall not be construed to constitute precedent that would affect any future action, nor shall any such deviation alter the employment at-will relationship. Should any applicable local, state, or federal law or judicial decision render any of the School's policies or practices invalid or inoperative, it shall not invalidate any other of School's personnel policies or practices.

Nothing within this handbook is intended to imply or guarantee any specified or minimum term of employment. Nothing in this handbook or in any other written or unwritten policies or practices of the School creates or is intended to create, an express or implied contract, covenant, promise, or representation between the School and the employee. For those employees who have a written agreement with the School, the terms of that agreement supersede any conflicting provisions contained in this handbook. Where the agreement is silent on a particular issue, the provisions of this handbook will generally apply.

Employment with the school is at will. This means that neither the employee nor the School has entered into a contract regarding the duration of employment. This handbook does not modify or limit the employment at-will relationship.

The policies and procedures outlined in this booklet may be eliminated, revised, augmented, or changed at any time, with or without notice.

In all other situations, this employee handbook supersedes and replaces any and all previously or contemporaneously stated policies or practices, oral and written representation, or statements of the school, including but not limited to, those contained in any manuals, handbooks, correspondence, memoranda or oral discussions, which are hereby expressly revoked.

# EMPLOYMENT PRACTICES

## AT-WILL EMPLOYMENT

Employees are free to terminate their working relationship with the School at will. Similarly, the School reserves the right to terminate its working relationship with an employee at its discretion for any reason, with or without notice, as permitted by law. This employment relationship is known as “employment at will.” These rights to terminate employment may be exercised at any time. No manager, supervisor, or representative of the School other than it has authority to enter into any agreement to the contrary. No such agreement may be made, nor is valid unless in writing signed by the Director and the School Board Chair. This handbook does not modify or limit the employment at-will relationship.

## EQUAL EMPLOYMENT OPPORTUNITY POLICY

The School is an equal opportunity employer. It is the policy of the School to prohibit discrimination of any type and to afford equal employment opportunities to employees and applicants, without regard to race, color, religion, sex, national origin, age, disability, veteran status, or sexual orientation. The School will conform to the spirit as well as the letter of all applicable laws and regulations. The School will take action to employ, advance in employment and treat qualified veterans and disabled veterans without discrimination in all employment practices.

The policy of equal employment opportunity and anti-discrimination applies to all aspects of the relationship between the School and its employees, including recruitment, employment and subsequent placement, training, promotion, compensation, continuation, probation, working conditions, discharge, and other terms and conditions of employment over which the School has jurisdiction.

The policies and principles of equal employment opportunity also apply to the selection and treatment of independent contractors, personnel working on our premises who are employed by temporary agencies and any other persons or Schools doing business for or with School.

The executive director will be responsible for the dissemination of this policy. The Executive Director is responsible for the School’s overall compliance and shall maintain personnel records in compliance with applicable laws and regulations.

## CLASSIFICATION OF EMPLOYMENT

For purposes of determining the applicability of various policies, practices, and benefits, employees are classified by the nature of the position to which they are primarily assigned and by their normal work schedule. Accordingly, School classifies employees as follows:

### Position Classification

- **School-Year Employees:** Employees who are hired to work during the school year and who follow a specific, pre-established schedule of work days. Such employees may be considered “full-time,” “part-time,” or “temporary” as well as either “exempt” or “non-exempt” as defined below.

- **Administrative Employees:** Employees who are hired to work on an administrative schedule; such employees may be considered “full-time,” “part-time,” or “temporary” as well as either “exempt” or “non-exempt” as defined below.



## **Position Status**

- **Regular, Full-Time Employees:** Employees intended to be part of ongoing operations that are regularly scheduled to work 40 or more hours per week. Such employees may be considered “school-year” or “administrative” employees as well as “exempt” or “non-exempt” as defined below. Although “regular” employees are entitled to be part of continuing operations, there is no guarantee that the job will continue. Any position may be eliminated at any time at the discretion of the School.
- **Regular, Part-Time Employees:** Employees intended to be part of ongoing operations that are regularly scheduled to work less than 40 hours per week. Such employees may be considered “school-year” or “administrative” employees as well as “exempt” or “non-exempt” as defined below. Although “regular” employees are entitled to be part of continuing operations, there is no guarantee that the job will continue. Any position may be eliminated at any time at the discretion of School.
- **Temporary Employees:** Employees not necessarily intended to be part of continuing operations that are hired to work on a full-time or part-time basis with the understanding that their employment will be terminated upon completion of a specific assignment. Employees hired to be on-call to fill-in as needed are also considered temporary employees. Such employees may be considered “school-year” or “administrative” employees as well as “exempt” or “non-exempt” as defined below.

## **Position FLSA**

- **Non-Exempt Employees:** Employees who are required to be paid a minimum wage and overtime at the federal or state prescribed wage rate, whichever is higher. Such employees may be considered “full-time,” “part-time,” or “temporary” as well as either “school-year” or “administrative” as defined above.
- **Exempt Employees:** Employees who are not required to be paid a minimum wage and overtime, in accordance with applicable federal wage and hour laws, for work performed beyond forty hours in a workweek. Executives, professional employees, outside sales representatives, certain computer programmers and employees in some administrative positions are typically exempt. Such employees may be considered “full-time,” “part-time,” or “temporary” as well as either “school-year” or “administrative” as defined above.

## **AMERICANS WITH DISABILITIES ACT**

The Americans with Disabilities Act (ADA) prohibits employers from discriminating against qualified individuals with disabilities in all aspects of the application process and the employment relationship. It also requires that employers provide reasonable accommodations to qualified individuals when necessary, unless doing so would cause an undue hardship on the organization. Reasonable accommodations involve making adjustments or modification in the work, job application process, work environment, job structure, equipment, employment practices or the way that job duties are performed so that an individual can perform the essential functions of the job. Accommodations vary per person depending upon the needs of the individual applicants and employees. A pregnant employee does not need a doctor's note when requesting the following accommodations: (1) more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. The company will work with an employee and their doctor to provide additional reasonable accommodations necessary for health conditions related to pregnancy or childbirth if the accommodation does not impose an undue hardship on the operations of the business. The company will not require an employee to take a leave of absence or accept an accommodation that is not medically necessary.

If an employee requires an accommodation or has any ADA-related concerns, contact the Human Resources Representative for assistance.

All information concerning employees, students, clients, donors, and organizations with which the School does business is to be considered privileged and maintained in strict confidence. All employees are responsible for protecting the confidentiality of such information at all times by not discussing the information with anyone outside the organization and by only discussing the information with individuals in the organization who are entitled to know it. Violation of confidentiality will be grounds for disciplinary action, up to and including discharge.

## **CONFLICTS OF INTEREST**

Employees are expected to act ethically, honestly and with the highest standard of personal integrity at all times in the performance of their job responsibilities. In all situations, all employees are expected to conduct the School's business in accordance with applicable laws and regulations.

Employees should not engage in any activity, practice or conduct which conflicts with, or appears to conflict with the interest of the School, its students and their parents, or their vendors. As in all job duties, employees dealing with vendors, competitors, contractors, or any person doing or seeking to do business with the School are to act in the best interests of the School regardless of personal preference and must not create the perception of personal advantage. Examples of situations where potential conflicts of interest may exist include the following:

### **Outside Employment**

In order for the School to continue to provide the best education to our students, we request the full attention and efforts of our talented employees. The School's focus on shared values, purpose and vision precludes the endorsement of employees seeking outside employment.

Any employee holding a job with another organization must notify the School Director in writing in advance of taking the position, and the employee will be expected to always demonstrate satisfactory performance in his or her job responsibilities with Midway Star Academy.

**All employees will be judged by the same performance standards and will be subject to School's scheduling demands, regardless of any existing outside work requirements.**

**If School determines that an employee's outside work interferes with performance or the ability to meet the requirements of the School as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with School.**

Outside employment will present a conflict of interest if it has any type of negative impact or a potentially negative impact on Midway Star Academy.

### **Financial Interest in Other Business**

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for the employee or for a relative as a result of the School's business dealings. For the purpose of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

The mere existence of a relationship with outside firms does not necessarily create a conflict of interest. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose the existence of the relationship to the Director so that safeguards may be established to protect all parties.

### **Acceptance of Gifts**

No employee shall solicit or accept for personal use, or for the use of others, any gift, favor, loan, gratuity, reward, promise of future employment, or any other thing of monetary value that might create a conflict or appear to create a conflict, or that might influence, or appear to influence the judgment or conduct of the employee in the performance of his or her job.

Employees can accept occasional unsolicited courtesy gifts or favors (such as business lunches, tickets to sporting events or cultural events, holiday baskets, flowers, etc.) so long as the gifts or favors have a market value under \$30, are customary in the industry, and do not influence or appear to influence the judgment or conduct of the employee. Any exceptions to this amount should be discussed with the Director.

## **EMPLOYMENT OF RELATIVES**

The School permits the employment of qualified relatives of employees so long as the employment does not, in the opinion of the School, create actual or perceived conflicts of interest. To protect against such conflicts of interest, an employee may not be hired into a position which is directly supervised by a relative who has or may have a direct effect on the individual's progress or performance, nor will the employee be permitted to work in any position in which an inherent conflict of interest may exist. For this policy "relatives" are defined as spouses, children, parents, siblings, grandparents, grandchildren, aunts, uncles, first cousins, and the corresponding in-law or "step" relations.

## **PERSONNEL RECORDS**

If an employee wishes to view their employee/Personnel File, they must request this in writing. A meeting will be set with the employee and a member of the company's management, Human Resources, or Managery team will be in attendance when the employee reviews their file.

After the review takes place, an employee has the right to make a written request for a copy of those records. The company will comply with this request within 5 business days.

Employees have the right to dispute information contained in their personnel file. If an employee has a dispute, they are to contact \*title in writing as to the nature of their dispute. Within 10 business days, a meeting will be held with the employee, employee's Manager, and \*title to discuss the information disputed by the employee. An attempt to resolve the dispute will be made at that meeting. If no resolve is made, the information will be sent to the NAME of the company and within 10 business days, the NAME will decide on the dispute. This decision will be final.

## **TEACHER LICENSURE RECORDS**

The Minnesota Department of Education requires that all teachers be licensed to teach in the state of Minnesota. Because of this, all teachers are expected and required to keep their licenses current. If variances are required in order to perform the position, teachers are expected and required to obtain the necessary variances. A copy of the Minnesota Teacher's Certificate must be on file in the

Information requests under the public records law shall be in writing and submitted to the Director , who shall serve as the legal custodian of the records. The School will allow individuals to have access to the records in accordance with state law and established procedure. The legal custodian shall safely keep and preserve the public records of each authority and shall have full legal power to render decisions and carry out duties related to those public records. The legal custodian may deny access to records in accordance with state law.

Employment verifications or reference requests on current and former employees will be answered by the Human Resources Representative. Unless required by law, the School will typically only release position title and dates of employment without the consent of the employee. With consent, generally only factual, quantitative, job-related information will be released to the authorized individual.

## **PROFESSIONAL DEVELOPMENT**

The School expects that employees will engage in continuous learning to further develop their professional skills and personal growth. The School strives to support the employee development by providing in-school training opportunities, supporting employees who attend workshops and conferences designed to enhance work performance, and by encouraging the development of new internal programs when appropriate.

All development and training opportunities that leave the employee unable to perform their job responsibilities for a time must be approved in writing by his or her supervisor and will be dependent upon factors such as budget allowances and the relevance of the activity to the performance of job duties.

## **PERFORMANCE EVALUATIONS**

To ensure that all employees perform their jobs to the best of their ability, the School will periodically conduct both informal and formal performance evaluations.

Informal evaluations occur when the supervisor observes or learns of information related to employees' performance and provides them with specific feedback or action to take. Formal evaluations occur when the supervisor creates a written record documenting his or her evaluation of the employees' overall performance and shares the results with them. During any evaluation, the supervisor's focus will be on both the areas of the employees' performance in which they excel and on the areas of the employees' performance requiring improvement.

Teachers may be randomly observed in a teaching situation by a designee of the administration and person designated. The purpose of these observations is to improve the teacher's instruction and personal growth.

Factors considered when assessing performance include, but are not limited to: quantity and quality of work, dependability, presence and punctuality, personal conduct, attitude, cooperation, and interpersonal skills.

The goal of performance evaluations is to enhance the employee's job performance while establishing good communication channels between the employee and the supervisor. A positive performance review does not guarantee either an increase in compensation or continued employment.

## **ADVANCEMENT AND PROMOTIONS**

Employees are encouraged to explore career development opportunities at the School. All employees are encouraged to gain the necessary skills, training, and work experience needed to qualify for advancement opportunities. The School believes in internal staff development and promotion from within whenever

possible and practicable. In all cases, the best-qualified candidate for the position will be selected as determined by the Executive Director.

#### **AGREEMENT RENEWAL/INTENT TO RETURN**

Notifications of intent to return for appointment or rehire will be extended after the completion of the 2023-2024 school year.

#### **SEPARATIONS**

An employee may be separated from employment either voluntarily or involuntary for a number of reasons, such as retirement, resignation, lack of work, or termination of the At Will agreement.

## **Resignation**

As a common courtesy, employees are encouraged to notify the School as soon as is practical or at least a minimum of two weeks in advance when the decision has been made to resign. However, we require the employee to give us one month advanced written notice or if mutually agreed, two weeks' notice. Failure to provide such notice may result in the employee not being eligible for rehire or PTO usage.

Employees are expected to submit their resignation in writing to their immediate supervisor. The employee's supervisor will forward a copy of the written resignation to the Human Resources Representative for processing and record keeping purposes.

An employee's last day must be a regularly scheduled workday. Accrued vacation or sick leave cannot be used in lieu of notice.

An employee who is absent without notice for three consecutive workdays is considered to have resigned without proper notice.

## **Lay Offs**

Schools are run as a business, and when business conditions change to the point that there is not enough work or money to retain all current staff, a number of employees may need to be laid off. When a situation like this arises, layoffs will be determined based on the skill level and ability of the current staff to perform the required work with a minimum of retraining, or the position for which there is not enough work to go around. Length of service and non-medically-related absences or tardiness may also be considered where relative ability is equal.

## **Exit Interviews**

The School may or may not conduct an exit interview to discuss the employee's reasons for leaving. If done, employees are encouraged to provide candid comments and suggestions for improvement for the organization and for their particular positions. The insights will be considered and may ultimately contribute to making the School a better place to work.

## **Return of School Property**

All School property issued to an Employee must be returned including, but not limited to software, computer equipment, files, cell phones, keys, school purchased classroom items and school credit cards. The employee will be responsible for any lost or damaged items. All outstanding debts to the School must be paid or arrangements made for payment on or before the employee's last day, otherwise, the school has a right to keep the last paycheck until the property has been returned.

## **Benefits**

At the discretion of the Director, benefits may end on the last day of the month that employment was terminated or the end of the employee's payouts whichever happens last. An employee, unless dismissed for gross misconduct, has the option to convert to individual life insurance, and/or to continue Medical/Dental Benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA") regulations. Benefit Continuation (COBRA)/Minnesota Continuation Coverage

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the company's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements with any paid time off if remaining vacation/sick or PTO is paid out at the time of termination or if it is not paid out.

# EMPLOYEE CONDUCT

## GUIDELINES FOR APPROPRIATE CONDUCT

Although School supports the theory of corrective discipline, the Executive Director, or School Board retains discretion to take disciplinary action appropriate to the particular circumstances. Violations of rules or policies may result in disciplinary measures that may, depending upon the circumstances and at the discretion of School, include verbal or written warnings, suspension (with or without pay), or immediate discharge. These disciplinary measures do not constitute an exclusive list of possible actions and may be taken in any order. This list is intended merely as a guide to the employee and is not intended to create a contract or modify the employment-at-will relationship.

For the benefit of employees and to protect the efficiency and productivity of School, certain rules must be observed by all employees. Engaging in any of the following examples of unacceptable conduct may result in any of the disciplinary actions discussed above. These examples are intended only as a guide and are not all inclusive. They are for the information of all employees. Employees are encouraged to observe the highest standards of professionalism at all times.

- Violation of any School rule;
- Any action that is detrimental to the School's efforts to operate effectively;
- Violation of state, federal or local laws and regulations;
- Negligence or unsafe conduct by failing to use ordinary and reasonable care in the performance of school related duties, which results or may result in injury, property damage or financial loss to the school;
- Using, selling, possessing, manufacturing, distributing, or being under the influence of alcohol or controlled substances (other than those used for bona fide medical purposes) while working (including while on lunch or other breaks) or while on School premises or during school functions;
- Unauthorized possession of weapons;
- Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on company premises or when representing the School; fighting, provoking a fight, or disorderly conduct detracting from the efficient operation of the School;
- Insubordination or refusing to obey instructions properly issued by a manager pertaining to the employee's work; refusal to help out on a special assignment;
- Threatening, intimidating or coercing fellow employees on or off the premises at any time, for any purpose;
- Theft or unauthorized possession of School property or the property of fellow employees; unauthorized possession or removal of any School property, including documents, from the premises without prior permission from management; unauthorized use of School equipment or property for personal reasons; using School equipment for personal gain;
- Dishonesty; falsification, or misrepresentation on the application for employment or other work records; falsification of reason for a leave of absence or other data requested by the School; alteration of School records or other School documents; falsification of student attendance or other student records.
- Sexual, racial, religious harassment or abuse;
- Disclosure of confidential information or breach of confidentiality;

- Failure to perform assigned work in a manner consistent with School standards of quality and quantity of work;
- Conviction for criminal offenses affecting the employee's ability to adequately perform his or her job;
- Distorting or providing false information important to the employee's hiring if the truth is discovered at some later date;
- Failure to promptly report an absence to the designated person; excessive unexcused absences or lateness;
- Obscene or abusive language toward any manager, employee, vendor, or client; indifference or rudeness towards a client, fellow employee, or vendor; any disorderly/antagonistic conduct on School premises;
- Failure by employees to use timesheets when appropriate; alteration of their own timesheets, records or attendance documents so that they do not accurately reflect hours worked; alteration of another employee's timesheet or records; or coercing someone else to inappropriately alter timesheets or records.

Before or during imposition of any discipline, employees may be given an opportunity to relate their version of the incident or problem at issue and provide any explanation or justification they consider relevant.

## **VIOLENCE IN THE WORKPLACE POLICY**

The School is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the School has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

The School expects all employees to conduct themselves in a non-threatening, non-abusive manner at all times. No direct, conditional or veiled threat of harm to any person or to School property will be considered acceptable behavior. Acts of violence or intimidation of others will not be tolerated. Any employee who commits or threatens to commit a violent act against any person while on School premises may be subject to immediate discharge. If an employee, while engaged in School business off the premises, commits or threatens to commit a violent act, that employee may be subject to immediate discharge.

Examples of workplace violence include, but are not limited to, the following:

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

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

- Causing physical injury to another person.
- Making threatening remarks to or about an individual or his or her family, friends, associates, or property.
- Intentional destruction or threatening to destroy School property.



## **Harassment and Violence Prohibition Policy**

The purpose of this policy is to help maintain a positive, safe learning and working environment for students and staff that is free from harassment and violence based upon their actual or perceived sex/gender, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status and age (protected class).

### Purpose

- A. It will be a violation of this policy for any student or employee to harass a student or employee through conduct (e.g., physical, verbal, graphic or written) that is based upon that student or employee's actual or perceived race, color, creed, national origin, religion, sex/gender, sexual orientation, disability, public assistance, or marital status or age (protected class) as defined by this policy. For purposes of this policy, an employee includes Board of Directors members, School employees, agents, volunteers, contractors, or persons subject to the supervision and control of the School.
- B. It will be a violation of this policy for any student or employee to inflict, threaten to inflict, or attempt to inflict violence based upon a student or employee's actual or perceived protected class as defined by this policy.
- C. The School will investigate all complaints, formal or informal, verbal or written, of harassment and/or violence based upon a student or employee's perceived or actual protected class and to discipline or take appropriate action against any student employee who is found to have violated this policy.

### Definitions

- A. Disability. "'Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who (1) has a physical, sensory, or mental impairment which materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment." This includes students with an IFSP, IEP, and students who qualify for special education and related aids and services under Section 504 of the Rehabilitation Act.
- B. Discriminate. "The term "discriminate" includes segregate or separate and, for purposes of discrimination based on sex, it includes sexual harassment."
- C. Educational Institution. "Educational institution" means a public or private institution and includes an academy, college, elementary or secondary School, extension course, kindergarten, nursery, School system and a business, nursing, professional, secretarial, technical, vocational School, and includes an agent of an educational institution."
- D. National Origin. "'National origin" means the place of birth of an individual or of any of the individual's lineal ancestors." This includes harassment of students born in the United States who have relatives that are from other countries.
- E. Sexual Harassment. "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:
  - (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, ... or education...;
  - (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, ...or education...; or
  - (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, ...or education..., or creating an intimidating, hostile, or offensive employment, ...or educational... environment."

- F. Sexual Orientation. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.

#### Harassment and Violence General Applicability

- A. The antidiscrimination laws apply to all of the academic and nonacademic (e.g. athletic, and extracurricular) programs of the School, whether conducted in School facilities or elsewhere.
- B. For purposes of this policy, any student who is harassed or discriminated against, including subject to violence, by peers or employees based upon that student's actual or perceived sex/gender, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status and age [protected class] may file a complaint as described more fully in section IV below.
- C. For purposes of this policy, any employee who is harassed or discriminated against, including violence, by students or other employees based upon that employee's actual or perceived sex/gender, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status and age may file a complaint as described more fully in section IV below.
- D. The alleged harassment/violence consists of harassing conduct (e.g. physical, verbal, graphic, or written verbal or physical) based upon that student's actual or perceived protected class that interferes or limits the ability of that student to participate in, enjoy, or benefit from the education program, including athletics and extracurricular activities.
- E. The alleged harassment/violence may not be directed at a particular person, but may instead consist of harassing conduct (e.g. physical, verbal, graphic, or written) that creates a hostile environment for students based upon actual or perceived protected class that interferes with or limits the student's ability to participate in, enjoy, or benefit from the academic and nonacademic programs, including athletics and extracurricular activities.

#### Description of Harassment based upon a Person's Perceived or Actual Protected Class

- A. Harassment is unwelcome conduct that is based upon actual or perceived sex/gender, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status and age.
- (1) Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.
  - (2) It is unwelcome if the student or employee did not request or invite it and considered the conduct to be undesirable or offensive.
  - (3) The conduct is considered harassment if it creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the School's programs.
- B. Sexual harassment based upon sex/gender and/or sexual orientation
- (1) Sexual conduct that is unwelcome.
    - a. It is unwelcome if the student or employee did not request or invite it and considered the conduct undesirable or offensive.
    - b. A student's submission or failure to complain does not mean that the conduct was welcome – look at circumstances.

- C. Sexual Violence: Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minnesota Statutes, section 609.341, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.
- (1) Sexual violence includes rape, sexual assault, and dating violence. This includes coerced sexual intercourse or other sexual acts. The physical act is considered nonconsensual if a person is incapable of giving consent due to alcohol or drug use or due to an intellectual or other disability.
  - (2) Sexual violence includes touching, patting, grabbing, or pinching another student's or employee's intimate parts of the clothing covering the intimate parts.
  - (3) Sexual violence includes coercing or forcing or attempting to coerce or force a student or employee to touch anyone's intimate parts.
  - (4) A police report does not relieve the School of its responsibilities under Title IX.
- D. Assault: Assault, as defined in state statute is:
- (1) an act done with intent to cause fear in another of immediate bodily harm or death; or
  - (2) the intentional infliction of or attempt to inflict bodily harm upon another.
- E. Racial, color, creed or national origin harassment/violence
- (1) Intimidation or abusive behavior toward a student, based on perceived or actual race, color, creed or national origin, that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the School's programs.
  - (2) Racial violence: Racial violence is a physical act of aggression or force, or the threat thereof, which is directed toward a student or employee based upon their perceived or actual race, color, creed, or national origin.
- F. Religious harassment/violence
- (1) Intimidation or abusive behavior toward a student based on perceived or actual religious beliefs that create a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the School's programs.
  - (2) Religious violence is the threat of or an actual physical act of aggression or force which is directed toward a student or employee based upon their perceived or actual religion.
- G. Disability harassment
- (1) Intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the School's programs.
  - (2) Disability harassment also may deny a student with a disability a free and appropriate public education (FAPE). Harassment of a student based on disability may decrease the student's ability to benefit from his or her education and amount to a denial of FAPE.

### Reporting Procedures

The Board of Directors hereby designates Title as The School's human rights officer(s) to receive reports or complaints of harassment or violence based upon actual or perceived sex/gender, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status and age. If the complaint involves one of the designated human rights officers, the complaint will be filed directly with the Board of Directors. The School will conspicuously post the name of the human rights officer(s), Title, and Board of Directors: including mailing addresses and telephone numbers. Nimco Ali, HR coordinator, Special Ed Coordinator is also the Human Rights Officer.

Human Rights Officer: Nimco Ali, email: [nali@midwaystar.org](mailto:nali@midwaystar.org), Tel: (651) 642-0667

Board of Directors Names:

1. Abdiweli Mohamud, email: [amohamud@metroschoolsmn.org](mailto:amohamud@metroschoolsmn.org)
2. Amina Abdullahi, email: [aminaabdullahi021284@gmail.com](mailto:aminaabdullahi021284@gmail.com)
3. Abdulkadir Abdalla, email: [a.dahir.abdalla@gmail.com](mailto:a.dahir.abdalla@gmail.com)
4. Kaltoon Aded, email: [kaded@midwaystar.org](mailto:kaded@midwaystar.org)
5. Osman Ali [oali@metroschoolsmn.org](mailto:oali@metroschoolsmn.org)

These reporting procedures are not intended to prevent a person from reporting harassment or violence incident(s) to another School official.

- (1) The School official must immediately notify the principal, who is then responsible to submit the oral or written complaint/report to the human rights officer without screening or investigating the credibility of the report. If the School principal is not available on the date of the report, then the School official must forward the oral or written report/complaint directly to the human rights officer.
- (2) If the report was given verbally, the principal will personally reduce it to written form within 24 hours and forward it to the human rights officer.
  - a. If the School principal fails to forward any harassment or violence report or complaint (written or verbal) to the human rights officer within 24 hours, the principal will be subject to disciplinary action.
- (3) If the complaint involves the building principal, the complaint will be made or filed directly with the Title or the School human rights officer by the School official or reporting party or complainant.

The human rights officer may request, but not insist, upon a written complaint. The School encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the office. Alternative means of filing a complaint, such as through a personal interview or by tape recording, will be made available upon request for qualified persons with a disability.

The complaint (verbal or written) should be reported to a School official immediately, or within 30 calendar days whenever possible, of the alleged violation. The School will accept reports of alleged incidents that are older than 30 calendar days; however, delays between the date of the alleged incident and the reporting date may make investigations more difficult.

## INVESTIGATION

- A. The human rights officer, upon receipt of a complaint alleging discrimination or harassment toward an employee or student, will promptly undertake an investigation if deemed appropriate. The human rights officer may designate a neutral third party to conduct the investigation. The investigation will be completed within 30 calendar days from receipt of the complaint, unless impracticable.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the School will consider the facts and the surrounding circumstances, such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.

- D. The School may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination or harassment of an employee or student.
- (1) Upon completion of the investigation, the School or neutral third party designated investigator will make a written report to the human rights officer. If the complaint involves the human rights officer, the report must be filed directly with the Title. If the complaint involves the Title, the report must be filed directly with the Board of Directors. The report will include the facts, a determination of whether the allegations have been substantiated and whether a violation of this policy has occurred, as well as a description of any proposed resolution which may include alternate dispute resolution.
  - (2) Upon completion of the investigation, the human rights officer will inform the complainant/reporter of his or her right to review the written report at the School building where the complainant/reporter is employed or enrolled, in accordance with state and federal law regarding data or records privacy.
  - (3) If the complainant/reporter is a student, the human rights officer will inform the parent/guardian of his or her right to review the written report at the School building where the student reporter is enrolled, in accordance with state and federal law regarding data or records privacy.
  - (4) The School will comply with federal and state law pertaining to retention of records.

#### Appeal

If the grievance has not been resolved to the satisfaction of the complainant/reporter, s/he may appeal to the human rights officer within ten (10) School days of receipt of the findings of the investigation. The investigator will conduct a review of the appeal and, within ten (10) School days of receipt of the appeal, will affirm, reverse, or modify the findings of the report. The decision of the investigator is final, and action will occur as addressed below.

#### School Action

- A. Upon conclusion of the investigation and receipt of the findings, the School will take appropriate and effective action. If the investigator determined that a violation of this policy has occurred, such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Actions may also include alternative dispute resolution, including restorative justice programs or School wide training, counseling, and class transfer. The School's action taken for violation of this policy will be consistent with the requirements of applicable state and federal law, and School policies.
- B. The result of the School's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School in accordance with state and federal law regarding data or records privacy.

#### Reprisal

The School will take appropriate action against any student, teacher, administrator or other School personnel who retaliates against any person who reports alleged unlawful harassment toward an employee or student or any person who testifies, assists, participates in an investigation or hearing related to alleged unlawful harassment covered by this policy. Reprisal also includes retaliation against a student or employee who associates with a person or group or persons who are disabled or who are of different race, color, creed, religion, sexual orientation, or national origin. Retaliation includes, but is not limited to, any form of intimidation or harassment. Reprisal is also prohibited based upon a request for a religious or disability accommodation.

### Conflict of Interest

If there is a conflict of interest with respect to any party affected by this policy, appropriate accommodations will be made, such as, but not limited to, appointing or contracting with a neutral third party investigator to conduct the investigation, or recusal from the process by the person for whom a conflict or potential conflict of interest exists.

### Harassment or Violence as Abuse

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statutes, section 626.556 may be applicable.
- B. Nothing in this policy will prohibit the School from taking immediate action to protect victims of alleged harassment, violence, or abuse.

### Dissemination of Policy and Training

This policy is posted in the following way:

- (1) Posted in the School building accessible to students and staff members.
- (2) Given to each employee and independent contractor at the time of entering into the person's employment contract.
- (3) Included in each School's student handbook on School policies.
- (4) Posted on the School website for parents and community members.

School will discuss the School's harassment and violence policy with students and employees on an annual basis. The Board of Directors will review this policy annually for compliance with state and federal law.

### Right To Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the agencies below, filing a report with a law enforcement agency, or initiating action in state or federal court.

A situation cannot be investigated and resolved until the School is aware of the harassment, so employees are encouraged to notify the appropriate individuals within forty-eight hours of the incident.

Any such claims will usually be investigated by the School Executive Director, unless another individual is more appropriate. If the facts appear to support a violation of this policy, appropriate action will be taken which may include termination of employment.

If the harassment reoccurs, it should be immediately reported to any of the individuals listed above. The School does not tolerate any retaliation or intimidations directed towards anyone who makes a complaint or who is requested by the School to participate in an investigation of a complaint.

This policy applies to each and every employee of the School.

## **WEAPONS PROHIBITION**

The School is committed to providing a work environment that is free of hazardous or potentially dangerous situations. For this reason, the School expressly forbids the possession of firearms on School property. No student or non-student, including adults and visitors, shall possess, use or distribute a weapon when in a school location. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

A "weapon" is defined as any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury.

It is also unacceptable for a person to possess, use or distribute any object, device or instrument having the appearance of a weapon. This may include, but are not limited to, broken or non-functional weapons, look-alike guns; toy guns; and any object that is a facsimile of a real weapon. Other articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate, and such use will be treated as the possession and use of a weapon and will not be tolerated.

Employees are also prohibited from keeping, storing, carrying and/or possessing handguns or other weapons at any time during the course and scope of their employment with the School. This means that employees cannot carry handguns or weapons of any other type, on or off School premises while they are on-the-job, whether or not the employee is licensed to do so, unless a specific legal exemption applies. Merely having a handgun permit or license is not a legal exemption to these policy requirements. These on-the-job activities include, but are not limited to: driving school vehicles at any time; driving privately-owned vehicles used in the course of conducting School business, and participating in any School-sponsored activity, whether education-related or not.

Any employee who violates the above will be subject to immediate disciplinary action, up to and including termination.

## **WORKPLACE GAMBLING**

All forms of gambling are prohibited in the workplace, including professional or organized gambling activities. Failure to comply with this policy may result in disciplinary action, including possible termination.

The Executive Director is required by state law to ensure that the School is in compliance with applicable gambling laws.

## **DRUG AND ALCOHOL USAGE**

The School is committed to creating an educational environment free of alcohol and illegal use of controlled substances. The illegal use of controlled substances or any use of alcohol on school property will not be tolerated. Employees are expected to report for work and remain at work in condition to perform assigned duties free from the effects of alcohol and drugs.

Using, possessing, selling, soliciting, transferring, or manufacturing drugs or alcohol while an employee is working, or is anywhere on school premises for any reason (including parking lots, or while operating school machinery, equipment, or vehicles) is strictly prohibited. Being under the influence of illegal drugs (except properly used and obtained medications) or alcohol is similarly prohibited while an employee is working or is anywhere on school premises or is operating school machinery, equipment, or vehicles.

The School reserves the right to search school property and to search employee property on school premises, including employee vehicles, upon reasonable suspicion that an employee has violated this policy. Such a search of School or personal property, based upon reasonable evidence of a violation, may be conducted with or without prior notice to the employee. If the employee is asked to cooperate in a search, refusing to cooperate may constitute grounds for discipline, up to and including termination of employment. Employees who bring personal property onto School buildings or grounds are implicitly consenting to such a search.

## **DRUG TESTING**

All new hires may be required to take a drug test.

## **TOBACCO FREE ENVIRONMENT**

The School is committed to maintaining a learning and working environment that is tobacco free. It shall be a violation of this policy for any student, teacher, administrator, other school personnel of the School or person to use tobacco or tobacco-related devices in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. This prohibition includes all school district property and all off-campus events sponsored by the School. Smoking should not be done in the presence or view of students.

## **PERSONAL RELATIONSHIPS & FRATERNIZATION**

The School desires to avoid misunderstandings that may arise from employees having personal relationships with other co-workers. A personal relationship is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. Although personal relationships are not prohibited, the School reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions. Supervisors are therefore prohibited from dating subordinates.

## **MALTREATMENT OF A STUDENT**



It is the policy of the School to fully comply with Minnesota Statutes 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse. All school personnel who become aware of an instance of child neglect or of any physical or sexual abuse to a child, either occurring now or in the last three years, are required to immediately (within a maximum of 24 hours) report that abuse to child protective services or the police department.

### **Types of Abuse**

- **Neglect** - Neglect includes failure by a person responsible for the child's care to supply a child with necessary food, clothing, shelter or medical care when reasonable to do so; failure to protect a child from conditions or actions that imminently and seriously endanger the child's physical or mental health when reasonably able to do so; failure to provide medical treatment to the child; or failure to take steps to ensure that the child is educated in accordance with the law.
- **Physical Abuse** - Physical Abuse includes any physical or mental injury or threatened injury inflicted by a person responsible for the child's care, on a child other than by accidental means, or any physical injury that cannot be reasonably explained by the child's history of injuries. (Mental injury is defined as an injury to the psychological capacity or emotional stability of the child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.)
- **Sexual Abuse** - Sexual Abuse includes the subjection of a child by a person responsible for the child's care, or by a person in a position of authority to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution or use of a minor in a sexual performance. Sexual abuse includes threatened sexual abuse as well (a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.)

### **Reporting Procedures**

1. Anyone in a school building who has reason to believe a child is being neglected or is physically or sexually abused, or has been neglected or abused within the last three years, becomes a "mandated reporter" under the state statutes and is required by law to report this information to child protective services or the police department within 24 hours of learning of the neglect or abuse.
2. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekend and holidays) to the appropriate police department or child protective services agency. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect, and the name and address of the reporter.

A person, mandated by Minnesota law and this policy to report, who knows or has reason to believe that a child is neglected or physically or sexually abused, as defined by Minnesota law and this policy, or has been neglected or physically or sexually abused within the preceding three years, and fails to report is guilty of a misdemeanor, and such a failure to report is disciplinary action within the School.

Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to the School.

Any persons who knowingly or recklessly make a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in disciplinary action within the school.

## **Investigation**

The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate welfare agencies. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

When the alleged perpetrator is believed to be a school official or employee, the Minnesota Department of Education will conduct an investigation into the incident.

## **EMAIL AND INTERNET USAGE**

Access to the Internet has been provided to staff members and students for the benefit of the School. It allows employees and students to connect to information resources around the world. Every staff member and student has a responsibility to maintain and enhance the School's public image and to use the Internet in a productive manner. To ensure that all staff and students are responsible and productive Internet users, the following guidelines have been established for using the Internet.

### **Acceptable Use of the Internet**

Employees and students accessing the Internet are representing the School. Employees and students are expected to be courteous to other users of the system and always to conduct themselves in a professional manner.

Emails are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Users should write E-mail communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on School letterhead.

### **Unacceptable Use of the Internet**

- School Internet and e-mail access may not be used for transmitting, retrieving or storing of any communications of a defamatory, discriminatory or harassing nature or materials that are obscene or X-rated. Transmission of messages that contain derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference will not be tolerated. Harassment of any kind is prohibited.
- Disparaging, abusive, profane, or offensive language; materials that would adversely or negatively reflect upon the School or be contrary to Schools' best interests; and any illegal activities -- including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access to any computers on the Internet or e-mail -- are forbidden.
- Copyrighted materials belonging to entities other than the School may not be transmitted by employees on the school's network. All employees obtaining access to other companies' or individual's materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only. If an employee finds something on the Internet that may be interesting to others, do not copy it to a network drive. Instead, give the URL (uniform resource locator or "address") to the person who may be interested in the information and have that person look at it on his or her own.
- The Internet is full of useful programs that can be downloaded, but some of them may contain computer viruses that can extensively damage our computers. Be sure to virus-check downloaded files immediately. Instructions on how to check for viruses are available through the technology representative. Also, many browser add-on packages (called "plug-ins") are available

to download. There is no guarantee that such will be compatible with other programs on the network and such may cause problems; therefore, downloading such plug-ins is not permitted.

- Each employee is responsible for the content of all text, audio or images that he or she places or sends over the School's Internet and e-mail system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. Also, be aware that School's name is attached to all messages so use discretion in formulating messages.
- E-mail is not guaranteed to be private or confidential. All electronic communications are School's property. Therefore, School reserves the right to examine, monitor and regulate e-mail messages, directories and files, as well as Internet usage. Also, the Internet is not secure so don't assume that others cannot read -- or possibly alter -- employee messages.
- Internal and external e-mail messages are considered school records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the school.

### **School's Right to Monitor and Consequences**

All School-supplied technology, including computer systems and company-related work records, belong to School and not the employee. The School routinely monitors usage patterns for its e-mail and Internet communications. Although encouraged to explore the vast resources available on the Internet, employees should use discretion in the sites that are accessed.

Since all the computer systems and software, as well as the e-mail and Internet connection, are School-owned, all School policies are in effect at all times. Any employee who abuses the privilege of the School's facilitated access to e-mail or the Internet, may be denied access to the Internet and, if appropriate, be subject to disciplinary action up to and including termination.

### **Questions Regarding the Use of the Internet or E-mail**

Any questions regarding the appropriate use of the Internet or email should be directed to the technology representative.

### **Social Media**

Midway Star Academy recognizes the importance of social media tools both when used as a curricular resource, and as part of a larger communication network, that fosters education and personal growth, as well as institutional development. These guidelines are meant as an application of the Midway's principles of accountability, generosity, kindness, achievement, responsibility and service.

Interacting with people Online is no different than interacting with individuals face-to-face in that School employees are expected to maintain the respect, dignity, and professionalism that is consistent with our mission, Jesuit ideals, and act with concern for the safety and protection of students, the School, and themselves.

### **Personal Use of Social Media.**

- Midway Star Academy employees are personally responsible for all comments/information they publish Online. Be mindful that what you publish will be public for a long time—protect your privacy.
- Your Online behavior should reflect the same standards of honesty, respect, and consideration that you use face-to-face, and be in accordance with the highest professional Standards. When using social media, the world is your classroom.
- "Friending" students or parents on Facebook is not encouraged. With that being said, using Facebook Groups or Fan Pages is a great way to connect with students in this space without having to 'friend' them.

- By posting your comments and having online conversations etc. on social media sites you are broadcasting to the world, be aware that even with the strictest privacy settings what you 'say' online should be within the bounds of professional discretion. Comments expressed via social networking pages under the impression of a 'private conversation' may still end up being shared into a more public domain, even with privacy settings on maximum.
- Comments related to the school should always meet the highest standards of professional discretion. When posting, even on the strictest settings, staff should act on the assumption that all postings are in the public domain.
- Before posting personal photographs, thought should be given as to whether the images reflect on your professionalism.
- Comments made using Twitter are public and are visible to those who do not have Twitter accounts in most cases. Employees should be aware of the public and widespread nature and ensure that they are not posting any items that would be deemed inappropriate.

### **School-related uses of Social Media**

- Per FERPA, official academic information, such as grades, can only be stored in and displayed via the School's official Student Information System, not in a social media platform.
- Class blogs, wikis, podcasts or other social media tools used by a teacher for academic or co-curricular purposes must be actively monitored for proper online etiquette, and adherence to US copyright laws.
- Class blogs, wikis, podcasts, or other social media tools used by a teacher with students, that are not hosted on official School platforms, should have at least two adult administrators.
- Parent notification should be given regarding student use of social media for School-related activities. For example, if class projects will be posted to YouTube, this needs to be communicated to parents.

### **DISCIPLINARY ACTION**

Where appropriate, employee discipline other than termination may be applied by supervisors. Examples of employee discipline include:

- **Verbal Reprimand** – A verbal warning to an employee that his or her conduct is unacceptable, and that repeated or continued failure to conform conduct or performance to the School standards will result in more severe disciplinary action. A record of the notice of the verbal reprimand may be made and retained in the employee's personnel file.
- **Written Reprimand** – A written documentation of the unacceptable conduct or performance of the employee and specifies needed changes or improvements. A copy of the written reprimand generally will be retained in the employee's personnel file.
- **Suspension** – Suspension of the employee's employment may, at the sole discretion of the School, be used prior to termination. The length of the suspension will vary based upon such factors as the severity of the offense, the employee's performance, and the employee's disciplinary record. An employee may be suspended for repeated instances of minor misconduct, failure to conform his or her conduct or performance to the standards of his position, or for a single serious offense. A record of the suspension generally will be retained in the employee's personnel file.
- **Termination** – If an employee fails to conform his or her conduct or performance to the standards required by the School, the School may, in its sole discretion, terminate the employee's employment.

Notwithstanding the potential for less severe discipline before termination, the School reserves the right to administer discipline in such a manner as it deems appropriate to the circumstances, and may, in its sole discretion, terminate an employee without prior discipline.

## **COMPENSATION**

### **HOURS OF OPERATION**

While school is in session, it is vital that employees are present and ready to respond to student needs. Therefore, core business hours are from 7:00 A.M. – 4:00 P.M., Monday through Friday. The school day for employees is 7:00 to 3:00; Mondays and Wednesdays are from 7:00 to 3:30. All employees are expected to be present and available to work at the start of their shift each scheduled day.

Unless approved by the Executive Director, flexible, telework and/or compressed work schedules will not be permitted.

### **LUNCH AND BREAKS**

All employees are allowed time to take an unpaid lunch period each day. No formal rest breaks for staff are scheduled. Non-exempt employees are required to take an unpaid lunch break of 30 minutes, at the very minimum, for every 8 hours they are scheduled to work.

### **ABSENTEEISM AND TARDINESS**

The absence of any employee, including arriving late or leaving early adversely affects the school and results in additional work for other employees. Therefore, we expect all employees to assume diligent responsibility for their attendance and promptness. Continued dependability, quality and pride of service are factors over which each employee can influence. If an employee is absent and cannot perform the duties on time, or if the employee produces substandard work due to excessive absenteeism then the students pay the price.

Employees must be punctual in their arrival for work at the beginning of the workday or shift to which they are assigned. Suppose an employee knows that they will be absent or late arriving for work. In that case, they should notify the Executive Director, the building principal, or the HR coordinator as soon as possible or at least one hour before work begins. Teachers are requested to inform the building principal the night before so that substitutes can be arranged to cover their class. When employees are sick, they are expected to call the designated person by 2 pm on that day to notify the School whether they will be returning the next day. Absences from work other than sick days, approved leaves, or personal days scheduled on the school calendar will not be paid.

If an employee is absent for three or more consecutive workdays, a statement from a physician may be required before the employee will be permitted to return to work. In such instances the School also reserves the right to require that the employee submits to an examination by a physician designated by the School at its discretion.

Unexcused or excessive absenteeism or tardiness may be grounds for disciplinary action, up to and including termination. If an employee is absent for three or more consecutive business days and fails to properly report the absences, this will be considered a resignation of the position and the employee will be terminated for job abandonment.

## **Nursing Mothers**

As part of our family-friendly policies and benefits, the School supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child for up to 12 months following the birth of a child.

Any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. Break time for nursing mothers will not be deducted from the employee's workday.

The School will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public and that includes access to an electrical outlet, where the employee can express her milk in privacy. Nursing mothers wishing to express breast milk must request/reserve the room by contacting HR coordinator, Nimco Ali

## **DETERMINATION OF PAY**

Licensed and unlicensed professionals are paid based on their experience, performance and education. The school is not on a step and lane compensation.

The pay of all other positions is determined based on the experience and education level required of the position, the difficulty involved in filling the position, the budget of the school, and the experience and abilities of the selected candidate.

## **PAYMENT OF SALARY**

All employees will be paid semi-monthly on the 15<sup>th</sup> of the month and last day of the month. For paydays falling on a weekend or a holiday, employees will be paid on the prior business day. Although direct deposit is an option for all employees, if an employee is absent on payday and someone else is to pick up the check, it will not be released without a signed note from the employee authorizing the named person to pick it up. The person designated to pick up the check will be asked to produce identification that is satisfactory to management or the check will not be released.

If an employee resigns from the School, the final paycheck made to the employee will be issued on the next regular pay cycle as accorded by state law. If an employee is terminated, the School will issue a check by the date agreed upon in writing between the School and the employee or as dictated by state and federal law.

Employees are responsible for promptly notifying the human resources representative of any changes to or errors in their deductions. Any necessary adjustments are usually made on the employee's next paycheck.

## **OVERTIME PAY**

It is the decision of the School that employees will not be permitted to work overtime without the express, written permission of Executive Director. At the Executive Director's discretion, an employee's work schedule may be adjusted during a work week to avoid overtime. Employees working overtime without approval will be subject to disciplinary action and may not get paid.

When a non-exempt employee does work over 40 hours per workweek, the employee will receive overtime pay at a rate of one and one-half times their regular pay for the excess time worked in accordance with the Federal Labor Standards Act (FLSA). Approved paid absences, including but not limited to sick leave, vacation leave, holiday leave, FMLA, military leave, jury and witness duty, funeral/bereavement leave, and voting time off are not counted as time worked for the purposes of computing overtime.

Exempt employees are not entitled to overtime pay.

According to FLSA Wage and Hour, the only way for a non-exempt employee to get compensatory time is if it is provided within the same work week. A non-exempt employee will be paid within the workweek.

The School does not allow the accrual of compensatory time for salaried employees without prior approval from the Executive Director.

## **TIME RECORDS**

The time sheet is used for payroll records that must be maintained accurately at all times. Pay periods run from the 1<sup>st</sup> to the 15<sup>th</sup>, and the 16<sup>th</sup> through the end of the month.



Non-exempt, hourly employees are required to complete a timesheet for each pay period on a semi-monthly basis. Arrival and departure times should be recorded, as well as time taken for unpaid lunch breaks.

Non-exempt, salary employees are required to complete a timesheet for each pay period on a semi-monthly basis. Arrival and departure times should be recorded, as well as time taken for unpaid lunch breaks. The employee's salary is based on the employee working the approved calendar schedule; any work completed outside of the approved calendar schedule will be paid at the employee's hourly rate.

Exempt employees are not required to identify their sign in or out times on the timesheet; however, business trips, vacation, sick and personal days must be recorded on the attendance sheet by the employee designated to monitor attendance. Eleven-month employees must also identify which days were not worked in accordance with their position's approved calendar.

The attendance records are official School records so care must be exercised in accurately recording the hours worked, overtime hours, and absences. Employees are expected to accurately reflect their work schedule and to not to sign in or out for other employees. Violations of this policy may result in appropriate disciplinary action, up to and including immediate discharge.

### **EXEMPT EMPLOYEE REDUCTION OF SALARY**

In accordance with the Fair Labor Standards Act regulations, exempt employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quantity or quality of work performed. Their salary may be reduced only in the following circumstances:

1. Employee is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
2. Employees who are absent from work for at least a full day for personal reasons or for sickness or disability will not be paid for that day unless they have the appropriate accrued leave time under the School's approved leave policies. Their salary will not be reduced for less than a full day.
3. Employees who are absent from work for jury duty, attendance as a witness, or military leave may have their salary reduced by the amount of payment they receive in the form of jury fees, witness fees, or military pay. Their salary will not be reduced by the number of hours or days they are absent unless they perform no work during a given week.
4. If an employee violates a safety rule of major significance, his or her salary may be reduced in an amount to be determined by the School as a penalty for that violation.
5. Employees may be suspended without pay for other types of workplace misconduct, but only in full day increments. This refers to suspensions imposed pursuant to a written policy applicable to all employees regarding serious misconduct including but not limited to workplace harassment, violence, drug and alcohol violations, legal violations, etc. The possibility of such unpaid suspensions is hereby incorporated into all such policies.
6. Employees who work less than forty hours will be paid a proportionate part of their full salary for the time actually worked.
7. Employees who take leave under the Family Medical Leave Act will not be paid for that time unless they have accrued leave time available to them under the School's applicable leave policies. Their salary will be reduced by the hours missed, even if it is for less than a full day.

## HOLIDAYS & LEAVE PLANS

### HOLIDAYS

The following holidays are recognized as paid holidays for regular full-time employees (pro-rated for part-time employees who work a minimum of 20 hours a week), provided they work the last regularly scheduled work day immediately before and after the holiday:

- Labor Day
- Administrative Choice Holiday (Up to 6 Days)
- Thanksgiving Day
- Day After Thanksgiving
- Martin Luther King Day
- President's Day
- Memorial Day
- Christmas Eve
- Christmas Day
- New Year's Eve
- New Year's Day

National holidays are celebrated on the day designated by common business practice. In general, if a holiday falls on a Saturday, the preceding Friday will be taken as the holiday; if a holiday falls on a Sunday, the following Monday will be taken as the holiday.

### PAID TIME OFF (PTO) LEAVE

Paid Time Off (PTO) leave may be used by the employee for the reasons explained below. The benefit of PTO is that it promotes a flexible approach to time off. Employees are accountable and responsible for managing their own PTO hours to allow for adequate reserves if there is a need to cover vacation, illness or disability, appointments, emergencies or other needs that require time off from work.

**PTO must be scheduled in advance for doctor appointments, or other permitted reasons. Use of the leave for these reasons is subject to supervisory approval, staffing needs, and established procedures.**

PTO may also be used for an employee's personal illness or to care for a sick child, spouse, or parent. It may also be used for doctor appointments in regard to conditions that are immediately affecting the employee physical health. When PTO is taken without prior approval for health reasons, the Executive Director may request that the employee provide a statement from his or her health care provider at any time concerning the justification for the time off. If PTO taken for health related reasons exceeds two consecutive days, the employee will need a written verification from their Doctor when returning to work to qualify for PTO and to avoid adverse action on the part of the employer.

**Midway Star requests that when using PTO for unscheduled health reasons you give at least one hour's notice to the executive Director or his/her designee. Consistently failing to meet with request will be addressed in a**

**meeting with the Executive Director, building principal and the Human Resource Officer to address if Midway Star is able to accommodate your health needs.**

### **Coverage & Eligibility: Use it or lose it policy**

The established PTO leave period is from July 1 through June 30. All full-time regular employees and part-time employees working more than 20 hours a week are eligible for PTO leave benefits. This policy prohibits current employees from cashing out or rolling over their earned time unless they're laid off or their positions are eliminated due to budgetary reasons.

- Per staff contracts and school policy, staff are allowed two personal days, and 9 sick days which can only be used when you are sick. You earn one sick day after a full working month. Time-off not earned will be deducted from your payroll.
- The time-offs must be explained prior to taking them to the executive director or his/her designee. PTO is limited to a maximum of three consecutive days, one time per year unless the director approves for special circumstances other than illness.

PTO days cannot be carried over from the previous year up. PTO time accumulated above 40 hours is forfeited. An employee **whose position is terminated** may be paid for up to 40 hours of unused PTO. PTO cannot be cashed out for any other reasons.

### **Record keeping**

**Employees must submit a PTO request form to their supervisor for approval in advance of taking time off to the principal to keep accurate track of PTO time.**

Employees are accountable and responsible for recording their own PTO leave hours to allow for adequate reserves if there is a need to cover future personal needs that will take the employees away from work.

## **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

FMLA enables eligible employees to take unpaid leaves of absences for certain family and medical events. The law provides these eligible employees with up to 12 weeks of unpaid leave and allows them to return to their job or an equivalent position after the leave has expired.

### **Eligibility**

Eligible employees are those who have:

- Been employed with the School at least 12 months, and
- Worked at least 1250 hours during the 12-month period immediately preceding the commencement of leave.

### **Situations Covered by FMLA**

The following situations are covered by FMLA:

- **Family Leave** – Used for the birth of a child, to care for the newborn child, or the placement with the employee of a child for adoption or state-approved foster care. The School may require a statement of family relationship to verify legitimacy.

- **Medical Leave** – Used for serious health conditions; either an employee’s own serious health condition that makes it impossible to perform the functions of the job or to care for a spouse, child, or parent with a serious medical condition. The School will require a certification be issued by the health provider for the serious health condition and potentially a statement of family relationship to verify legitimacy.
- **Active Duty Family Leave** – Used by an employee whose spouse, child or parent is on active military duty, or has been notified of an impending call to active military duty to deal with any “qualifying exigency” arising from the call to active military duty. Qualifying exigencies are the need to make necessary arrangements related to the departure of the service person. The School may require that a request for the Active Duty Leave be supported by a certification stating the call to active duty.
- **Injured Service Member Family Leave** – Used by the spouse, child, parent, or “next of kin” (defined as “nearest blood relative”) of a member of the Armed Forces (including a member of the National Guard or Reserves) so the employee can care of the service member who is undergoing inpatient or outpatient medical treatment, recuperation, therapy, or otherwise on the temporary disability retired list, because of a “serious illness or injury” incurred during active duty. The School may require that a certification be issued by the health provider of the service member. Qualifying employees are entitled to a combined total of 26 weeks of (12 weeks of traditional FMLA leave and an additional 14 weeks for injured service member family leave) in a 12-month period, as opposed to the usual 12 weeks.

### **Length of Leave**

An employee may take up to 12 weeks of FMLA leave per 12-month period (with the exception of an Injured Service Member Family Leave which is up to 26 weeks) in the following forms:

- As twelve (12) consecutive weeks.
- On an intermittent basis when medically necessary. While not required by law, the School may allow an employee to take FMLA leave on an intermittent basis for the birth, adoption or placement of a child. The employee must attempt to schedule intermittent leave so as to not disrupt normal School operations.
- On a part-time work schedule when medically necessary or when mutually agreed upon by the School and the employee.
- An employee on an FMLA leave will not have time counted against their FMLA allowance when the employer’s activities temporarily cease for one or more weeks and employees are generally not expected to report for work.

### **Employee Notification Requirements**

If an employee expects to take FMLA leave, the employee must notify the executive director or human resources representative of the intention to take leave at least 30 days in advance of the expected leave. Following proper notification, the employee must complete the Leave of absence Request form and provide any required medical certification.

If the need for leave is not foreseeable, the employee must provide notification of leave to the executive director or human resources representative as soon as is practicable under the circumstances. An employee’s failure to provide 30 days’ advance notification for foreseeable leave may result in a delay of leave.

### **Concurrent Leave and Benefits**

- **Concurrent Leave** - An employee taking FMLA leave must substitute all accrued leave banks before continuing leave on an unpaid basis. All leaves run concurrently. Once all paid leave

banks have been exhausted, the remainder of the leave will be unpaid. Any family and medical leave, whether paid, unpaid, or a combination thereof, will be counted toward the 12-week leave entitlement.

- **Benefits** – The same health care benefits coverage provided to an employee on the day prior to taking FMLA leave will be maintained for up to the 12-weeks or as required by law, provided the employee continues to pay any required contribution for benefits. Employees who are on leave are responsible for making their periodic payment of the required contribution to the executive director or Human Resources Representative.

Upon completion of the 12-week leave, or if an employee fails to return to work at the end of the leave, a loss of coverage will occur, and continuation of health care coverage would be offered through COBRA. An employee who does not return from leave may be required, under certain circumstances provided by the Act, to reimburse the School for any employee contributions paid by the School while the employee was on unpaid leave.

While on leave, an employee must continue to pay the employee's contributions or loan payments for any applicable benefits which would otherwise be automatically deducted from the employee's wages. Contact the executive director or human resources representative for details regarding employee contributions and/or loan repayments.

- **Workers' Compensation** – With some exceptions, an absence related to a workers' compensation injury is not counted against an employee's FMLA entitlement. If an employee, who was injured on the job and as a result suffered a "serious health condition," declines the offer of a medically-approved "light duty" position, the employee should notify the executive director or human resources representative that he or she chooses to exercise his or her FMLA rights, if eligible. If the employee accepts the "light duty" position in lieu of any FMLA leave or returns to work within 12 weeks after the date of the injury, the employee will retain his or her right to be restored to the same or an equivalent position until 12 weeks have passed, unless a decision or event not related to the employee's leave of absence occurs which results in the termination of the employee or the elimination of the job position.

### **Job Restoration**

The School will comply with FMLA requirements regarding an employee's reinstatement either to the same position held when FMLA leave began or to a position with equivalent pay, benefits and other terms and conditions of employment. Under this FMLA policy, the School cannot guarantee that the employee will be returned to the original job. In cases where the employee cannot be returned to the former position, the determination as to whether a position is an "equivalent position" will be made by the School.

An employee who does not return to work at the end of an authorized leave is subject to termination of employment. In the event an employee's position is affected by a decision or event not related to the employee's leave of absence (example – job elimination due to a reduction in force), the employee will be affected to the same extent as if he or she was not on leave.

Certain "key employee" as defined under the FMLA may not be eligible to be restored to the same or an equivalent position after leave if doing so would cause substantial and grievous economic injury to the operations of the School. The School will notify such employees of their "key employee" status and the conditions under which job restoration will be denied, if applicable.

### **UNPAID PERSONAL LEAVE**

An unpaid leave for personal reasons may be granted at the complete and sole discretion of the School. Leave can be granted for a period of up to 12 weeks, but the extent of any such leave, and the position made available to the employee at the end of the leave will depend on the needs of the School, as determined by the Executive Director in its sole discretion. Where possible, such leave

should be requested at least 30 days in advance in writing to school's Executive Director, the lead teacher/academic director or human resource representative.

Employees on personal leave will be required to use all accrued personal leave prior to being on an unpaid basis. All leaves run concurrently. Once the leave has been exhausted, the remainder of the leave will be unpaid.

Employees on an authorized personal leave of absence may not perform work for any other employer that is considered by the School to be an actual or potential conflict of interest.

Verify with your benefit provider that you will continue benefit during a non-protected Personal leave of absence. A personal leave of absences is not protect by FMLA or MN Parental Leave laws.

While on leave and upon approval by the Executive Director, the employee must continue to pay the employee's contributions or loan payments for any applicable benefits which would otherwise be automatically deducted from the employee's wages. Contact the Executive Director, Building Principal, or human resources representative for details regarding employee contributions and/or loan repayments.

Upon completion of the leave, or if an employee fails to return to work at the end of the leave, a loss of coverage may occur, and continuation of health care coverage would be offered through COBRA. An employee who does not return from leave will be required to reimburse the School for any employee contributions paid by the School while the employee was on unpaid leave.

Employees returning from a personal leave due to an illness or injury must provide a job-related release indicating their ability to perform the functions of their job. Any restrictions must be noted on the release.

## **JURY DUTY LEAVE**

Time off for jury duty is not considered as personal leave. The School will continue to pay salary for an employee who is serving on a jury. However, checks received as pay for jury duty must be surrendered to the School. An employee called for jury duty must promptly inform the Executive Director or Building Principal and must provide them with a copy of the summons to jury duty, and must cooperate with the School to ensure that work is adequately covered during the period of jury duty. On days when jury duties end before 12:00 P.M., the employee is expected to report to work for the duration of the work day.

## **BEREAVEMENT LEAVE**

The School provides up to four (3) days of funeral leave for the death of an immediate family member. Funeral leave days are paid days of leave and will not be counted against an employee's personal leave. Immediate family members include spouse, children, siblings, and parents, including parents-in-law, brothers-in-law, sisters-in-law and stepchildren. If an employee requires an extended period of time due to a death in the family, personal leave may be used. If no personal leave remains, an unpaid leave of absence may be granted at the sole discretion of the School.

## **MILITARY LEAVE**

Employees who are inducted into the U.S. Armed Forces or who are reserve members of the U.S. Armed Forces or state militia groups will be granted leaves of absence for military service, training or other obligations in compliance with state and federal laws. These employees may use PTO but are not required to do so. At the conclusion of the leave, employees generally have the right to return to the same position held prior to the leave or to positions with equivalent seniority, pay and benefits.

Employees are requested to notify the Executive Director or the Academic Dean as soon as they are aware of the military obligation.

Questions regarding the School's military leave policy, applicable state and federal laws, and continuation of benefits should contact the Executive Director or Academic Dean/Lead Teacher.

## **TIME OFF TO VOTE**

An employee eligible to vote in an election may take time off from work on the day of a state primary or general election, an election to fill a vacancy in the Congress, or a presidential primary to vote in such election. The employee must report for work immediately before and/or after voting in any such election. There is no pay deduction for exercising the right to vote according to this policy.

## **Family Military Leave**

The School will grant an unpaid leave of absence of up to 10 working days to qualified employees under the following conditions: The employee's immediate family member must be a member of the armed forces and has been injured or killed while engaged in active service, or The employee's immediate family member has been ordered into active service in support of a war or other national emergency. Immediate family member includes parent, child, grandparents, spouse, or siblings. Employees may be required to use any available paid time off, such as vacation/PTO or sick leave during the time away. The employee should give as much notice as practicable to take a leave under this policy.

## **MINNESOTA SCHOOL CONFERENCE AND ACTIVITIES LEAVE**

**Family Military Leave:** The School will grant an unpaid leave of absence of up to 10 working days to qualified employees under the following conditions: The employee's immediate family member must be a member of the armed forces and has been injured or killed while engaged in active service, or the employee's immediate family member has been ordered into active service in support of a war or other national emergency. Immediate family member includes parent, child, grandparents, spouse, or siblings. Employees may be required to use any available paid time off, such as vacation/PTO or sick leave during the time away. The employee should give as much notice as practicable to take a leave under this policy.

**MINNESOTA BONE MARROW DONATION LEAVE:** Employees who work an average of 20 or more hours per week and want to donate bone marrow may receive a paid leave of absence for that purpose. School reserves the right to require verification by a doctor of the purpose and length of each leave. Combined bone marrow leave may not exceed 40 hours. The employee will receive regular pay, in accordance with Minnesota State law, up to 40 hours.

**MINNESOTA CIVIL AIR PATROL LEAVE:** Unless the leave would unduly disrupt the operations of the School, an employee who works an average of 20 or more hours per week may take an unpaid leave of absence for time spent rendering service as a member of the Civil Air Patrol on the request and under the authority of the State of Minnesota or any of its political subdivisions.

## **SAFETY & BENEFITS**

### **HEALTH & RETIREMENT BENEFITS**

Employee benefits offered by School are designed to be competitive with those offered in the industry.

Outlined below is a brief summary of the types of employee benefits currently available through School. It is not intended, nor is it to be interpreted to, create an express or implied contract, covenant, promise, or representation between the School and the Employee. In the event of any discrepancy between the benefits outlined below and the plan itself, the plan will govern. Any questions about employee benefits should be directed to the Superintendent or Resident Principal or human resources representative.

#### **Health Insurance**

The School provides a variety of group insurance benefits for eligible employees and their dependents, including, but not limited to, medical, dental, disability, accidental death & dismemberment, and basic life insurance.

Eligibility requirements may vary from benefit to benefit, and employees and the employer may share the cost of some of these insurance benefits. Participation in these benefit plans is available to all employees who work a minimum of 20 hours a week. Employees must maintain the minimum required hours to participate in School sponsored insurances.

Please see the Executive Director, Academic Dean/Lead Teacher or human resources representative for a Summary Plan Description for any of the benefits listed above.

#### **Retirement Insurance**

As a public employer, all eligible employees are enrolled in the Public Employee Retirement Association (PERA) or the Teachers Retirement Association (TRA). The contribution percentages from employees and employers are dictated by Minnesota law.

### **CONTINUATION OF HEALTH INSURANCE UNDER COBRA**

Under the Consolidated Omnibus Budget Reconciliation Act of 1985, better known as COBRA, if an employee terminates employment with the School, the employee is entitled to continue participating in the School's group health plan for a prescribed period of time, usually 18 months. (In certain circumstances, such as employee's divorce or death, the length of coverage period may be longer for qualified dependents.)

Under the Uniformed Services Employment and Reemployment Rights Act of 1994, better known as USERRA, an employee who is out on a military leave of absence will retain their health insurance coverage for the first 31 days of uniformed service. Employees out on a military leave of absence which extends beyond the 31 days will be eligible for COBRA benefits for up to 24 months.

If a former employee chooses to continue group benefits under COBRA, he or she must pay the total applicable premium. Coverage will cease if the former employee fails to make premium payments as scheduled, becomes covered by another group plan that does not exclude pre-existing conditions or becomes eligible for Medicare.



For detailed information or questions on COBRA, employees are requested to check with the Executive Director, Academic Dean/Lead Teacher or human resources representative.

## **PROTECTED HEALTH INFORMATION**

The School takes the privacy of our students and staff seriously. Our privacy policies and procedures are designed to strengthen that commitment to maintaining the confidentiality of personal health information. All employees are expected to comply with the privacy policies and procedures established by the School. Failure to do so may result in disciplinary action, up to and including termination. In addition, employees should be aware that the HIPAA law provides for fines and criminal penalties for violations. If an employee has any questions about the school's privacy policies, contact the Executive Director, Academic Dean/Lead Teacher or the human resources representative.

## **WORKPLACE ACCIDENTS AND WORKERS' COMPENSATION INSURANCE**

Maintaining a safe work environment requires the continuous cooperation of all employees. The School strongly encourages employees to communicate with fellow employees and their supervisor regarding safety issues.

All accidents, injuries, potential safety hazards, safety suggestions, and health and safety-related issues must be reported immediately to the Superintendent, Resident Principal and/or human resources representative so that appropriate medical attention can be given.

The School is covered under Occupational Safety and Health Administration (OSHA) and statutory state Workers' Compensation Laws. Should a work-related injury or illness occur, the employee should immediately notify the Superintendent, Resident Principal or human resources representative so it can be properly documented as required and workers' compensation benefits can be requested.

No matter how insignificant an injury may seem at the time of occurrence, the incident should be reported. This ensures that the School can help obtain appropriate medical treatment. An employee's failure to follow this procedure may result in the appropriate workers' compensation report not being filed timely in accordance with the law, which may delay or jeopardize the right to benefits in connection with the injury or illness.

In the case of an emergency, the employee should go immediately to the nearest hospital emergency room for treatment.

## **BLOOD BORNE PATHOGENS**

OSHA mandated the need for all employees to know the importance of avoiding blood contact and what to do if exposure occurs. The diseases of main concern are Hepatitis B and HIV. Hepatitis B (an inflammation of the liver) is very common and transmits easily through blood. There is now a vaccine available and if an employee is exposed there is treatment that can be obtained if done immediately after exposure. HIV is a virus that attacks the immune system and can lead to AIDS. There is no cure for AIDS.

### **Preventing Exposure**

To prevent exposure to blood, all employees must:

- Wear gloves when handling any person or object with visible blood;

- Encourage children to help care for their own injuries (hand them the tissues for their bloody nose, have them wash their own cuts/scrapes when practical);
- Protect themselves even when gloves are not available by using something as a barrier such as a plastic bag, a bunch of paper towels or a piece of clothing;
- Notify the office of any necessary cleaning of any blood spill.

### **Exposure to Blood**

When an employee does come into contact with blood, the employee must:

- Wash area immediately with soap and water or flush mucous membranes with running water;
- Determine if it was a “true exposure incident.”

A “true exposure incident exists when one of the following occurs:

- Blood in the eyes, nose or mouth;
- Blood contact with broken skin (less than 24 hours old) this includes cuts, open skin rashes or any break in the skin;
- Penetration of skin by a blood contaminated object (glass, needle, teeth).

If the Blood Contact meets one of the above criteria notify the nurse immediately. The employee should be seen by a clinic with expertise in occupational health so appropriate follow-up can be made (this may include the administration of the Hepatitis vaccine and/or, Hepatitis Immune Globulin and blood testing.

# OPERATIONS

## CULTURE

Teachers, administrators, students, parents, and support staff create the culture of a school. The culture of the School is one that promotes mutual respect between teachers, students, and administrators; fosters an atmosphere of caring manifesting in both children and adults where everyone is comfortable; professionalism is modeled consistently; and high student achievement is cultivated. The culture drives student achievement and the success of the School. Everyone involved with operation of the school must commit themselves to maintaining the best and most positive school culture. Comments, attitudes, or practices that conflict with the desired culture will be addressed openly and then resolved. Challenges that may arise in regard to school culture will be handled immediately by the administration.

## OPEN DOOR POLICY

The School believes that effective communication is essential to our continued success. In addition, open lines of communication are important to the creation of productive work relationships and the elimination of counterproductive conflict.

Supervisors are available to discuss job-related concerns with employees any time during their workday. Employees are encouraged to use this line of communication. Any concerns about work or suggestions for improving operations should first be discussed with the employee's supervisor.

The School realizes that there may be occasions when the nature of the communication is such that the supervisor is personally involved, the employee believes he or she cannot openly discuss the matter with the supervisor, or the employee is not satisfied with the supervisor's response. In these situations, employees are free to bring their concerns and ideas directly to the human resources representative or other appropriate designee.

In order to be effectively addressed, problems should be presented at the time they arise. Depending on the nature of the matter, the employee may be asked to summarize the matter in writing.

## BACKGROUND AND REFERENCE CHECKS

### Background Checks

The School requires a criminal check for all new employees once a conditional offer of employment has been extended by the hiring manager.

Although a disqualification is possible, in accordance with federal and state laws a previous conviction does not automatically disqualify an applicant from consideration for employment with the School. Depending on a variety of factors (for example, the nature of the position, the nature of the conviction, age of the candidate when the illegal activity occurred), the candidate may still be eligible for employment with the School.

However, if an applicant attempts to withhold information or falsify information pertaining to previous convictions, the employee will be disqualified from further employment consideration in any position with the company due to falsification of an application.

## **Reference Checks**

To ensure that individuals who join the School are well-qualified and have a strong potential to be productive and successful, the School may check the employment references of the selected applicant prior to extending a job offer.

The Executive Director, Building Principal, or human resources representative is designated to respond to reference check inquiries from other employers. All calls, contacts, and written inquiries concerning current or former employees should be referred to the Executive Director, Building Principal, or human resources representative. It is the policy of the School to provide neutral references concerning former employees. Responses to such inquiries will confirm dates of employment, wage rates, and the title of position held.

## **PERSONAL APPEARANCE**

Our school's official dress code is Business Casual.

We may change our dress code in special cases and may also introduce [*dress-down Friday*] when employees can wear more casual clothing like blue jeans and Midway spirit wear.

- All employees must be clean and well-groomed. Grooming styles dictated by religion and ethnicity are not restricted.
- All clothes must be work-appropriate. Clothes that are typical in workouts and outdoor activities are not allowed.
- All clothes and shoes must project professionalism. Clothes that are too revealing or inappropriate are not allowed.
- All clothes must be clean and in good shape. Discernible rips, tears or holes are not allowed.
- Employees must avoid clothes with stamps that are offensive or inappropriate
- Blue jeans are not allowed
- Exceptions for specific positions will be made by the Executive Director or Building Principal.

## **WORK APPEARANCE**

Everything in and about the School must be kept clean and in good order. Each employee is responsible to maintain the condition of the part of the School in which he or she works. Employees shall cooperate, as part of their job responsibilities, in helping to maintain the general orderliness and cleanliness of the School. Doing so is critical to the School's public image.

## **CLEAN LANGUAGE**

The School will not tolerate the use of swear words, vulgar, or crude language, or sexual references in the workplace, or out of the workplace if the employee is conducting School business. Such language reflects poorly on the School and on the individual using the language.

Not only is such language offensive, it may violate the sexual harassment policy.

Consequently, use of such language is strictly prohibited, and employees found to have violated this policy will be subject to discipline up to and including termination of employment.

## **SCHOOL COMMUNICATION**

Employees are expected to check mailboxes, voice mails, emails and/or bulletin boards daily to ensure that all communications are received. Memos should be read immediately and phone calls should be returned within 24 hours.

In the interest of good communications and minimal environmental impact, the School will use Google tools as much as possible for communication.

## **MEETINGS**

Participating in parent events, conferences, professional developments, staff meetings, committees and in-service days are part of employee job duties. Staff and department meetings are mandatory meetings that provide an opportunity to exchange ideas, convey information and gather input. Teachers are required to be present at staff, department, and curriculum meetings. Attendance is also required at special education meetings as scheduled by the Building Principal or Special Education staff.

## **GRIEVANCE PROCEDURE**

One of the School's purpose is to provide an effective way for employees to bring problems concerning their well-being at work to the attention of Executive Director or Resident Principal. Therefore, an informal grievance procedure has been established for the benefit and use of the employees.

When an employee believes a work condition or treatment is unjust, inequitable, a hindrance to effective operation or creates a problem, he/she is encouraged to discuss the condition or treatment with the Executive Director or Building Principal.

Misunderstandings or conflicts can arise in any organization and should be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation persist that the employee believes is detrimental to himself/herself or the school, the employee should follow the procedure described here for bringing the complaint to management's attention.

1. Discussion of the problem with the immediate supervisor is encouraged as a first step. If the employee does not believe a discussion with the supervisor is appropriate, the employee should proceed directly to Step 2.
2. If the problem is not resolved after discussion with the supervisor or if the employee thinks a discussion with the supervisor is inappropriate, the employee is then encouraged to request a meeting with the Executive Director, Resident Principal or human resources representative. They will conduct an investigation and consider the facts and may review the matter with outside professionals. The employee will normally receive a response regarding the problem within five (5) working days of the initial meeting.
3. In the event the Executive Director or the Building Principal is the subject of the grievance, the Board of Directors or human resource representative should be notified through the Board President or member of the Admin team.
4. If the employee is not satisfied with the decision and wishes to pursue the matter further, he/she may prepare a written summary of the concerns and request that the Admin team review the matter. This request should be made through the human resources representative, who will notify the Executive Director or Resident Principal and the Admin team as is appropriate. The team, after a full review of the facts (which may include a review of the written summary of the problem, interviews with the people involved, and further investigation if necessary), will inform the employee of its decision, usually within 15 working days. The decision of the team will be final.

## **Whistleblower Policy**

The School requires board members, directors and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the School, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that the School can address and correct inappropriate conduct and actions. It is the responsibility of all board members, directors and employees to report concerns about violations of the School's code of ethics or suspected violations of law or regulations that govern the School's operations.

It is contrary to the values of the School for anyone to retaliate against any board member, director or employee who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of the School. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

The School has an open-door policy and suggests that employees share their questions, concerns, suggestions or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the Executive Director. Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations in writing to the TITLE who has the responsibility to investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor or the TITLE or the Board Chair.

The Executive Director is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. The TITLE will advise the Board of Directors of all complaints and their resolution.

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

The TITLE will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

## **CHILDREN OF STAFF MEMBERS**

Staff members who have children that attend the School are to function as employees and not parents during their workday. It is inappropriate for a staff member to become involved in any situation concerning their child during their scheduled work hours unless it is an emergency. If a staff member has a concern regarding their child it is necessary, that they schedule an appointment with the appropriate party during their non-work hours as any other parent must do.

As a rule, children, grandchildren, or relatives of any nature of staff members that do not attend the School should not be brought to school during the school day. Children of staff members are not to be brought to school unless there is a special occasion and the Executive Director or Resident Principal has granted permission.

## **CELL PHONE USE**

Although personal cell phones are permitted in the School, employees are expected to refrain from using them for personal use during work hours. It is expected that if you are using your cell phone for personal use during outside of break times that it is a clear emergency. **ALL VIOLATIONS OF THIS RULE WILL BE SUBJECT TO DISCIPLINE.**

Employees whose job responsibilities include regular or occasional driving and who use a cell phone for business use are expected to refrain from using their phone while driving except as described below. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

Employees whose job responsibilities do not specifically include driving as an essential function, but who use a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to the highest forms of discipline, including termination.

## **SOLICITATIONS AND DISTRIBUTION OF LITERATURE**

Personal decisions regarding the purchase of goods or services, charitable contributions, or membership in an organization should not create negative feelings or detract from an employee's effectiveness at work. Consequently, solicitation or distribution of literature of any kind by any employee during the actual working time of the employee soliciting or the employee being solicited is prohibited. Literature may not be distributed in working areas at any time. Non-employees are not allowed to distribute literature or solicit for any purpose at any time on School premises.

## **PERSONAL PROPERTY**

The School will not be liable for loss or damage to the property of employees while on school premises (including the parking lot). This includes all personal property used in an employee's work area and all other personal property while anywhere on school premises, in school vehicles, or while being transported on school business. For this reason, employees should maintain appropriate insurance on valuable personal property, including but not limited to, cars or other motorvehicles.

## **COMPANY PROPERTY**

Equipment, hardware, software, books, magazines and other reference materials must be checked out and returned in a timely fashion. Employees may borrow certain School property provided they have explicit permission from the Executive Director or Building Principal.

Employees who borrow School property are personally liable to cover the cost of replacing such lost or stolen property and for the reasonable cost of repair of such damaged property.

## **PERSONAL VEHICLE USE**

Employees may use their personal vehicles on official School business provided prior approval has been obtained from the Executive Director or Building Principal. A mileage rate based on acceptable and current School guidelines will be paid to an employee who uses his or her personal vehicle on official School business. Mileage between home and the office is excluded per IRS regulations.

Minimum insurance requirements as specified by the School's insurance carrier must be in effect at the time the employee's personal vehicle is used and the employee may be required to provide proof of insurance. It is up to the employee to comply with this policy; the School will not be responsible for any damage that occurs to an employee's personal vehicle.

Employees are not permitted to transport students in their personal vehicles.

## **REIMBURSEMENTS FOR MILEAGE AND OTHER EXPENSES**

Employees eligible to receive expense and mileage reimbursement for work-related travel must complete an appropriate reimbursement form. This form should be submitted to the accounting department within 30 days after the employee has incurred the expenses. Reasonable lodging, school supplies, and meal expenses will be reimbursed at actual cost and mileage will be reimbursed at the IRS allowable rate. All receipts must be attached to the expense form prior to submitting it to accounting.

## **JOB DUTIES**

Employees may sometimes be asked to help with other work important to the successful operation of the School in addition to or in place of their normal daily job assignment. From time to time, employees may also be given additional responsibilities, work or training outside of their normal work hours, or they may be transferred to a position other than the one to which they were originally assigned. Employees may be directed to perform additional duties. When directed to participate, compliance is expected.

## **LESSON PLANS**

It is the responsibility of every teacher to meet the professional and ethical requirements of a licensed teacher in the state of Minnesota.



## **8710.2000 STANDARDS OF EFFECTIVE PRACTICE FOR TEACHERS.**

In line with this requirement Midway requires teachers to submit weekly lesson plans in a form and on a time-line set by school policy. This is an integral part of the teaching process used by Midway. This expectation is the foundation of the educational process and failure to meet this requirement result in disciplinary action up and including termination.

### **EMERGENCY PLANS**

Employees must watch for fire hazards or other possible safety problems and report them promptly to the Executive Director or Building Principal. All employees should learn where fire extinguishers are located and become familiar with their operation. If an emergency arises that requires assistance from outside of the School, call 911.

Employees should be familiar with fire and disaster plans detailing exit routes and the specific responsibilities of employees in the event of fire or other disaster, especially as such procedures relate to student safety. Employees will find specific information on these procedures within the *Staff Procedure Booklet*. Employees should report to management any blocked passageways or doors. Fire exit doors must remain open so that people can exit from the inside during any hours the School is in use. Finally, employees must always properly store flammable materials. Any questions or suggestions concerning fire or disaster plans should be referred to the Executive Director or Building Principal.

#### **Fire or other Evacuation**

When an alarm is sounded, the teachers will reassure the students and make every attempt to keep them calm. The teacher will immediately escort the students out of the building according to the evacuation plan attached. Teachers will not wait for students to collect any personal belongings; they will evacuate the building immediately.

All staff and students proceed down their assigned set of stairs and will meet at the far North back Parking Lot and wait for further instructions.

The Office Manager will notify 911 if needed and assist the teachers in escorting the students out of the building. The Director will conduct a final sweep of the site before joining the students and teachers in the parking lot.

Once the Executive Director or Resident Principal has been given the "all clear" from appropriate authorities, the Director will instruct the teachers and students to re-enter the building. Only the Director or his/her designee can give this instruction.

#### **Tornado or Extreme Storm**

If there is a tornado or severe storm alert, teachers will escort the students into the hallway areas, avoiding all windowed areas and outside access. The students will kneel on knees facing the wall with their hands over their heads and their heads resting on their knees. Teachers will ensure that the students are properly positioned and then join the students by kneeling next to them.

Once the Executive Director or Building Principal has been given the "all clear" from appropriate authorities, the Executive Director or Building principal will instruct the teachers and students to re-enter their classrooms. Only the Executive Director or Building Principal or his/her designee can give this instruction.

#### **Drills**

Fire and Evacuation Drills will be performed throughout the year.

Tornado and Extreme Storm drills will be performed in April to coincide with the State of Minnesota Severe Weather Awareness Month.

### **Lock-Down**

Lock-down procedures will be used in situations where harm may result to persons inside the school building, such as a shooting, hostage incident, intruder, trespass, disturbance, or when determined to be necessary by the Superintendent or Building Principal or his or her designee. The Executive Director or Building principal or designee will announce the lock-down with the most appropriate communication style. Provisions for emergency evacuation will be maintained even in the event of a lock-down.

## EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

I have received a copy of the Employee Handbook for the School. I acknowledge my obligation to read and understand its contents, and further acknowledge and agree that:

- The handbook is only intended to provide a general overview of School personnel policies and does not necessarily represent all such policies or practices in force at any particular time.
- This handbook, dated August 2023, supersedes and replaces any previously or contemporaneously stated written policies or practices covering the same or similar subjects or matters, including but not limited to, those contained in any manuals, handbooks, correspondence, memoranda, or oral discussions.
- Neither this handbook, nor any other written or unwritten policy or practice is intended to create an express or implied contract, covenant, promise, or representation between School and the employee.
- I understand that I am free to resign at any time, and the School may terminate me at any time.
- I understand that the School reserves discretion to add, change or rescind any policy or practice at any time, with or without prior notice, and that any such addition, revocation, or modification shall not alter the employment at-will relationship.
- No employee or representative of the School other than its Superintendent or Resident Principal has authority to enter into any written or oral employment agreement for any specified period of time, or to make any other binding agreement different than what is stated above.
- I have read and will abide by the Anti-Harassment, Email and Internet Usage, and the No Weapons Policy, as well as all other policies in the handbook.

By signing this agreement, the Employee acknowledges that Employment with the School is on an “at will” basis, which means that the School may terminate the Employee’s employment at any time, for any reason. If the Employee chooses, she/he may also terminate his or her employment at any time, for any reason, and will provide the School with sufficient notice of intent to terminate. In addition, there shall be no obligation on the part of the School to renew this agreement. This agreement does not offer assurance of future employment with the School or assurance of future compensation offers.

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Employee Name (print)

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Employee Signature

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Date