EMPLOYEE HANDBOOK

2023-2024

**NEW MILLENNIUM SECONDARY SCHOOL EMPLOYEE HANDBOOK**

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# **SECTION I: INTRODUCTION**

**Welcome!**

This revised version of the New Millennium Secondary School (hereinafter referenced as “NMSS”) handbook supersedes all prior versions that have been issued by the NMSS and is effective as of August 1, 2017. The personnel policies and procedures, and your benefits stated herein are subject to change at any time at the sole discretion of NMSS. The entire content of this handbook is available as a printable PDF.

This handbook is intended for use by employees of NMSS. It is presented for information purposes only. The content of this handbook is not intended to create a contract or agreement between NMSS and you. This handbook cannot anticipate every situation or answer every question about employment and is not an employment contract.

Employees are expected to read this handbook thoroughly upon receipt and to know and abide by the policies outlined herein, as revised over time, throughout their employment.

Your department may have additional specific procedures for many of the general policies stated in this handbook. You are expected to learn your department procedures and comply with them. You are also expected to conform to the professional standards of your occupation. Please direct any questions to your supervisor, department head, or to Human Resources (HR) located at 1301 w 182nd St., Gardena, CA 90248, Room G-1 (Business Office).

### **MESSAGE FROM THE BOARD OF DIRECTORS**

As you begin your employment with the New Millennium Secondary School, you should know that you are joining one of the best teams in educational excellence. The loyalty, commitment and hard work of you and your colleagues will promote the New Millennium Secondary School as becoming one of the exceptional leaders in education.

~NMSS Board of Directors

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**FAIR LABOR STANDARDS ACT**

All of NMSS policies shall at all times be construed to conform to the Fair Labor Standards Act.

**EMPLOYMENT AT WILL**

Any individual employment agreement will generally be made on a school year basis, with review and consideration for renewal the first of Junefor the following school year. This policy of at-will employment is the sole and entire agreement between you and NMSS.

## **IMPORTANT NOTICE REGARDING EMPLOYMENT AT WILL**

This manual is intended only as a guideline for employees and should not be construed as an offer to contract or as a contract between NMSS and any employee. Additionally, nothing in the general statements in this Manual should be regarded as altering or changing the terms or specific text of any of our employee benefits plans.

No school representative other than the Principal or Chief Operating Officer is authorized to enter into any contract with employees. If the Principal has an Employment Agreement with you, the terms of that Agreement will govern your employment. Accordingly, you should not rely on any provision, oral or written contrary to the foregoing.

In accordance with the laws of California, employment with NMSS is an “at-will” employment, which means an employee has the right to terminate employment with any employer at any time, with or without a reason, and with or without notice. Likewise, an employer has the right to terminate any employee’s employment at any time, with or without a reason, and with or without notice. It is common practice for NMSS and each employee to sign a letter, which defines some of the terms and conditions of employment. Nothing in the employment letter shall be construed as limiting the right of NMSS to terminate the employment of an employee at-will, or as limiting an employee’s right to terminate his or her employment at-will.

Although employees have the same right as the employer to terminate the employment relationship at-will, at any time, employees are encouraged to provide as much advance notice of their decision to resign as possible. The notice should include the reasons for resignation and the date of termination. It is customary to give at least two weeks notice of intention to resign whenever it is possible. Managerial/supervisory staff is encouraged to give at least 30 days notice of resignation. NMSS reserves the right to accept a resignation and recognize the termination date as any date it chooses between the date the resignation is submitted and the date designated by the employee as the last day of employment. When an employee terminates for any reason, all items belonging to NMSS, such as keys, key fobs, parking permits, catalogs, mailing lists, tools and equipment, manuals and handbooks, and any other NMSS property assigned to the employee, are to be returned to NMSS.

With the exception of employment at-will, other terms and conditions of employment with NMSS may be modified at the sole discretion of NMSS with or without cause or notice at any time. No implied contract concerning any employment-related decision or term or condition of employment can be established by any other statement, conduct, policy, or practice. Examples of the types of terms and conditions of employment that are within the sole discretion of NMSS include, but are not limited to: promotion; demotion; transfers; hiring decisions; compensation; benefits; qualifications; discipline; layoff or recall; rules; hours and schedules; work assignments; job duties and responsibilities; or any other terms and conditions that NMSS may determine to be necessary for the safe, efficient, and economic operation of the school.

As we are sure you can understand, no employee of NMSS is guaranteed employment for any period of time. All NMSS employees are employed-at-will. Either you or NMSS may terminate your employment at any time, for any reason, and at the discretion of either party.

**SECTION II EMPLOYMENT**

**NEW EMPLOYEE ORIENTATION**

To help you become familiar with your new job surroundings, HR offers a New Employee Orientation (NEO) program designed to provide essential information about NMSS and its employee benefits, policies, and procedures. Orientation is held during the first week of Professional Development. Additional information is available from HR.

### **EQUAL EMPLOYMENT OPPORTUNITY**

It is NMSS's policy to provide equal employment opportunity for all applicants and employees. NMSS does not discriminate on the basis of race, color, religion, sex (including pregnancy, childbirth and qualified medical conditions), national origin, ancestry, age, physical or mental disability, marital status, medical condition, sexual orientation, gender identity, or any other characteristic protected by state or federal law.

When necessary, NMSS also makes reasonable accommodations for disabled employees and for pregnant employees who request an accommodation for pregnancy, childbirth, or related medical conditions.

Furthermore, NMSS prohibits the harassment of any individual. For information about the types of conduct that constitute harassment, or NMSS's internal procedures for addressing complaints of harassment, please refer to NMSS's Policy Against Harassment set forth in this Employee Handbook.

This policy governs all aspects of employment, including hiring, job assignment, compensation, promotion, discipline, termination, and access to employee benefits and training. It is the responsibility of every Supervisor and employee to conscientiously follow this policy. An employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their Supervisor or the Principal. You should report every instance of unlawful discrimination regardless of whether you or someone else is the subject of the discrimination. Detailed reports including names, descriptions, documents and actual events or statements made, will help NMSS in its investigation. If NMSS determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. NMSS will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your coworkers.

Retaliation for submitting a report of unlawful discrimination and for cooperating in any investigation is prohibited. Any Supervisor or employee who retaliates against the accuser or those involved in the investigation will be disciplined, up to and including discharge from employment.

**TUBERCULOSIS CLEARANCE**

All persons initially employed by a school district must be tested to determine if he/she is free of active TB **prior to the employees start date.** The test must be an intradermal Mantoux tuberculin skin test (PPD), A tine test is not acceptable. If the intradermal skin test is or has ever been positive (10mm or more), that test date **must be indicated** and chest x-ray results must be provided. All TB test results are good for four years. All employees **must** submit a new TB prior to the previous test expiration date.

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

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

NMSS may occasionally find it necessary to investigate current employees, where behavior or other relevant circumstances raise questions concerning work performance, reliability, honesty, trustworthiness, or potential threat to the safety of coworkers, students or others. Employee investigations may, where appropriate, include credit reports and investigations of criminal records, including appropriate inquiries about any arrest for which the employee is out on bail. In the event that a background check is conducted, NMSS will comply with the Federal Fair Credit Reporting Act and applicable state laws, including providing the employee with any required notices and forms. Employees subject to an investigation are required to cooperate with NMSS lawful efforts to obtain relevant information, and may be disciplined up to and including termination for failure to do so.

Employees with adverse background information (such as a crimination conviction) may be ineligible for employment with NMSS. In case of a prior arrest or conviction, the employee must discuss the history of the arrest or conviction with the Principal. The employee may be required to provide proof of a mistake in the official records or provide official explanation of the nature of the offense.

**EMPLOYEE RIGHT TO WORK DOCUMENTATION**

NMSS is committed to complying with the federal immigration laws, and does not discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present proper documentation establishing identity and employment eligibility within the required time period.

Employees with general questions or seeking general information on immigration law issues are encouraged to contact HR. Employees may raise questions or good faith complaints about immigration law compliance without fear of reprisal.

## **REEMPLOYMENT ELIGIBILITY**

Employees who have previously resigned voluntarily or whose position was eliminated due to reorganization may be considered for rehire on an individual basis, provided that their last performance review was at least satisfactory. Employees who have been discharged for cause are not eligible for rehire.

## **INTERNAL PLACEMENT**

NMSS successful growth is due to its ability to attract and develop exceptional employees. Position vacancies are filled through the selection, promotion, and transfer of qualified personnel from within NMSS whenever possible. Advancement is based on your performance and management’s evaluation of your overall abilities. To keep employees informed about job openings within NMSS, all internal job openings for Certificated, hourly, non-exempt, and some exempt positions are posted on NMSS website when available. Jobs will be posted and available for application for a minimum of five days.

**RECRUITMENT** When internal candidates are not available, NMSS will recruit qualified candidates from external sources such as advertisements, public and private agencies, employee referrals, colleges and universities.

## **EMPLOYMENT OF RELATIVES**

The hiring of relatives is possible, provided that the individual is not employed in the same function or under the supervision of another relative. Relatives are defined as spouse, parent or grandparent, child or grandchild, siblings, parent-in-law, step relatives or an unrelated individual who resides in the same household in a similar relationship.

**PERSONNEL RECORDS**

Your official personnel file is created and maintained by HR. This file only contains information that is relevant and necessary to the proper administration of the business or that is required by law or regulation. Information is retained for prescribed periods of time and then purged from the files. It is important to inform HR of changes in information, such as name, address, marital status, beneficiary designation, etc. Upon request, you may review your file in the presence of an HR Representative.

NMSS is required by law to keep current all employees’ names and addresses. An employee is responsible for notifying HR about changes in the employee's personal information and changes affecting the employee's status (for example, name changes, address or telephone number changes). This notification by the employee must occur as close to the change as possible, but no later than 30 days following the change.

Changes must be submitted in writing. Your present address and phone number are essential for many purposes, including mailings from the employer to your home, and it is your responsibility to inform the employer immediately of any changes. If your marital status or dependents change, you may have to change the number of exemptions claimed for income tax withholding purposes and to add or delete members of your family to the employer's health insurance plan.

You have the right to inspect certain documents in your personnel file, as provided by law, in the presence of an HR representative at a mutually convenient time. No copies of documents in your file may be made, with the exception of documents that you have previously signed. You may add your comments to any disputed item in the file. Letters of reference and records regarding investigations of a possible criminal offense will not be made available to the employee. HR will remove all such documents from the employee's file before releasing the file for review.

All inquiries or request for personnel information, including but limited to employment verification, credit checks/references, home loan application, etc., are to be referred to HR. Information is provided in response to these types of requests only with your written authorization.

The following steps are to be taken when an employee requests to inspect their personnel records:

* The employee must make an appointment with the HR Representative to view his/her file.
* Time allotted for the review will be at the convenience of NMSS. The employee may be required to use his/her free time.
* An HR representative must be present at all times while the employee is viewing his/her records.
* The HR representative will not allow any employee to remove any document from their file.
* Employees are not to make any changes in their file.

**LEGAL COUNSEL**

The Board of Directors is charged with the responsibility of handling all legal matters in which NMSS and any of its subsidiaries might become involved. In order to meet this responsibility, it is important that they are made aware when a problem exists. If any local, state or federal government agents or representatives attempt to question you regarding the business affairs of NMSS or any of its subsidiaries, please refer the person immediately to the Principal. You are asked not to volunteer any information without prior clearance from the Principal. Similar procedures should be followed if you receive written request from a government agency for information.

**OUTSIDE EMPLOYMENT**

NMSS expects that if you do undertake outside employment, you discuss the employment with the Principal to ensure it does not conflict with School policy, and to ensure that employment will not adversely affect your job performance on behalf of NMSS.

**SECTION III SALARY AND ADMINISTRATION**

**NEW EMPLOYEE PROBATIONARY PERIOD**

For classified employees, the first ninety days of your continuous employment at NMSS is considered a probationary period. Employment may be terminated without prior notice or obligation during this time. The probationary period is a time for you to learn your job duties and responsibilities, get acquainted with your fellow employees, and determine whether your position is a match. The employee has the opportunity to demonstrate proper attitudes and abilities for his/her position. Your supervisor will closely monitor your performance.

Upon completion of the 90 day period, NMSS will review your performance. If NMSS finds your performance satisfactory and decides to continue your employment, you will be advised of any improvements expected from you. Completion of the 90 day period does not entitle you to remain employed by NMSS for a definite period of time, but rather allows both you and NMSS to evaluate whether or not you are a right fit for the position.

**PAYROLL CLASSIFICATION**

It is the policy of NMSS to establish and implement pay programs and practices that are equitable, that properly reward performance, that attract and retain quality employees, that is competitive in the industry and that meet overall educational excellence and NMSS objectives.

**Temporary Employment *(Classified Employees Only)*:**A job is considered temporary if the position is expected to continue for less than one year. If your position is temporary, you are not eligible for paid allowances (e.g., holidays, personal days, vacation, sick leave) and are not eligible for participation in NMSS benefits plans.

**Management:** Primary duty consists of the management of the enterprise in which employed, or of a customarily recognized department. He/she customarily and regularly directs the work of two or more other employees. He/She has the authority to recommend the hiring, firing, advancements, promotions or other change of status of other employees. Also, customarily and regularly exercises discretionary powers. He/she does not devote more than 20% of his/her hours of work in the workweek to activities which are not directly and closely related to the performance of the work described above.

**Independent Contractors:** These are non-employees who work on an as needed basis. They are not entitled to any fringe benefits, pension, retirement, profit sharing or any other benefits accruing to employees of NMSS. NMSS does not deduct withholding taxes, FICA, or any other taxes required to be deducted by an employer. It is the responsibility of the Independent Contractor to pay these required taxes.It is the responsibility of any Manager hiring an Independent Contractor to have them complete an "Acknowledgment of Independent Contractor" form before they begin work. Upon completion, the form must be submitted to HR. No payment for services will be made unless a completed form is submitted. Forms may be obtained from HR.

All employees are classified as either:

**Exempt**: Those who are not covered by the overtime provisions of the Fair Labor Standards Act or state law. Exempt employees work full-time or part-time, are paid a salary, and therefore do not receive overtime pay.

Exempt positions include Certificated, administrative, professional, and executive positions.

**Non-Exempt:** Those who are covered by the overtime provisions of the Fair Labor Standards Act or state law and for whom overtime payment is required by law. Generally, these are regular full-time or part-time employees, who are paid hourly and are therefore eligible for overtime pay when working in excess of forty hours in the given workweek.

**IDENTIFICATION CARD, KEYS, & TEXTBOOKS**

You will receive a photo identification card and keys which you can use to gain entrance to your assigned work area(s) and to exercise your privileges at the Teacher Resource Office, the restrooms, and other areas around campus. Your supervisor will arrange for you to have your I.D. photo taken shortly after you begin work. Textbooks will be issued to teachers. Teachers are financially responsible for all textbooks regardless if the textbook is part of your classroom set or you check them out to a student(s) without proper checkout documentation. If you lose your I.D. card, keys, or textbooks notify the Business Office immediately. You will be charged a fee to replace your lost card, keys, and textbook(s). All fees will be subtracted from your paycheck. The I.D. card, textbook(s), and keys remains the property of NMSS at all times.

**SCHEDULE**

NMSS hours of operation are 7:30am to 4:30pm Monday through Friday. All employees will be assigned a work schedule during the hours of operation suited to their job assignment and will be expected to begin and end work according to the schedule. Please note that schedules may vary depending on whether you work during the academic year or on an annual basis. Your Supervisor will assign your individual work schedule. In order to accommodate the needs of our business, it may be necessary to change individual work schedules on either a short-term or long-term basis. All employees are expected to be at their desks or workstations at the start of their scheduled shift, ready to work. Your working hours may extend into the evening and on weekends, especially in connection with school or community events. If you need to modify your schedule, request the change with your supervisor. All schedule changes/modifications must be approved by the Principal.

NMSS provides employees with meal and rest breaks according to applicable laws. Currently, non-exempt employees working a shift of between five and ten hours on any given workday will receive at least a thirty minute unpaid meal break. A non-exempt employee working a shift of six hours or less may waive this meal period if both NMSS and the employee consent to the waiver in writing.

A non-exempt employee working a shift of three and one-half hours or more is given a ten minute paid rest break per every four hours worked. In practical terms, this means that a non-exempt employee who works over six hours in one day is given two ten minute rest breaks, while one who works six hours or less is given one ten minute rest break. A full-time non-exempt employee who works an eight hour day should typically take one rest break mid-morning, and one rest break mid-afternoon. Your Supervisor will schedule your meal and rest periods. Employees should make every effort to take their rest breaks. Rest break time may not be combined with meal break time. Employees who work less than three and one-half hours in a day are not entitled to a rest break.

**TIMEKEEPING PROCEDURES**

## All non-exempt employees must record their actual time worked on an NMSS timesheet for payroll and benefit purposes. The timesheet may be obtained from the business office. Employees must record the time work begins and ends, as well as the beginning and ending time of each meal period. Employees must also record any departure from work for any non-work-related reason. It is each employee’s responsibility to sign time records to certify the accuracy of all time recorded. Any errors on your timesheet should be reported immediately to your Supervisor or business office, who will attempt to correct legitimate errors. Altering, falsifying, and tampering with time records, or recording time on another employee's time record is prohibited and subject to disciplinary action, up to and including termination of employment.

Signed and completed timesheets must be turned in to the business office at the end of each pay period. Any questions about filling out a timesheet should be directed to your Supervisor or HR.

State and Federal Regulations require that proper documentation be submitted for hours worked. Accordingly, employees must sign in to the main office by 7:45 a.m. each day. Employees departing before contract end time are required to sign out in the Main Office.

## **OVERTIME**

When school needs cannot be met during regular working hours, you may be required to work overtime. All overtime work must be authorized in advance by your Supervisor or by the Principal. Working overtime without prior authorization may result in disciplinary action up to and including termination.

Overtime is always computed based on actual time worked, not hours paid. Only those hours that are actually worked are added together to determine an employee’s overtime pay amount **.** Hours paid for Paid Time Off (e.g. sick days, holidays, vacation) which are not actually worked by the employee are not considered for purposes of calculating overtime. Therefore, an employee who is paid eight hours for the Thanksgiving holiday (Thursday) and works eight hour days Monday, Tuesday, Wednesday, Friday and Saturday that same week, will be paid forty-eight straight time hours for the week. For more information regarding overtime rates, contact your Supervisor or HR.

**WORKDAY AND WORKWEEK**

The workday and workweek defined by an employer may have an impact on over-time obligations owed to employees. For example, an employee may work ten days in a row, but if five of those days are in one workweek and five days are in the next workweek, no overtime obligation is incurred. In this example, the employer has defined a workweek of Monday through Sunday. The employee works ten days straight, from Wednesday of the first workweek to Friday of the next workweek. The employee worked Wednesday through Sunday the first workweek (five days), and then Monday through Friday in the second workweek (five days), never exceeding forty hours in a single workweek. Therefore, the employee is never paid more than his/her straight hourly wage. Of course, for employees still entitled to daily overtime, any hours worked over eight in a day would be compensated at an overtime rate.

For employees entitled to daily overtime, the seventh day of the workweek is paid differently than the first six under certain circumstances. An employee who works the seventh day in a workweek, after working six consecutive days, normally is paid at an overtime rate, as explained below. This rate applies only if the work is on the seventh day of the workweek, not the seventh day working in a row if the work is spread between two workweeks.

If an employee works seven consecutive days during the workweek, all work during the seventh day must be at 1.5 times the normal wage rate, and any work over eight hours on the seventh day must be compensated at twice the regular wage rate. However, an employee working thirty hours or less in a workweek is compensated for work done on the seventh day at no increase above the normal wage rate if the employee did work more than six hours on any day during the workweek.

**PAYMENT OF WAGES**

## Employees are paid semi-monthly unless otherwise noted. Paychecks are issued on the 15th and the last day of the month. For exempt employees, semi-monthly paychecks reflect work performed from the 1st day of the month to the 15th, and from the 16th to the last day of the month, respectively. For non-exempt employees, paychecks issued semi-monthly may reflect a differently structured work schedule. For more information on this schedule, please see HR. If a payday falls on a holiday or weekend, checks will be issued on the last working day before that weekend or holiday. Paychecks can be delivered directly to any employee or may be automatically deposited into the employee’s checking account, when authorized by the employee

The earnings statement attached to your paycheck itemizes payroll deductions. As required by law, each pay period NMSS will deduct the following items: federal and state withholding taxes, Social Security and Medicare taxes, and State Disability Insurance. If a garnishment, tax levy, or an order to withhold child support payments should be delivered, NMSS must comply with that order immediately, and cannot postpone the payroll deduction for any reason.

NMSS prohibits improper deductions from pay and provides a complaint process whereby employees who think that their pay has been docked improperly can notify HR immediately. In the event that an improper deduction has taken place, NMSS is committed to resolving the issue as soon as possible. In the case of a reimbursement for an improper deduction, NMSS will make the good faith effort to rectify the error for all future paychecks. NMSS will not retaliate against an employee who complains or notifies HR with regard to the improper pay deduction.

NMSS provides every exempt employee with a base salary. If you are an exempt employee, by nature of your position, you are considered to be available for work assignments without additional remuneration at times other than your regularly scheduled hours. However, there are circumstances when additional payment is appropriate. For example, to compensate an exempt employee for performing work outside his/her regular duties or work department, or to compensate an exempt employee for performing work of a vacant position in addition to performing his/her regular job duties.

This policy applies primarily to exempt staff, as non-exempt staff receive compensation (either regular rate or overtime pay) for additional work performed.

**PERFORMANCE PLANNING AND FEEDBACK**

NMSS relies on and expects its department leaders to promote and create work environments where ongoing discussions about work occur between employees and those who supervise them. These discussions may include: identification of expectations, assessment of progress, and opportunities for training and career development. The responsive performance planning and feedback process can also serve as a basis for work group and department planning. Although each department has the flexibility to develop a process that best fits its unique environment, all processes should reflect certain principles as outlined below.

Each staff member's performance will be evaluated annually by their immediate Supervisor or the Principal. This evaluation will:

* Ensure that each staff member clearly understands the scope, requirements and expectations of the position.
* Provide each staff member with specific job performance feedback, guidance and professional development opportunities
* Inform the staff member of how performance has been rated.

Within the general guidelines established by management, it is the responsibility of the Principal to determine how to most appropriately administer the formal review process. The performance review should be used as part of a department’s overall planning, implementation and appraisal process.

**MERIT INCREASES**

Pay raises may be given once a year depending on the outcome of the employee's performance review. Raises are not automatic. Raises depend upon an employee's ability, attitude, conduct, and attendance. Salary increases are also based on factors such as increased responsibilities, promotion and length of service. In addition, NMSS expects a degree of growth from each employee. As he/she becomes stronger and makes more significant contributions to NMSS, NMSS becomes stronger too. All merit, equity, and promotional increases, as well as adjustments to salary, must be approved by the Principal and/or Chief Operating Officer and/or Board of Directors.

**SECTION IV ATTENDANCE**

## **LEAVES OF ABSENCE**

NMSS makes available to eligible full-time employees the leaves of absence described below. All employees may be entitled to take certain other leaves as required by law. Employees with questions regarding these policies should contact HR or the Principal.

Requests must be submitted in writing on an Absence Request form and must be approved in writing on such form by your supervisor and the Principal before an extended period of leave begins. It is the employee’s responsibility to report to work at the end of the leave.

At NMSS discretion, you may be granted a leave of absence without pay, provided you notify your Supervisor in writing at least two weeks prior to the date you wish to go on leave. Extenuating circumstances may make it impossible for you to give such notice; however, generally, employees who are absent for three or more days without explanation will be treated as having voluntarily resigned from employment. When you return from leave, NMSS will try to restore you to your original position. In many cases however, NMSS will need to hire a replacement. Therefore, please keep in mind that you will not be guaranteed a return to your former or any, job when you return. Further details may be obtained from HR.

Absences qualifying under the Family and Medical Leave Act are not covered under this provision. Please refer to the Family Medical Leave Policy.

**FAMILY OR PERSONAL ILLNESS LEAVE**

Eligible full-time employees may take up to ten days unpaid leave per rolling twelve month period for their own personal illness or to care for an ill child (including a biological, foster, or adopted child, a stepchild, or legal ward of the employee), parent, parent-in-law (including parent of a domestic partner), spouse, domestic partner, or sibling.

Family or Personal Illness Leave benefits are available to a full-time employee only after the employee has been working at NMSS for a total of at least twelve months for administrative/classified employees, and one full calendar year for Certificated Staff. In addition, the employee must first exhaust all accrued Paid Time Off. In order to request Family or Personal Illness Leave, employees should fill out an Employee Time-Off Request Form as soon as the employee is aware of the need for such leave. These forms can be obtained from HR.

NMSS retains the right to request verification from a licensed health care practitioner for any absences requested under NMSS’s Family or Personal Illness Leave policy.

NMSS will maintain, for up to a maximum of twelve work weeks of family and medical leave, any group health insurance coverage that you were provided before the leave on the same terms as if you had continued to work. In some instances, NMSS may recover premiums it paid to maintain health coverage if you do not return to work following family or medical leave.

If you are on family or medical leave but you are not entitled to continue paid coverage, you may continue your group health insurance coverage through NMSS in conjunction with federal COBRA guidelines by making monthly payments to NMSS for the amount of the relevant premium. Please see HR for further information.

Under most circumstances, upon return from family or medical leave, you will be reinstated to your previous position, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, during and upon return from a family and medical leave, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not gone on family and medical leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement.

If you are returning from family or medical leave taken for your own serious health condition, but you are unable to perform the essential functions of your job because of a physical or mental disability, NMSS will attempt to reasonably accommodate you. Your use of family and medical leave will not result in the loss of any employment benefit that you earned or were entitled to before using family and medical leave.

### **PARENTAL LEAVE**

Eligible full-time employees may take up to five days paid leave per rolling twelve month period for the birth or adoption of a child. An eligible employee may take Parental Leave in addition to any accrued and unused Paid Time Off.

Parental Leave benefits are available to a full-time employee only after the employee has been working at NMSS for twelve consecutive months for classified/administrative staff, and for one academic year for Certificated Staff. If both the mother and the father are employed by NMSS and are eligible to take the leave, the total amount of leave taken under NMSS Parental Leave policy for both the mother and father combined cannot exceed five days. Please see HR for further information.

 The law establishes specific limitations on an employee’s eligibility for family care leaves. As specified in the law, California’s New Parent Leave Act (Parental Leave), which requires employers with 20 or more employees to provide their eligible employees with up to 12 weeks of unpaid, job-protected Parental Leave to bond with a newborn or a child placed with the employee for adoption or foster care.

Although the new law applies to all employers with 20 or more employees, it does not apply to employees subject to the California Family Rights Act (CRFA) or the federal Family and Medical Leave Act (FMLA). This means it will generally have the greatest impact on employers with 20 to 49 employees who are not currently required to provide baby bonding leave under the federal FMLA or the state CFRA.

Although Parental Leave is unpaid, employees must be allowed to use accrued vacation pay, paid sick time, accrued paid time off, or other paid or unpaid time off to receive compensation during the leave. An employer can’t require employees to use such time; it is the employee’s choice. And if health benefits are provided under a group health plan, an employee out on Parental Leave must continue to receive these benefits during the leave.

In order to request Parental Leave, employees should fill out an Absence Form at least thirty calendar days before the anticipated start of the leave. These forms can be obtained from HR.

### **PREGNANCY-RELATED DISABILITY LEAVE**

Any employee who is qualified under California's pregnancy disability laws and is disabled on account of pregnancy, childbirth or related conditions may take a pregnancy-related disability leave of up to four months. Such leaves may be taken intermittently, or on a reduced-hours schedule, as medically necessary.

Likewise, in accordance with California’s pregnancy disability laws, NMSS will provide a qualified employee with a reasonable accommodation for pregnancy, childbirth, or related medical conditions if the employee requests a reasonable accommodation and the employee provides NMSS with medical certification from her health care provider establishing that the employee requires a reasonable accommodation. In addition to other potential forms of reasonable accommodation, NMSS will temporarily transfer a pregnant employee to a less strenuous or hazardous position or to less hazardous or strenuous duties if she so requests, the transfer request is supported by proper medical certification, and the transfer can be reasonably accommodated.

Employees should notify NMSS of their request for pregnancy-related disability leave as soon as they are aware of the need for such leave. For foreseeable events, if possible, the employee should provide 30 calendar days' advance notice to NMSS. If it is not practicable for the employee to give thirty calendar days' advance notice of the need for leave or transfer, the employee must notify NMSS as soon as practicable after she learns of the need for the pregnancy-related leave or transfer.

If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, NMSS reserves the right to delay the taking of the leave until at least thirty days after the date the employee provides notice of the need for pregnancy-related disability leave.

Any request for pregnancy-related disability leave must be supported by medical certification from a health care provider, which shall provide the following information: (a) the date on which the employee became disabled due to pregnancy; (b) the probable duration of the period or periods of disability; and (c) an explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform one or more of the essential functions of her position without undue risk to herself, her pregnancy, or other persons.

In the case of a pregnancy-related disability transfer, the medical certification shall provide the following information: (a) the date on which the need to transfer became medically advisable; (b) the probable duration of the transfer; and (c) an explanatory statement that, due to the employee's pregnancy, the transfer is medically advisable.

Upon expiration of the time period for the leave or transfer estimated by the health care provider, NMSS may require the employee to provide another medical certification if additional time is requested for leave or transfer.

Except to the extent that other paid leave or paid time off is substituted for pregnancy-related disability leave, pregnancy-related disability leave is unpaid.

An employee taking pregnancy-related disability leave *must* use any available Sick Time for her leave and *may* use Vacation and/or Personal time for her leave. The use of paid and unpaid time off for pregnancy-related disability leave may extend the total duration of the leave to which the employee is entitled.

Employees on pregnancy-related disability leave accrue employment benefits, such as Paid Time Off or seniority, if any, only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Unless NMSS and the employee already have agreed upon the employee's return date, an employee who has taken a pregnancy-related disability leave or transfer must notify HR at least two business days before her scheduled return to work or, as applicable, before her transfer back to her former position. An employee who timely returns to work at the expiration of her pregnancy-related disability leave will be reinstated to her former position, or a comparable position, whenever possible and consistent with applicable law.

Any employee taking a pregnancy-related disability leave or transfer must obtain a certification by her doctor releasing her to return to work. The release should be in writing and submitted to HR on or before the employee's return from a pregnancy-related disability leave.

**BEREAVEMENT LEAVE**

Eligible full-time employees may take up to five days paid bereavement leave per rolling 12-month period for the death of a parent, step parent, parent-in-law (including parent of a domestic partner), grandparent, spouse, domestic partner, child (including stepchild or child of domestic partner), or sibling. Paid Bereavement Leave is available only to a full-time employee who has been working at NMSS for twelve consecutive months (for administrative/classified employees) or one full academic year (for Certificated Staff).

Upon request, and at NMSS sole discretion, those employees not eligible for paid Bereavement Leave may take up to five days unpaid leave per rolling 12-month period as bereavement leave. However, NMSS may require that the employee substitute accrued Paid Time Off to cover all or part of any unpaid bereavement leave. NMSS retains the right to request verification from a funeral home or equivalent entity for any absences taken under the Bereavement policy.

**MILITARY LEAVE**
Employees whose participation in military duty is mandatory will be granted time off without pay. However, exempt employees who work any portion of a workweek in which they also take military leave will receive full salary for that week. Employees may elect to substitute Paid Time Off during any unpaid leave due to military duty.Employees should inform HR of any military obligations as soon as they know the required dates of service. If requested, employees must furnish HR with a copy of any official orders or instructions.Upon return from an excused military leave, the employee will be reinstated to his or her former position, or another position, to the extent required by applicable law.

**MEDICAL LEAVE**

Any full-time or part-time employee, who is temporarily disabled and unable to work due to medical condition, will, upon request be granted a leave of absence without pay for a period of his or her disability, provided such period shall not exceed four months. The term medical condition as used herein encompasses all temporary medical disabilities. An employee who is granted a medical leave of absence must utilize any accrued sick leave benefits, and thereafter may use vested Vacation and/or Personal Time benefits during the period of his or her leave. Paid Time Off benefits may be used at the end of a leave period to extend such leave.

Health and life insurance benefits ordinarily provided by NMSS, and for which the employee is otherwise eligible, will be continued during the period of disability. The cost of dependent coverage normally borne by the employee should be arranged with HR to ensure cost is paid before leave begins.

An employee who requires a leave of absence for medical reasons must notify HR in writing of the need for such a leave as soon as the employee learns that he or she is, or will become, temporarily disabled and unable to work. Such notice must specify the reason for the leave, the date such leave will begin, and the expected duration of the leave.

The notice must be accompanied by a physician’s statement verifying the existence of the medical condition, the anticipated duration of the disability, and the dates the leave is expected to begin and end. An employee who requests such a leave may be required to provide additional physician’s statements from time to time thereafter in order to provide updated information regarding the employee’s condition. An employee who is on leave of absence for a period in excess of two months, must notify NMSS by the end of each month thereafter both of the status of the disability and of his or her continued intent to return to work with NMSS. Once he or she recovers from the disability, before returning to work from a medical leave of absence, an employee must provide a physician's statement that indicates that he or she is fit to return to work.

Although NMSS is unable to guarantee reinstatement in all cases, an employee who returns to work at the end of his or her leave of absence will be returned to his or her former position, if available, or will be offered the first available opening ina comparable position for which he or she is qualified. Such an employee will be credited with all service prior to the commencement of his or her disability, but not for the period of his or her disability. During the time of his/her medical leave of absence, an employee will not accrue vacation time or sick leave benefits. He/She receives no pay for holidays that fall within the leave time. An employee's review date will be delayed for the period of time of the leave. In the event that no suitable position is available, the employee will be laid off.

Regular part-time and regular full-time employees are eligible for medical leave; new employees and temporary employees are not.

NMSS will exercise its own judgment about how many medical leaves can be granted in one year, considering such factors as the nature and cause of the illness or injury; length of service; work performance; and previous periods of absence. A year is considered the period from the employee's date of hire to the anniversary date.

**STATE DISABILITY**

To protect employees who miss work due to a non-work related accident or illness, the law requires that a small percentage of each employee’s wages, up to the prevailing maximum, be deducted each pay period for disability insurance. Benefits begin from the first day an employee is hospitalized or after the seventh day of the illness or accident if the employee is not hospitalized. Eligible employees will be paid a percentage of their regular earnings for a maximum period provided by law in any one year.

To apply, an employee must obtain a claim form from any office of the Employment Development Department by telephone, letter, or in person. The employee’s doctor, hospital or HR may also have forms available. The employee is responsible for completing his/her portion of the claim form and providing the required information including, but not limited to, the nature of disability, dates of disability, and expected return to work date. In addition, the employee is responsible for having his/her personal physician complete the Physician's Statement portion on the form. The information required from the physician includes a description of the present condition and diagnosis, dates of treatment and/or hospitalization, and any other pertinent medical information from the physician.

Benefits from this Plan will be reduced by the amount of any disability benefits received (or eligible to be received) from any public or private plan to which NMSS contributes. Examples of such deductible benefits are Social Security, Workers' Compensation, auto insurance and/or unemployment benefits which an individual receives or is eligible to receive because of the disability.

NMSS requires a medical release from a physician before the employee may return to work from a disability leave. Upon notification that the employee has returned to work, (or if the employee fails to return to work at the end of the approved disability period), HR is responsible for restoring the individual to the active payroll or to remove the individual from the payroll.

If the employee is expected to remain absent beyond the approved period of time, updated medical information will be required for continued benefits. A supplementary Physician's Statement is to be completed by the employee's physician and returned directly to HR. This information must be received prior to the expiration of the initial disability period or benefits will not be continued until such updated documentation is received and continued benefits have been approved.

If an application for disability benefits is denied, a written explanation of the reasons for denial is to be provided to the employer. The notice will cite the specific provisions of the Plan on which the denial is based, describe any additional material or information which may be necessary for the claim to be processed; explain why such material or information is necessary and explain the Plan's claim review procedure.

**NOTE:** If an employee prefers not to disclose the nature of the disability to his/her Supervisor, NMSS policy will be to honor his/her request. HR will coordinate the claim, obtain sufficient proof of disability, and will ensure the confidentiality and privacy of the information.

**The Families First Coronavirus Response Act (FFCRA or Act) (COVID-19)**

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from **April 1, 2020 through December 31, 2020**.

► **PAID LEAVE ENTITLEMENTS**

**Generally, employers covered under the Act must provide employees:**

Up to two weeks (80 hours, or a part-time employee’s two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

* 100% for qualifying reasons #1-3 below, up to $511 daily and $5,110 total;
* 2/3 for qualifying reasons #4 and 6 below, up to $200 daily and $2,000 total; and
* Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to $200 daily and $12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

**► ELIGIBLE EMPLOYEES**

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

► **QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19**

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

|  |  |
| --- | --- |
| 1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;

 1. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;

 1. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
 | 1. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
2. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.
 |

### **ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE**

### An employee who is the victim of domestic violence will be given a reasonable amount of time off without pay to obtain court relief and obtain other assistance to help ensure the health, safety, or welfare of the employee or the employee's children. The employee may elect to substitute accrued Paid Time off for unpaid leave. Employees must provide reasonable notice and satisfactory documentation of the need for such time off.

### **COORDINATION OF BENEFITS WITH OTHER BENEFITS**

### NMSS will provide Paid Time Off (to the extent it has been accrued) to an eligible employee during the normal waiting period, if applicable, before the employee is paid workers' compensation benefits pursuant to the applicable state and federal law governing industrial injury or illness. It is your responsibility to apply for any disability benefits for which you may be eligible as a result of illness or disability, including California State Disability Insurance, workers' compensation insurance, and/or any short-term disability insurance benefits for which you qualify.

### **JURY DUTY**

Eligible full-time employees will be granted paid time off for jury duty up to five working days per rolling 12 month period. Paid leave for jury duty is available only to full-time employees. Any time beyond five days necessary to complete jury duty will be without pay for those employees receiving paid jury duty for the first five days. However, employees may elect to substitute accrued Paid Time Off days (pursuant to NMSS Paid Time Off policy), during any unpaid leave due to jury duty. An employee receiving pay while on jury duty will be paid at his or her regular rate of pay for the hours the employee was scheduled to work that day, regardless of the time actually spent at jury duty.

Employees must inform their Supervisor of the need for jury duty as soon as they receive the summons or subpoena to appear. To request time off (whether paid or unpaid), employees must submit a copy of the court summons to HR. If the employee is excused from court, the employee should return to work if he or she will be able to work at least two hours during the normal workday. Once jury duty is completed, the employee must submit to his or her Supervisor a receipt from the court verifying the time spent in court.

**TIME OFF FOR VOTING**

If circumstances prevent an employee from voting during non-working hours, the employee may be given up to two hours paid time off to vote. The employee should give their Supervisor at least two workdays’ notice of the need to take time off to vote. In order to receive paid time off, the employee must provide their Supervisor with a copy of his or her ballot stub when the employee returns to work.

**ABSENCE POLICY**

Regular attendance is important. All employees are expected to report for work on time, and to remain on the job for the entire workday. Unsatisfactory attendance (such as unexcused or excessive absences) will have an adverse effect on your employment, and will result in disciplinary action, up to and including discharge.

Please notify your Supervisor as soon as possible when you know that you will be absent or late for work. NMSS requests that employees attempt to provide at least two hours notice. If you cannot reach your Supervisor, call the Main Office. Asking relatives or co-workers to pass messages is not appropriate, unless it is impossible for you to make the call yourself. NMSS also reserves the right to terminate you if you are absent for three consecutive working days without giving appropriate notification. Such termination will be considered job abandonment.

If medical circumstances allow, employees should fill out an Employee Time-Off Request Form before taking sick leave. These forms can be obtained from HR. NMSS reserves the right to require a satisfactory statement of a licensed physician whenever an employee misses 3 or more work days due to an illness, injury or disability. If warranted, the employee may be asked to provide a physician’s statement that verifies the nature of an illness, condition, injury or disability, its beginning and ending dates and/or the employee’s ability to return to work without endangering her/his own safety or the safety of others. Employees having an absence of more five days or more must attach a physician’s note to a Notice of Absence Form and submit it to HR at the beginning of the absence. Employees must also maintain at least weekly contact with their immediate Supervisor and HR to update their condition. If you should become ill during working hours, please notify your Supervisor immediately. If your Supervisor is not available, contact HR.

Immediate Supervisors are responsible for completing and forwarding to HR a Notification of Employee Absence form when an employee has been absent (or expected to be absent) from work due to injury or illness (including pregnancy) for more than five consecutive business days and is expected to remain absent for an additional two or more consecutive business days.

The following information is required:

1. Employee's name

2. Employee's department and job title

3. Nature of occupation (i.e., clerical, administrative or light or heavy labor)

4. Nature of illness or injury

5. Last day worked (half or full pay)

6. Estimated date of return

7. Supervisor's signature and date

**TARDINESS**

Employees are expected to be present and ready to begin work at the normal starting time and, with the exception of scheduled breaks or lunch, remain at work for the normal hours of work. Tardiness is defined as arriving for work after the agreed upon time by Supervisor and employee (unless work is being conducted at another location). Repeated tardiness will subject an employee to discipline, up to and including discharge.

**EDUCATION ACT**

An employer of twenty-four or more employees at the same location must allow an employee who is the parent or guardian of a child in kindergarten or grades 1 through 12, or attending a licensed day care facility, up to forty hours off per calendar year for the purpose of participating in activities of the school or licensed day care facility. This time off may be paid or unpaid at the employer’s discretion. The employee may be limited to no more than eight hours off for this purpose in any one calendar month of the year, and may be required to use any accrued Paid Time off for this purpose. The employer may require documentation from the school or licensed day care facility as proof that the employee participated in the activity on a specific date and at a specific time. The employee must be in good standing and have available accrued Paid Time Off to be eligible for compensation. Employees must take at least four full hours of leave to be eligible. Leave must be requested in advance and approved by your Supervisor. A “Notice of Absence” form should be completed and routed to HR.

# **TERMINATIONS**Voluntary termination results when an employee voluntarily resigns their employment, or fails to report to work for three consecutively scheduled workdays without notice to, or approval by, their Supervisor. NMSS asks that you give us at least two weeks written notice of resignation. This will give us the opportunity to make the necessary adjustments in our operation. All NMSS property, including vehicles, keys, uniforms, identification badges, and credit cards, must be returned to the HR immediately upon termination of employment. NMSS retains the right to accept your resignation immediately and pay you the amount of straight time compensation you would have earned in place of any further employment. An involuntary termination is one initiated by NMSS.

All requests for employment references must be directed to HR. No one other than HR or designee of NMSS is authorized to release references for current or former employees. It is NMSS policy to disclose only the dates of employment and the title of the last position held of former employees. If the employee authorizes the disclosure in writing, NMSS also will inform prospective employers of the amount of salary or wage last earned.

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# **REDUCTION IN FORCE**

# While NMSS hopes to continue growing and providing employment opportunities, business conditions, student demand, and other factors are unpredictable. Changes or downturns in any of these or other areas could create a need to restructure or reduce the number of people employed. In light of these uncertainties, please be advised that it may become necessary to conduct layoffs at some point in the future.

In the event that NMSS determines layoffs are necessary, NMSS retains full discretion to select, which employee(s) will be laid off. If possible, NMSS will attempt to provide advance notice to help prepare affected individuals. While NMSS retains full discretion, some of the relevant factors might include operational requirements and the skill, productivity, ability, and past performance of employees.

**SECTION V EMPLOYEE BENEFITS**

NOTE: Please refer to the insurance carrier benefit books for specific information regarding your health benefit and insurance plans. This book is only a reference. Any discrepancies will be determined by the Benefit Plan Document. These benefits are provided only to regular employees.

For benefits-eligible staff employees, NMSS supplements your wages with an extensive benefits package. When you attend New Employee Orientation (NEO), you will receive information regarding the various benefit programs.

The following section is meant to highlight some features of our benefit programs. NMSS reserves the right to amend or terminate any of these programs or to alter employee premium contributions, regarding any benefits, at its discretion at any time.

**HEALTH CARE**

NMSS provides a comprehensive medical and dental insurance plan for eligible employees and their eligible dependents. Vision care is not covered by NMSS. An “eligible employee” is one who is not employed on a temporary, substitute, or 1099 basis. An “eligible dependent” has one of the following relationships with an eligible employee: lawful spouse; domestic partner (restrictions apply); unmarried child under age 19 (natural or legally adopted) of the employee or the employee’s enrolled spouse; or unmarried child (between 19 and 26) who is a full-time student and qualifies as a dependent for Federal Income Tax purposes.

Employees should consult the Summary Plan Description for more complete information about eligibility and the details of NMSS medical insurance plan. You may opt to procure additional medical insurance different than the standard base plan NMSS provides at 95%. If chosen, the cost differential is paid by the employee. Copies of the Plan Document and Summary Plan Description are available at the front office. The Plan Document is controlling.

NMSS employees may add eligible, unlimited dependents to the health care standard base plan for $125.00 per month. Eligible spousal coverage is also available at employee’s expense for $125.00 per month.

**DENTAL CARE**

Eligible employees and their eligible dependents may also join NMSS Dental Insurance Program. The cost of the dental plan for eligible employees is covered by NMSS at 100% and eligible dependent coverage is covered at a discounted rate paid by the employee. New employees may enroll for coverage when they begin employment. Coverage will begin on the first of the month following the hire date. Employees who do not wish to participate in the program must decline participation on the application form. For complete information, please refer to the appropriate benefit carrier’s booklet.

**DEPENDENT COVERAGE**

Your dependents may be eligible for medical and dental benefits and other NMSS benefits and privileges. You have a responsibility to inform HR within thirty days of any change in the status of your dependents which may affect their eligibility.

For the purpose of determining eligibility for all NMSS benefits, a “dependent” is defined as follows:

􀂃 spouse;

􀂃 domestic partner, a copy of a Statement of Domestic Partnership may be required by HR; and

􀂃 child/children.

For medical and dental benefits only, the term “child” is defined as:

􀂃 unmarried natural or adopted dependent son or daughter under age 26 of an employee, spouse of an employee, or domestic partner of an employee; and

􀂃 son or daughter over the age 26 who is dependent on an employee, spouse or domestic partner of an employee for support due to mental/physical disability (provided he/she was covered before age 26).

For the purposes of all other NMSS benefits, the term "child" is defined as:

􀂃 unmarried natural or adopted son or daughter, stepson or stepdaughter, or the unmarried natural or adopted son or daughter of the domestic partner of an employee, or child for whom an employee is a legal guardian. In all cases, the child must be claimed as a dependent of the employee for federal income tax purposes. Parents, foster children, grandchildren, ex-spouses and ex-domestic partners are not dependents under this policy.

## Other legally mandated benefit programs (such as Social Security, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

**CREDIT UNION**

All full-time and part-time employees of NMSS are eligible to join and take advantage of membership at California Credit Union. CCU has a broad range of products, services, and loans, including savings accounts, checking accounts, a Visa ATM/Debit Card, small personal loans, auto and boat loans, and mortgage and home equity loans. CCU is located at 633 E. University Dr. Suite A Carson, CA. For further information, contact CCU at 800-334-8788 or visit the CaliforniaCU.org.

**STATE CERTIFICATED STAFF RETIREMENT (STRS)**
State law requires that all Certificated Staff members deposit 10.25% of their pre-tax salary in the STRS retirement system and this contribution is matched by an 14.43% contribution by NMSS. For additional information on the STRS program you may call STRS directly at (800) 228-5453.

## **CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM 403(b)**

For classified employees/exempt employees in lieu of CalPERS, NMSS will match one-hundred percent (100%) of the first three percent (3%) of the employee’s contribution and 50% of the next 4% and 5% contributions.

**PAID TIME OFF**

NMSS provides Paid Time Off (PTO) benefits to regular full time and part-time employees. NMSS believes that this time is valuable for employees in order to enhance their productivity and to make their work experience with NMSS personally satisfying. NMSS also provides long-service employees with additional benefits as years of service are accumulated.

### **ACCRUAL**

Full-time employees accrue and may take Paid Time Off. Part-time employees and temporary employees accrue 1 hour earned for every 30 hours worked. PTO consists of Sick Time, Vacation Time or Personal Time. PTO does not accrue during an unpaid leave of absence.

Sick time is accrued on a monthly basis. From date of hire, Sick Time accrues at the rate of 8 hours per month for each full month worked. Sick Time will not accrue during any unpaid leave of absence. Teachers and other Certificated staff can accrue 10 sick days per year and can bank a maximum of 15 days through the duration of employment with NMSS. Classified staff and management can accrue 12 sick days per year and can bank a maximum of 15 days through the duration of employment with NMSS.

Classified employees and management are awarded 5 days vacation each year. Vacation is subject to management discretion and vacation time must be pre-approved by the employee’s direct supervisor. Teachers and other Certificated staff do not receive Vacation Time, instead they are allowed two Personal Days per year. Personal days can be used at the employee’s discretion.

### **COMPENSATION FOR PTO**

### Employees will receive pay at their normal base rate for all used PTO. Full-time, non-exempt employees will be paid for PTO days based on an eight hour workday. All employees are paid $150 per unused sick day(s) and can bank a maximum of 15 total sick days. Buyback days are paid in July of each year. Neither Sick Time nor banked Sick Time will be paid out upon termination (due to contract expiration, voluntary termination, involuntary termination, or non-renewal of contract). Vacation Time must be used or banked. Banked vacation time cannot exceed 15 days. Unused vacation time will be paid out upon termination. Personal Time will not be paid out upon termination.

**PAID TIME OFF APPROVAL AND SCHEDULING**

Requests for Vacation and Personal Time must be approved in advance. Employees must fill out an Absence Request Form. These forms can be obtained from HR. Please note, your supervisor has discretion to deny time off based upon the interests of NMSS. Requests are evaluated on an individual basis. In the event that two or more employees have requested time covering the same period and may not be absent simultaneously, preference shall ordinarily be given to the employee with the greater length of service and/or first to request time off. Absence requests for Sick Time should be submitted upon return to work in order to track time used.

**INCENTIVE/BONUS PAY**

NMSS provides every employee with base compensation. However, there are circumstances when additional payment is appropriate to provide a reward for exceptional performance or to recognize successful participation in an incentive program. Such pay is paid out at the Principal’s discretion and based on performance and results.

**HOLIDAYS**

## Full-time employees will receive time off with pay at their normal base rate if they are scheduled to work on any of the ten NMSS observed holidays listed below. If the holiday falls on a weekend, NMSS will designate either the Friday or the Monday adjacent to the weekend as a paid day off.

|  |  |
| --- | --- |
| New Year’s Day | Labor Day |
| Martin Luther King, Jr.'s Birthday | Thanksgiving Day |
| Presidents' Day | Day after Thanksgiving |
| Memorial Day | Veterans’ Day |
| Independence Day | Christmas Day |

NMSS also observes a Spring Break and a Winter Break. Consult the school calendar for specific dates.

Note that employees who work only during the academic calendar, such as Certificated Staff Members, are not scheduled to work during many of the above-listed holidays, and therefore are not eligible for Holiday Pay in such circumstances. To be eligible for holiday pay, an employee must have worked the last scheduled work day prior to the holiday, and the first scheduled work day after the holiday, unless excused by their Supervisor. If illness occurs on a day that work is required in order to receive holiday pay, a doctor’s note must be furnished. In no case is an employee eligible for holiday pay if on layoff, military leave, medical, or maternity leave. Part-time and temporary employees are not eligible for holiday pay.

**SECTION VI PERSONNEL ADMINISTRATION POLICY**

**DRESS AND GROOMING GUIDELINES**

As appearance effects community and public opinion, NMSS expects all employees to dress in a professional, business-like manner, consistent with their job responsibilities. A few specific guidelines are outlined below.

Appropriate business attire, neat, clean and in good taste. Flip-flops, shorts, cutoffs, T-shirts, tank tops, sweat suits or other exercise or body clinging clothing are not acceptable. Jeans are acceptable ONLY on the last Friday of the month or on casual days as pre-approved by the principal. Revealing or provocative clothing is unacceptable. Hair is to be neat, clean and styled. Cosmetics/makeup should be applied lightly and be appropriate for a school/business environment.

If an employee dresses inappropriately, the Supervisor and/or HR is to privately explain that the attire is improper. When necessary, employee will be sent home to change.

## **JOB PERFORMANCE GUIDELINES**

All employees are expected to maintain certain standards of job performance and good conduct. When performance or conduct does not meet NMSS standards, the employee may be subject to discipline, up to and including termination.

NMSS may immediately terminate an employee for cause, including employees whose employment is governed by a written contract for a specified term. Whether or not “cause” for termination exists will be determined at the sole discretion of the Principal and the Board of Directors. By way of example (but by no means is this intended to be an exhaustive list), cause for termination will exist under the following circumstances:

1. Unsatisfactory performance, where the employee has been given written notice of the deficiency and an opportunity to fix the deficiency;
2. Unfit for service, including the inability to appropriately instruct or associate with students;
3. Insubordination;
4. Falsifying or concealing information on employment records, employment information, an employment application, time record, or other NMSS record;
5. Willfully or maliciously making false statements regarding any co-worker or NMSS, making threats or using abusive language toward fellow employees, Supervisors, students, parents, or visitors, or otherwise violating NMSS Policy Concerning Violence on School Property;
6. Theft or the deliberate or careless damage or destruction of NMSS property, or the property of NMSS's employees, students or anyone on NMSS property;
7. Possessing weapons on NMSS property at any time or while acting on behalf of NMSS;
8. Violation of NMSS's Policy Against Harassment;
9. Refusal to comply with any federal or state regulation or law, or refusal to comply with any NMSS policy or procedure;
10. Possession of or being under the influence of illegal drugs or alcohol while performing any professional duties or when publicly representing NMSS, or otherwise violating NMSS’s Drug-Free Workplace Policy;
11. Engaging in criminal conduct whether or not related to job performance
12. Gross negligence leading to the endangerment or harm of a child or children;
13. Excessive tardiness or absenteeism;
14. Violating any safety, health, security, or school policy, rule, or procedure;
15. Reduction in force or school closure.

The rules set forth above are intended to provide employees with guidelines regarding expected conduct and performance that might lead to termination. Employees should be aware that conduct not specifically listed also might result in disciplinary action, up to and including termination.

**GRIEVANCE PROCEDURE**

NMSS has established a grievance procedure to allow employees an opportunity to voice concerns they may have. The purpose of this policy is to provide an avenue for the identification and solution of differences between an employee and NMSS regarding wages, hours, or working conditions.

The following steps are provided to all employees for the settlement of a grievance:

Step 1

An employee should first raise any problem or grievance verbally with the immediate Supervisor within five days of the incident or occurrences that give rise to the problem.

Step 2

If a grievance is not settled by this process, an employee should again consult verbally within ten days of the meeting with the Supervisor.

Step 3

If a grievance is still not settled, an employee may file a written grievance within ten days with the Principal. The Principal or her designated representative will hear the grievance and provide the employee a response.

NMSS encourages all grievances to be handled at the Supervisor level. However, the following exceptions are recognized as instances where an employee may file a grievance with the Principal without first meeting with the Supervisor: If the employee suspects or has proof that a Federal or State law is being violated or is about to be violated; If a safety hazard exists that threatens the health of an employee or a student; and/or if the grievance directly involves the Supervisor and the employee can reasonably demonstrate that the Supervisor may not be able to deal objectively with the situation.

**PROGRESSIVE DISCIPLINE PROCEDURE**

Any violation of School policies or improper behavior or conduct may warrant disciplinary action. Although the employment relationship may be terminated at will by the employee or NMSS, without following any formal system of discipline or warnings, NMSS often exercises its discretion to use a progressive discipline procedure to ensure a fair method of discipline. The progressive discipline system is intended to give employees advance notice, whenever possible, of problems with their conduct or performance in order to provide them an opportunity to correct such problems. Normally, progressive discipline involves verbal counseling, and one or more written warnings, before an employee is terminated. However, exceptions or deviations from the normal procedure may occur whenever serious offenses occur, or at NMSS discretion.

In order to provide a fair method of discipline, the employer has established the following progressive discipline procedure.

**1. Discipline - General Guideline**

Discipline may be initiated for various reasons, including, but not limited to, violations of the employer's work rules, insubordination or poor job performance. The severity of the action generally depends on the nature of the offense and an employee's record, and may range from verbal counseling to immediate dismissal. Any or all of these steps may be utilized, depending upon individual circumstances and the nature of the infraction.

a) The normal progressive discipline procedure consists of:

(i) Verbal Counseling

(ii) First written warning

(iii) Final written warning, which may include suspension

(iv) Discharge

**2. Progressive Discipline**

Progressive discipline must be timely and should follow, as closely as possible, the incident requiring disciplinary action. With the exception of offenses requiring more stringent action, employee’s wiII normally be counseled once verbally before receiving a written warning. In the event of another performance problem or a violation, a written warning should ordinarily be issued. The warning should be signed and dated by the employee. If the employee refuses to sign the warning, another Supervisor should immediately be brought in and asked to sign and witness that the employee has seen, but refuses to sign the warning.

a) The warning should inform the employee of the possible consequences, including final written warning, suspension, and/or discharge, should additional violations or performance problems occur.

b) A written warning need not pertain to the same or similar offense for which the verbal counseling was given.

c) If a third offense occurs within twelve months of the previous written warning, a final warning should be issued.

d) In addition to the final written warning, the Supervisor may also suspend the employee without pay or take other disciplinary action deemed appropriate.

e) If the employee violates any policy of the employer, or fails to improve his/her level of performance, termination may result.

f) The employer, of course, reserves the right to deviate from this policy if, and when it feels that circumstances warrant such.

**WHISTLEBLOWER**

NMSS relies on you and your fellow employees to perform your duties and responsibilities in accordance with NMSS policies and procedures. NMSS provides various mechanisms to assist and encourage you to come forward in good faith with reports or concerns about suspected compliance issues. You may report suspected noncompliance issues without fear of reprisal or retaliation. If you become aware of a potential or actual material violation of NMSS policies or procedures, you should report such potential or actual conduct, regardless of whether you are personally involved in the matter.

**SOLICITATIONS AND COLLECTIONS**

No employee may solicit any other employee for any purpose whatsoever during the working time of either employee. No employee may distribute literature of any kind to any other employee during the working time of either employee or during any time in any work area of NMSS. For purposes of this rule, working time does not include before or after work hours or authorized break time. Individuals not employed by NMSS may not solicit employees or distribute literature on NMSS premises for any purpose at any time.

**OFFICE SUPPLIES**

NMSS maintains all the supplies necessary for an employee to do their job effectively. Purchase Order Forms are available from your Supervisor for things such as envelopes, paperclips, pens, etc. Completed forms must be signed and approved by the Office Manager before being processed. Supplies are a significant part of any School's overhead. The more they cost, the less money is available for salaries and School expansion. Therefore, employees are urged to use supplies responsibly, with as little waste as possible, and to not take them home except for job-related use. Broken school supplies need to be reported to the Business Office immediately or teacher may be charged for replacing the item(s).

**TELEPHONE**

When you answer the phone, write a letter, or contact anyone outside of NMSS, you represent NMSS. Please try to represent NMSS and yourself in the most favorable manner possible.

Since we are a School with numerous students and employees, please restrict telephone use in the office to School business only. Please keep necessary personal calls brief and limit them to emergencies or other essential matters. Costs associated with personal calls will be charged back to employees.

This policy statement is for notification and informational purposes only. It is not a promise, agreement or representation regarding when NMSS will and will not monitor or record telephone conversations. NMSS reserves the right in its sole and absolute discretion to monitor, intercept or record any wire, oral or electronic communication sent from, received on or transmitted over NMSS facilities, equipment or premises except as expressly prohibited by applicable law.

**EMAIL AND INTERNET USE POLICY**

NMSS provides internal and external electronic mail (“e-mail”) facilities and in some instances, Internet access, to employees for NMSS business purposes. To ensure system security or for other legitimate business reasons, NMSS, at its discretion reserves the right to monitor and access an employee’s e-mails and Internet materials at any time and for any reason whatsoever, with or without notice to the employee to the extent such materials are obtained stored or transmitted by, through or on NMSS computers or NMSS Internet access. All emails and Internet materials are the sole property of NMSS to the extent such are obtained, stored or transmitted by, though or on NMSS computers or NMSS Internet access. By using NMSS computers or NMSS Internet access, employees knowingly and voluntarily consent to such usage and materials being monitored and inspected and acknowledge NMSS right to conduct such monitoring and inspection. NMSS, at its discretion, reserves the right to revoke an employee’s mail or Internet access at any time, with or without cause.

**DEFINITIONS**

“NMSS E-mail Access” means and includes use or access to e-mail either internally or through the Internet, if such use or access is provided by, paid for or made available by NMSS, or is made by, from or through NMSS computer.

“NMSS Internet access” means and includes use of or access to the Internet, including the use of email by through or using the World Wide Web, if such use or access is provided by, paid for or made available by NMSS, or is made by, from or though a NMSS computer.

“NMSS computer” means and includes any CPU, computer or computer terminal or server which NMSS has reason to believe has been provided by, paid for or made available by NMSS or located in a NMSS office or ever used for NMSS School business purposes.

**GUIDELINES FOR E-MAIL AND INTERNET USAGE**

E-Mail and the Internet are only to be used for legitimate business purposes. Legitimate business purposes are to be defined by each employee’s Supervisor depending on the employee’s job responsibilities. Although this list is not exhaustive, some examples of prohibited use include:

* Frivolous personal use;
* Viewing or transferring obscene, prurient, pornographic, abusive, slanderous, defamatory, harassing, vulgar, threatening and/or offensive material, or materials containing ethnic or racial stereotypes or jokes with ethnic, racial or sexual content; or
* Unauthorized posting of any material on the World Wide Web;
* Communicating, disseminating, printing, uploading, downloading or storing any copyrighted materials in violation of copyright laws;
* Using, accessing or transmitting via e-email or the Internet privileged or confidential material without the authorization of the employee’s Supervisor.
* No social networking with students.
* No personal pictures published that would embarrass NMSS.

Any prohibited use of e-mail or the Internet through NMSS computer or any violation of this policy may subject an employee to disciplinary action up to and including termination.

NMSS employees should not attempt to use or make NMSS Internet access through or by unauthorized software. NMSS employees should not attempt to download or receive any information from the Internet for use in NMSS business without requesting prior permission from the Principal/or designee. NMSS will seek to hold its employees responsible for any damage to the employee’s computer and any other computer directly affected by any unauthorized software that is downloaded from the Internet. “Unauthorized software” includes shareware, update files, patch files, other Internet access software, and those files are not properly licensed or do not conform to NMSS standards. Any fields that need to be downloaded on a regular basis must first be approved by the Principal/ or designee.

NMSS employees should preserve and protect NMSS trademarks, copyrights, patents, trade secrets, confidential business information and any other proprietary information. NMSS employees should not attempt to use any non-secured Internet services to transmit any School information or materials.

NMSS employees will be provided with individual user authority and shall not permit unauthorized use NMSS Internet access and NMSS computers by others. NMSS may override an employee’s user authority and access any and all information or material an employee retrieves, is sent from, and/or places on, the e-mail system or the Internet through NMSS computer system.

NMSS School employees are NMSS representatives when accessing the Internet and sending e-mail messages from a NMSS computer in the course of the employee’s employment, on behalf of NMSS or through NMSS Internet access. NMSS employees should not engage in any activity or transmit any communication that would reflect unfavorably on NMSS or be deemed inappropriate by NMSS.

NMSS employees have no expectation of privacy whatsoever related to the use of e-mail on NMSS computers or Internet access obtained, stored or transmitted by, through or on NMSS computers.

While NMSS recognizes that occasional personal use of e-mail and the Internet may be necessary, these uses should be kept to an absolute minimum in order to preserve storage space and to protect NMSS servers. NMSS, at its discretion, reserves the right to access and disclose any and all e-mail or Internet usage, including computer files and messages sent over a NMSS computer.

Even when e-mails or Internet materials are erased, it is still possible to recreate the information or for the messages or Internet materials to be retrieved by a computer expert. Accordingly, employees should be aware that by sending an e-mail message or downloading materials from the Internet, they might be creating the equivalent of a School document that may be viewed by individuals other than the intended recipient.

**PERSONAL MAIL**

Because of the large volume of School mail, which must be processed every day, personal mail in care of NMSS is discouraged. NMSS does not supply stamps, or mailing of packages, especially at holiday time.

**AUTOMOBILE USE**

Employees who are authorized or required to use automobiles for School business will be reimbursed for mileage at the rate set by NMSS or, as specifically designated by law. Reimbursement for tolls and parking incurred as a result of business will also be reimbursed if receipts are provided. The reimbursements do not include expenses incurred for commuting to and from the school. Employees who use vehicles not owned by NMSS for School business will assume responsibility for the automobile in case of an accident. All employees are responsible for any tickets or citations received, regardless of the circumstances.

NMSS employees may use automobiles not owned by NMSS for School business provided that ALL of the following are fully complied with:

a. Employees are required to submit a copy of their valid United States driver's license to HR, who may verify licenses through the United States Department of Motor Vehicles offices. Upon revocation or suspension of a driver’s license, the employee is required to notify HR immediately.

b. All automobiles used by employees for School business must be properly insured. The minimum amount of insurance must be sufficient to satisfy the state financial responsibility law or similar legislation setting minimum levels of automobile insurance for the state in which the automobile is principally garaged and in which the employee resides. A current Certificate of Insurance must be on file with HR showing the limits of liability.

c. All automobiles must be registered and proof of such registration must be on file with HR.

d. Employees are required to operate, control and maintain automobiles in a safe manner and condition and shall equip the automobile with all safety devices required wherever such automobiles are operated.

e. Employees shall own, operate, control and maintain all automobiles used for School business in strict compliance with all applicable Federal, State and local laws and ordinances.

f. Employees shall not, while on School business carry any passenger or cargo except as is necessary in the performance of School business.

g. Employees must notify NMSS immediately of all accidents and violations of laws or ordinances which arise out of the use of their automobile while on School business.

h. Employee may not transport student(s) without a signed consent form.

Failure to comply with all requirements of this Automobile Policy shall result in the revocation of authorization to use an automobile for School business.

**AIR TRAVEL**

Under normal circumstances, all air travel is to be arranged through HR. The normal method of air travel will be economy class only. NMSS may make exceptions to this policy from time to time.

The guidelines listed below are to be followed:

• All trips must be booked with HR a minimum of one week in advance.

• The most economical trip will prevail - which may include a Saturday night stay-over.

• All international flights require prior approval by the Principal.

**SECTION VII SAFETY AND HEALTH**

**SAFETY RULES**

Providing safe working conditions are of continual concern to NMSS. NMSS believes that the safety of employees, facilities, and physical property can best be ensured by the implementation and maintenance of a meaningful Safety Policy. In this regard, it is important that the following policies and procedures outlined below are maintained at all times. Since the employee on the job is frequently more aware of unsafe conditions than anyone else, employees are encouraged to make recommendations, suggestions, and criticisms of unsafe conditions to their immediate Supervisor, so the potential safety hazard may be corrected. Supervisors are generally responsible for the working conditions within their department and School facilities. A Supervisor should remain alert at all times to dangerous and unsafe conditions, so that they may recommend corrective action and discipline employees who habitually create or indulge in unsafe practices. Supervisors assess new or changed situations for inherent dangers, and follow up on employee suggestions for corrective action so that unsafe conditions are not instituted or permitted to exist.

It is not possible to cover all safe job procedures and conditions that apply to NMSS operations in any one publication. You will receive and will be expected to comply with additional safety practices presented at department meetings. Ask your Supervisor for direction, should you have any questions.

Please remember that your safety and welfare is of vital interest to your fellow worker(s) and Management, and with your complete cooperation, we can achieve the goal of safety for all. Most accidents are due to thoughtlessness. If you think ahead and consider the possible hazards, you can plan on how to avoid them.

NMSS expects you to evaluate each situation and use the safest and efficient methods before carrying out your job assignments. The following safe work procedures are general in nature and apply to all employees and work locations.

 All injuries, no matter of the seriousness, must be reported to your Supervisor immediately. Submitting false or fraudulent information when reporting an accident or injury is unlawful, and will be cause for dismissal.

 Fighting, gambling, horseplay, and other misconduct, are not permitted, threatening another employee will not be tolerated.

 Report to work physically and mentally prepared for the job, and appropriately dressed.

 Perform your job in accordance with the specific safe job procedures established for the operation by NMSS. No job involving moving machinery is to be undertaken without first receiving safety orientation. If you do not know the safe way to perform a job, ask your Supervisor.

 Stay alert and report unsafe conditions and/or equipment to your Supervisor immediately so they may be corrected.

 Know the location and routes of exit doors near your workstation. Prompt evacuation from the building in the event of fire or other emergency is imperative. Follow the instructions of Safety Committee members or Supervisors when evacuating the building.

 Know the location and use of fire extinguishers in NMSS facilities.

 Do not run through any NMSS facilities. Use designated walkways and stay alert for on-going activity at all times.

Food is not consumed in production areas of NMSS facilities. Eat in the lunchroom and be sure to wash your hands before eating.

Eye protection must be worn whenever doing anything that could present exposure or an eye injury.

Do not talk to or otherwise distract employees who are working with or around moving machinery.

Always ask for assistance whenever you lift, handle, or move bulky materials. When lifting, do not bend at the waist; use your back and legs to lift heavy objects.

Always leave your work area clean and ready for the next day. Clean up after yourself.

Do not touch electrical cords, switches, or power disconnects unless you have received safety orientations.

At NMSS, teamwork is the key to the safe operation of our school. Be ready to help other workers who are in need of assistance.

If you are not authorized or trained to do the job, do NOT do it. Seek the assistance and approval of your Supervisor.

**ACCIDENTS**

Each employee is required to report every work-related injury (regardless of the seriousness) to their Supervisor immediately. Failure to do so may cause the employee to lose insurance coverage to which they might otherwise be entitled. Each Supervisor is responsible for seeing that their subordinates report all accidents. The Supervisor is additionally responsible for ensuring that all injuries, regardless of the seriousness, receive immediate treatment. Supervisors are required to fill out an Employee Claims for Worker's Compensation Benefits form when any work-related injury is reported to him/her. When an injury requiring medical assistance occurs, the Supervisor must notify HR as soon as possible.

It is imperative that HR be notified of all injuries that are referred to outside medical facilities. Furthermore, the Supervisor's Accident Investigation Report must be completed in detail and sent to the HR IMMEDIATELY after the Supervisor learns of the accident. HR must also be notified of all time taken off by an employee because of a work-related injury.

**WORKER'S COMPENSATION**

As required by Law, NMSS carries Worker's Compensation insurance coverage to protect employees who are injured on the job. This insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. Compensation payments begin from the first day of an employee's hospitalization, or after the third day following the injury if an employee is not hospitalized. The cost of this coverage is paid completely by NMSS.NMSS or its insurance carrier may not be liable for the payment of Worker's Compensation benefits for any injury which arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity which is not a part of the employee's work-related duties.

If an employee is injured while working, it should be reported immediately to the Supervisor, regardless of the seriousness of the injury. If you have any questions regarding our Worker's Compensation program, please contact HR.

**HARASSMENT**

NMSS is committed to providing a workplace and school environment in which all individuals are treated with respect and dignity. NMSS expects that all relationships among persons in the workplace and classroom will be free of bias, prejudice, and harassment. NMSS specifically prohibits harassment of any kind, whether verbal, physical or visual, that is based on an individual's race, color, religion, national origin, ancestry, age, physical or mental disability, marital status, medical condition, sex, gender identity, pregnancy, childbirth, or related medical condition, sexual orientation, veteran status or any other category protected by state or federal law. This policy applies to all applicants and staff, and, pursuant to the policy, NMSS will not tolerate harassment, discrimination, or retaliation, whether engaged in by or directed at Supervisors, co-workers, contractors, students, parents or visitors.

Prohibited harassment includes unwelcome verbal, physical, and/or visual conduct that creates an intimidating, offensive, or hostile working/classroom environment or that interferes with work/class performance. Harassing conduct can take many forms and includes, but is not limited to, slurs, jokes, statements, gestures, pictures, emails or cartoons. Sexually harassing conduct in particular may include all of these prohibited actions, as well as other unwelcome conduct, such as requests for sexual favors, conversation containing sexual comments, and unwelcome sexual advances. Sexual harassment can be by a person of either the same or the opposite sex. Conduct constitutes sexual harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

All such harassment, regardless of form, violates NMSS policies, which may subject the harasser to disciplinary action up to and including termination. The harassment also may violate state and federal laws, which may subject the harasser to personal liability for such conduct. Harassing behavior is unacceptable in the workplace itself, in the classroom, in other work-related settings such as professional conferences, school-related social events, and other NMSS related activities.

### Any incidents of harassment, including work-related harassment by any NMSS personnel or any other person, should be reported to HR or a Supervisor. Supervisors who receive complaints or who observe harassing conduct should immediately inform HR, and/or the Board of Directors if applicable. Prompt reporting of any harassing conduct enables NMSS to respond rapidly and take appropriate action, and helps NMSS maintain an environment free of harassment for all employees.

Every reported complaint of harassment will be investigated by NMSS thoroughly, promptly, and objectively. During the investigation, NMSS will maintain employees' confidentiality to the extent consistent with applicable law. If the investigation confirms a violation of this policy, NMSS will take appropriate disciplinary action up to and including termination. NMSS will not tolerate retaliation against any employee for making a good faith complaint about harassment, or for cooperating in an investigation, proceeding, or hearing on a complaint. Retaliation itself is a violation of this policy and should be reported immediately. Any person who engages in retaliatory conduct towards any employee who cooperated in an investigation or made a good faith complaint will be subject to discipline, up to and including termination.

**NOTE:** NMSS employees must have written consent to take students off campus for any reason. Inappropriate conduct with a student will result in NMSS disciplinary action(s).No purchasing gifts without preapproval from a supervisor. No befriending students on social networking sites (i.e. Facebook, Myspace, Twitter etc.). Meeting with students outside of school related activities is also prohibited.

## **VIOLENCE IN THE WORKPLACE**

NMSS recognizes that violence in schools is a growing nationwide problem necessitating a firm, considered response. The costs of such violence are great, both in human and financial terms. We believe that the safety and security of NMSS employees and students are paramount. Therefore, NMSS has adopted this policy regarding workplace violence to help maintain a secure workplace. Workplace violence includes threats of any kind; threatening, physically aggressive, or violent behavior, such as intimidation, or attempts to instill fear in others; other behavior that suggests a propensity toward violence, including belligerent speech, excessive arguing or swearing, sabotage, threats of sabotage of NMSS property; defacing NMSS property or causing physical damage to the facilities; and, with the exception of security personnel, bringing weapons or firearms of any kind on NMSS premises or while conducting NMSS business.

Acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect NMSS or that occur on NMSS property or in the conduct of NMSS business off NMSS property, will not be tolerated. This prohibition against threats and acts of violence applies to all persons involved in NMSS operations, including, but not limited to, students, parents, personnel, contract workers, temporary employees, and anyone else on NMSS property or conducting NMSS business off NMSS property. Violations of this policy, by any individual, will lead to disciplinary and/or legal action as appropriate.

In addition, NMSS has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits. Always ensure that all visitors have signed in the visitor log and are wearing appropriate visitor badges. Report any suspicious persons or activities to administration or security personnel immediately. Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuables and/or personal articles in or around your workstation. The security of facilities as well as the welfare of our students and employees depends upon the alertness and sensitivity of every individual to potential security risks. You should immediately notify the Front Office when known persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are missing.

### Any person who engages in a threat or violent action on NMSS property will be removed from the premises as quickly as can be done safely or as required, at NMSS discretion, and will remain off NMSS premises pending the outcome of an investigation of the incident.

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, student, parent, visitor, or anyone else, he or she must immediately notify his or her Supervisor, HR, and/or the Board of Directors. Further, employees should notify his or her Supervisor and HR if any restraining order is in effect, or if a potentially violent, non-work-related situation exists that could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, NMSS will inform the reporting individual of the results of the investigation. To the extent feasible, NMSS will maintain the confidentiality of the reporting employee. However, NMSS may need to disclose information in appropriate circumstances (for example, in order to protect individual safety). NMSS will not tolerate retaliation against any employee who reports workplace violence.

If NMSS determines that workplace violence has occurred, NMSS will take appropriate corrective action and may impose discipline on offending employees, up to and including termination.

**VISITORS AND SCHOOL TOURS**

All visitors are required to enter NMSS through the main gate, sign the Visitor’s Log and be escorted during their visit. All requests for tours or visits to School facilities should be referred to and coordinated through the Main Office. No visitor shall visit classrooms without proper identification and escorted by an employee and/or student aid(s) of NMSS. Remember, we are all responsible for our students and co-workers. Please note that all former employees and students visiting or coming by to see a current employee are considered visitors and must obey the above policy.

## **DRUG-FREE WORKPLACE POLICY**

NMSS is firmly committed to the health and safety of our employees, and maintaining the high quality of our school and services. NMSS considers the influence of drugs in the workplace to be detrimental to the safety and well being of our employees and to our continued growth and future success. NMSS is committed to maintaining a drug-free workplace, and to doing its part to eradicate substance abuse in the community.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, to protect the school, school grounds, equipment, and operations, and in compliance with government requirements, NMSS has established this policy concerning the use of drugs. As a condition of continued employment with NMSS, each employee must abide by this policy.

This policy applies whenever the interests of NMSS may be adversely affected, including any time or place that an employee is on NMSS premises or conducting or performing activities on behalf of NMSS.

Employees who suspect they may have alcohol or drug problems, even in the early stages, are encouraged to voluntarily seek diagnosis and follow through with any treatment as prescribed by qualified professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact HR, who will help determine whether NMSS can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program. Employees should be aware that participation in a rehabilitation program will not necessarily shield them from disciplinary action for a violation of this policy.

Any involvement with illegal or unauthorized drugs on School time or School property, or at any time or place during the workday (including breaks and meal periods), or at any time in a School vehicle is strictly prohibited. Employees who violate this rule will be subject to disciplinary action, up to and including discharge.

Any off-duty involvement with illegal or unauthorized drugs will result in disciplinary action, up to and including discharge, where such conduct adversely affects NMSS or its employees.

Employees who report or return to work under the influence of illegal drugs or alcohol will be subject to disciplinary action, up to and including discharge.

Employees' offices and desks, lockers, purses and briefcases, School vehicles, privately owned vehicles on School property and worksites are subject to inspections by management for illegal drugs or other evidence of violations of this policy.

An "illegal drug" is any drug or substance that is not legally obtainable, is legally obtainable but has not been legally obtained, or has been legally obtained but is being sold or distributed unlawfully. Any employee who uses, possesses, purchases, sells, manufactures, distributes, transports, or dispenses any illegal drug will be subject to discipline, up to and including discharge. "Possesses" means that the employee has the substance on his or her person or otherwise under his or her control.

A "legal drug" is any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed. Any employee who abuses a legal drug will be subject to discipline, up to and including discharge. “Abuse of a legal drug" means the use of any legal drug for any purpose other than the purpose for which it was prescribed or manufactured, or in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer. Any employee who purchases, sells, manufactures, distributes, transports, or dispenses any legal prescription drug in a manner inconsistent with law will be subject to discipline, up to and including discharge. Any employee who works while impaired by the use of a legal drug will be subject to discipline up to and including termination whenever such impairment might (1) endanger the safety of the employee, students or some other person; (2) pose a risk of significant damage to NMSS property or equipment; or (3) substantially interfere with the employee's job performance or the efficient operation of the school or NMSS equipment. NMSS recognizes that employees may be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in their impairment. If an employee is so impaired by the appropriate use of legal drugs, he or she may not report to work.

Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this policy. Furthermore, nothing in this policy is intended to diminish NMSS commitment to employ and reasonably accommodate qualified disabled individuals. NMSS will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability.

A first violation of this policy will result in immediate discharge whenever the prohibited conduct caused injury to the employee, a student, or any other person, or endangered the safety of the employee, student, or any other person.

In circumstances other than those described in the above paragraph, NMSS may choose not to terminate an employee for a first violation of this policy. In addition to termination, disciplinary action for a violation of this policy can include, but is not limited to, suspension and/or counseling.

Disclosures made by employees to HR concerning their use of legal drugs will be treated with due regard to confidentiality and will ordinarily not be revealed to others unless there is a work or school-related reason for doing so. Disclosures made by employees to HR concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially to the extent legally permitted.

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any NMSS-related activity or event will be deemed to have violated this policy. Employees must notify NMSS of any conviction under a criminal drug statute for a violation occurring in the workplace within five days after any such conviction. As required by federal law, NMSS will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

**DRUG AND ALCOHOL TESTING**

Employees will be subject to testing where NMSS believes that reasonable grounds exist to suspect that an employee is under the influence of drugs or alcohol in violation of School policy.

Any employee who refuses to be tested will be subject to disciplinary action, up to and including discharge. At the time of testing, employees will be asked to sign a testing consent form. Refusal to sign the consent form or any attempt to alter or tamper with a sample or any other part of the testing process will result in disciplinary action, up to and including discharge.

Persons taking legally prescribed drugs or other legal medications will have the opportunity to disclose this use on a confidential basis to collection or laboratory personnel.

Individuals who have received conditional job offers must submit to a pre-employment drug test before they are put to work or placed on the payroll. Any individual who refuses to be tested, refuses to sign the appropriate consent form, tampers with a sample or any other part of the testing process, or tests positive will not be hired.

All drug and alcohol testing will be performed by an independent and highly reputable laboratory or health care provider chosen by NMSS. All positive test results will be subject to confirmation testing. All testing will be subject to and in compliance with all applicable federal, state or local laws and regulations.

**SMOKING POLICY**Under California Labor Code, it is against the law to smoke in places of employment. Further, building management does not allow smoking in any interior area of the building. Smoke-free areas will be provided inaccordance with the requirements of Los Angeles Code Section §41.50.

NMSS has determined that the creation of a smoke-free work environment is in the best interest of its employees. Based on this determination, smoking is absolutely prohibited on School property. Employees who violate this policy will be subject to disciplinary action, up to, and possibly including immediate termination. For health and safety considerations, NMSS’s philosophy discourages smoking. Smoking MUST be done 500 ft. from school and out of view of NMSS students.

**SECTION VIII BUSINESS ETHICS**

**CONFLICT OF INTEREST**

All employees must perform their job duties according to the highest standards of business ethics.

Significant outside financial interests may tend to influence and/or hamper this responsibility. Except for stock ownership of public companies, you are to avoid significant financial interests in suppliers, vendors, customers and competitor firms of NMSS and related companies. If you presently have a significant interest in a supplier, customer or competitor, this fact should be disclosed to HR.

You are not to perform services of any kind for any competitor of NMSS or any related operating School, unless preapproved by your Supervisor. Employee relationships such as second or part-time jobs, consulting and/or advising for non-competitor firms are allowable assuming that such business relationships do not interfere with your primary responsibility to NMSS nor violate any trust with regard to confidential or proprietary School information. NMSS expects that if you do undertake outside employment, you discuss the employment with your Supervisor and HR to ensure it does not conflict with School policy, and to ensure that such employment will not adversely affect your job performance on behalf of NMSS.

Information about various trade secrets, products, processes, methods, advertising or promotional programs is to be protected by all employees who have access to such information. It is improper to communicate such information to competitors, customers or the general public prior to official disclosure by NMSS’ Board of Directors and/or the Principal. The same principle applies to any type of business dealing or transaction in which you may become involved due to receiving advance information as a result of your position with NMSS.

**CONFIDENTIALITY**

You are not to make any unauthorized disclosure of confidential business, financial or technical information relating to the affairs of NMSS during or after your employment with NMSS. This includes matters such as student data, technology or educational methods, products under development, technical reports and names of customers or potential customers or confidential information pertaining to students. Employees who breach confidentiality are subject to termination and/or legal action. All employees are required to sign a confidentiality agreement at the time of hire.

**BUSINESS INTERESTS**

Employees are prohibited from having any personal financial dealings with any individual or business organization that furnishes merchandise, supplies, property, or services to NMSS or any subsidiary or affiliate. This includes arrangement to receive loans (other than bank loans), commissions, royalties, property shares, or anything of value. Employee should refrain from business relationships with staff, students and/or parents or community members. Such relationships could compromise job integrity.

Gifts are not to be used to influence vendors or customers in any business transaction. Business gifts are permissible only when they are used as a symbol of goodwill or appreciation, or in the interest of public affairs.

The following guidelines identify NMSS rules for giving and receiving business gifts:

* Cash gifts are not to be given or received under any circumstances.
* When you receive a business gift of more than $25.00 you should attempt to return it. If returning the gift would be embarrassing to you or NMSS, you should notify your Supervisor, who will instruct you on the proper course of action.
* All gifts given or received by you must be accurately accounted for in NMSS's records in order to satisfy tax and other legal requirements. You should maintain your own personal record of business gifts and furnish this information to your Supervisor and/or HR upon request.

Business gifts do not include common business courtesies, such as lunch/ dinner or tickets to a social event, low value advertising novelties, items that are widely distributed school sales products that are made available under customer and public affairs programs; conventional gratuities and tips, and gifts under school established plans.

As a condition of employment and continued employment with NMSS, employees are required to sign a Supplier Relations and Gifts/Business Interests Policies and Procedures Form.

**INVESTMENTS**

All personnel directly concerned with the purchase of merchandise and services from supplier firms, including management personnel with approval authority, are prohibited from making investments in those companies other than normal stock and market transactions.

**POLITICAL ACTIVITIES**

It is School policy to prohibit employees from conducting political activities on School premises. For example, a petition for political purposes may not be circulated; however, this restriction is not intended to inhibit casual conversation about political issues.

NMSS will not contribute to political parties or candidates for office, nor will any member of management directly or indirectly suggest that employees contribute to any particular party or candidate.

**BOUNDARIES POLICY**

**DISCIPLINARY PHYSICAL CONTACT WITH STUDENTS**

It is the policy of New Millennium Secondary School that no teacher or other staff member will use corporal punishment against a student. This prohibition includes spanking, slapping, pinching, hitting, tying, taping, or the use of any other physical force as retaliation or correction for inappropriate behavior.

**STAFF-STUDENT INTERACTIONS**

While the use of appropriate touching is part of daily life and is important for student development, teachers and other staff members must ensure that they do not exceed appropriate behavior. If a child or other staff member specifically requests that he or she not be touched, then that request must be honored without question.

Boundaries Defined

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

Acceptable and Unacceptable Behaviors

Some activities may seem innocent from a staff member’s point-of-view but could be perceived as flirtation or sexual insinuation from the perspective of students or parents. There is no single reasonable person standard. The purpose of the following lists of unacceptable and acceptable behaviors is not to restrain innocent, positive relationships between staff and students, but to prevent relationships that could lead to or may be perceived as inappropriate, or sexual misconduct, or “grooming.” Grooming is defined as an act or series of acts by a sexual predator to gain physical and/or emotional control by gaining trust (of staff and/or family and a minor) and desensitizing the minor to various forms of touching and other intimate interaction.

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

Unacceptable Behaviors

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

1. Giving gifts of a personal and intimate nature (including photographs) to a student; or items such as money, food, outings, electronics, etc. without the written pre-approval of the Principal or School Leader. It is recommended that any such gifts be filtered through the Principal along with the rationale therefor.
2. Kissing of ANY kind
3. Massage [Note: Prohibited in athletics unless provided by massage therapist or other certified professional in an open public location. Coaches may not perform massage or rub-down. Permitted in special education only as instructed under an IEP or 504 Plan.]
4. Full frontal or rear hugs and lengthy embraces
5. Sitting students on one’s lap (grades 3 and above)
6. Touching buttocks, thighs, chest or genital area
7. Wrestling with students or other staff member except in the context of a formal wrestling program
8. Tickling or piggyback rides
9. Any form of sexual contact
10. Any type of unnecessary physical contact with a student in a private situation
11. Intentionally being alone with a student away from school
12. Furnishing alcohol, tobacco products, or drugs - or failing to report knowledge of such
13. “Dating” or “going out with” a student
14. Remarks about physical attributes or physiological development of anyone. This includes comments such as “Looking fine!” or “Check out that [body part].”
15. Taking or requesting photographs or videos of students for personal use or posting online
16. Either partially or fully undressing in front of a student or asking a student to undress, with the intent to view/expose private body parts
17. Leaving campus alone with a student for lunch
18. Sharing a bed, mat, or sleeping bag with a student
19. Making, or participating in, sexually inappropriate comments
20. Sexual jokes, or jokes/comments with sexual overtones or double-entendres
21. Seeking emotional involvement (which can include intimate attachment) with a student beyond the normative care and concern required of an educator.
	1. Listening to or telling stories that are sexually oriented
	2. Discussing your personal troubles or intimate issues with a student
	3. Becoming too involved with a student so that a reasonable person may suspect inappropriate behavior
	4. Giving students a ride to/from school or school activities without the express, advance written permission of the Principal and the student’s parent or legal guardian
	5. Being alone in a room with a student at school with the door closed and/or windows blocked from view
	6. Allowing students at your home and/or in rooms within your home without signed parental permission for a pre-planned and pre-communicated educational activity which must include another educator, parent, or designated school volunteer
	7. Staff mirroring the immature behavior of minors
	8. Sending emails, text messages, social media responses, making phone calls, or sending notes or letters to students if the content is not about school activities. Communication via private social media accounts is not acceptable.

**This policy does not prevent:** 1) touching a student for the purpose of guiding them along a physical path; 2) helping them up after a fall; or 3) engaging in a rescue or the application of Cardio Pulmonary Resuscitation (CPR) or other emergency first-aid. Nor does it prohibit the use of reasonable force and touching in self-defense or in the defense of another. Restraining a child who is trying to engage in violent or inappropriate behavior is also allowed. Only such force as necessary to defend one’s self, another person, or the child or to protect property is legally permitted. Excessive force is prohibited.

Acceptable Behaviors

1. Pats on the shoulder or back
2. Handshakes
3. “High-fives” and hand slapping
4. Touching face to check temperature, wipe away a tear, remove hair from face, or other similar types of contact
5. Placing TK through second grade students on one’s lap for purposes of comforting the child for a short duration only
6. Holding hands while walking with small children or children with significant disabilities
7. Assisting with toileting of small or disabled children in view of another staff member
8. Touch required under an IEP or 504 Plan
9. Reasonable restraint of a violent person to protect self, others, or property
10. Obtaining formal written pre-approval from Principal to take students off school property for activities such as field trips or competitions, including parent’s written permission and waiver form for any sponsored after-school activity whether on or off-campus
11. Emails, text-messages, phone conversations, and other communications to and with students, if permitted, must be professional and pertain to school activities or classes (communication should be initiated via transparent [non-private] school-based technology and equipment)
12. Keeping the door wide open when alone with a student
13. Keeping reasonable and appropriate space between you and the student
14. Stopping and correcting students if they cross your own personal boundaries, including touching legs, or buttocks, frontal hugs, kissing, or caressing
15. Keeping parents informed when a significant issue develops about a student, such as a change in demeanor or uncharacteristic behavior
16. Keeping after-class discussions with a student professional and brief
17. Immediately asking for advice from senior staff or administration if you find yourself in a difficult situation related to boundaries
18. Involving your direct supervisor in discussion about boundaries situations that have the potential to become more severe (including but not limited to grooming or other red flag behaviors observed in colleagues, written material that is disturbing, or a student’s fixation on an adult)
	1. Making detailed notes about an incident that in your best judgement could evolve into a more serious situation later
	2. Recognizing the responsibility to stop “Unacceptable Behaviors” of students and/or co-workers
	3. Asking another staff member to be present, or within close supervisory distance, when you must be alone with a student after regular school hours
	4. Prioritizing professional behavior during all moments of student contact
	5. *Asking yourself if any of your actions, which could be contrary to these provisions, are worth sacrificing your job and career.*

**This policy does not prevent:** 1) touching a student for the purpose of guiding them along a physical path; 2) helping them up after a fall; or 3) engaging in a rescue or the application of Cardio Pulmonary Resuscitation (CPR) or other emergency first-aid. Nor does it prohibit the use of reasonable force and touching in self-defense or in the defense of another. Restraining a child who is trying to engage in violent or inappropriate behavior is also allowed. Only such force as necessary to defend one’s self, another person, or the child or to protect property is legally permitted. Excessive force is prohibited.

**Boundaries Reporting**

When any staff member, parent, or student becomes aware of a staff member (or volunteer, guest, vendor) having crossed the boundaries specified in this policy, or has a strong suspicion of “grooming behavior,” he or she must report the suspicion to the Principal promptly. “Grooming behavior” is an attempt to build an emotional and/or physical connection with a minor to gain their trust for the purpose of sexual abuse. “Suspicion” means something perceived in spite of inconclusive or slight evidence. It is based on facts that would lead a reasonable person to believe that a violation of the boundaries policy occurred. Prompt reporting of “unacceptable behaviors” observed in adult interactions with minors is essential to protect students, staff, any witnesses, and the school as a whole. When observant staff members call attention to a boundaries violation(s), the likelihood of harm is greatly reduced.

**Child Abuse / Sexual Abuse Reporting (Mandatory Reporting)**

If, within your professional capacity or within the scope of your employment, you observe or gain possession of knowledge that a child has been a victim of child abuse or sexual abuse (or you reasonably suspect it), **California Penal Code Section 11166 requires YOU to immediately report this information or suspicion directly to your county child protective agency (CPS) or local police/sheriff**. The report shall be made by phone immediately, and a subsequent written report must be sent within 36 hours of your knowledge or suspicion of the abuse.

You do not need permission to report. No supervisor or administrator can impede or inhibit a report or sanction you for making the report. Your report is confidential, and you are protected from liability as long as you do not discuss the matter with anyone other than law enforcement, CPS and your school’s designated responsible administrative person. Failure to meet your reporting obligation can result in a monetary fine and/or jail.

Internal reporting to the Principal occurs after the phone-in report is made to the police/sheriff or CPS.

**Internal Investigations**

The Principal will promptly communicate with the investigating enforcement agency to determine whether an investigation will be conducted by that agency. The administrator will confirm with law enforcement as to whether the initiation of an internal school investigation would interfere with any criminal investigation. Only law enforcement has the authority to grant clearance to investigate the matter administratively.

Upon receiving information from the mandated reporter, the designated responsible administrator must take immediate action to stop the alleged inappropriate conduct ⎯ by removing the employee (or volunteer/vendor/guest) from the classroom or worksite when there is a potential risk to student or school safety. The Principal shall consult with legal counsel as appropriate, prior to, during, and after conducting any investigation.

**Consequences**

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

**NEW MILLENNIUM SECONDARY SCHOOL**

**EMPLOYEE HANDBOOK ACKNOWLEDGEMENT**



Ihave received a copy of the NMSS Employee Handbook.

I understand that this Handbook is designed to acquaint me with the current personnel policies, procedures and benefits of NMSS applicable to my employment.

I also understand that NMSS reserves the right to interpret, modify or eliminate any of these policies, procedures and benefits at any time.

I also understand that neither this Handbook nor any other NMSS manual, handbook, policy, statement or document is intended to be or should be construed as a contract NMSS and me, or an offer to contract.

In addition, I am aware of NMSS Employment-at-Will Policy as described herein.

Employee Signature Date

Employee Name (Please Print)

**NEW MILLENNIUM SECONDARY SCHOOL**



**EMAIL AND INTERNET USE POLICY ACKNOWLEDGEMENT**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, have been given a copy of NMSS policy on e-mail and Internet use.

I understand that I am subject to its provisions, and to any changes that may be made in the policy from time to time. I further understand that if I violate the policy, I will be subject to disciplinary action up to and including termination.

Employee Signature Date

Employee Name (Please Print)

NMSS WORK FROM HOME AGREEMENT

General Work Arrangements

This document specifies the terms and conditions of the Work from Home Agreement between [employee name]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and New Millennium Secondary School, beginning on August 3, 2020 and ending on May 31, 2021.

The days and hours when the employee is expected to be physically present in the workplace everyday, except weekends and holidays between the hours of 8am -3:45pm and additional times designated by their supervisor.

1. The alternate work site is [address]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
2. The days and hours when the employee is expected to work from home are everyday, except weekends and holidays and 8am -3:45pm.
3. The employee’s duties and responsibilities:
4. Will remain the same as when working at the regular Company worksite; OR
5. The specific duties and assignments authorized to be conducted at this alternate worksite are [Job title]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ related duties.
6. Effective communication is essential for this arrangement to be successful. The employee agrees to remain accessible during designated work hours. The following methods and times of communicating are agreed upon: emails to principal, emails to students, parents, and principal, staff zoom meetings, phone calls, and weekly check-in.
7. The Company may terminate this agreement at any time, without notice, for any reason or no reason at all.

Policies and Procedures

1. All applicable Employee Handbook policies apply.
2. All employees must track and record their hours worked in the same manner required as when working at the regular Company worksite.
3. Nonexempt employees:
	1. Break and rest periods must be taken as required by law and/or Company policy.
	2. Requests to work overtime or to use sick leave, vacation, or other leave must be approved by the employee’s supervisor in the same manner as required when working at the regular Company worksite.
4. The employee agrees to and understands that all obligations, responsibilities, terms, and conditions of employment with the Company remain unchanged, except those obligations and responsibilities specifically addressed in this agreement.

Safety, Equipment, and Information Security

1. The employee agrees to maintain a work environment that is ergonomically sound, clean, safe, and free of obstructions and hazardous situations.
2. The employee agrees to use their owned equipment. The employee agrees to use records and materials for school business only, and to protect them against unauthorized or accidental access, use, modification, destruction, or disclosure. The precautions described in this agreement apply regardless of the storage media on which information is recorded, the locations where the information is stored, the systems used to process the information, or the processes by which the information is handled.
3. The employee agrees to report to the school any instances of loss, damage, or unauthorized access at the earliest reasonable opportunity.
4. The employee agrees to allow electronic and/or physical access to their remote worksite for purposes of assessing safety, property maintenance, and security methods, as well as job performance.
5. The employee agrees to report work-related injuries to the supervisor at the earliest reasonable opportunity. The employee agrees to hold the Company harmless for injury to others at the alternate work site.

Equipment, Records, and Supplies

1. The employee understands that all equipment, records, and materials provided by the school remain the property of the school.
2. The employee agrees to return school equipment, records, and materials within five business days of termination of this agreement.
3. Upon request, any School-issued equipment must be returned to the school by the employee for inspection, repair, replacement, or repossession within five business days.
4. All equipment, records, and/or supplies not listed will be supplied and maintained by the employee.
5. The employee understands that their personal vehicle will not be used for school business unless specifically authorized by the school.

Taxes and Zoning Regulations

The employee understands that they are responsible for tax consequences, if any, of this arrangement, and for conformance to any local zoning regulations.

Employee Acknowledgment

I have read and understand this Work from Home Agreement. I understand that violations of this agreement may result in disciplinary action up to and including termination of employment.

**Employee Signature:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Employee’s Name (print):** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Date:** \_\_\_\_\_\_\_\_\_\_\_\_

**Representative Signature:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Representative’s Name (print):** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Date:** \_\_\_\_\_\_\_\_\_\_\_\_