



## **EMPLOYEE HANDBOOK**

**Employees of Elgin Math and Science Academy**

**Effective September 1, 2021**

## **TABLE OF CONTENTS**

### **INTRODUCTION**

Mission Statement  
About This Handbook

<u>Policy No.</u>	<u>Policy Title</u>
<b>100</b>	<b>EMPLOYMENT</b>
101	Nature of Employment
102	Equal Employment Opportunity
103	Disability Accommodation
104	Pregnancy Rights in the Workplace
105	Workplace Harassment Prohibited
106	Workplace Violence Prevention
107	Code of Ethics
108	Conflicts of Interest
109	Whistleblower Policy
110	Resolution Procedure
110a	Title IX Sexual Harassment Grievance Procedure
111	Grievance Policy
<b>200</b>	<b>EMPLOYMENT STATUS &amp; RECORDS</b>
201	Compliance with the Fair Labor Standards Act
202	Employment References
203	Personnel Files
<b>300</b>	<b>EMPLOYEE BENEFITS</b>
301	Employee Benefits
302	Left Intentionally Blank
303	Left Intentionally Blank
304	Sick and Personal Leave
305	Holidays
306	Time Off to Vote
307	Jury Duty
308	Witness Duty
309	Bereavement Leave
310	Benefits Continuation (COBRA)
311	Left Intentionally Blank
312	Left Intentionally Blank
313	Vacation Policy for 12-month Employees
<b>400</b>	<b>TIMEKEEPING/PAYROLL</b>
401	Timekeeping
402	Paydays
403	Administrative Pay Concerns
404	Compensation Policy

<b>500</b>	<b>WORK CONDITIONS &amp; RULES</b>
501	Workplace Safety
502	Use of Phone and Mail Systems
503	Emergency School Closings
504	Reimbursement Policy
504a	Financial Processes and Procedures for Teachers and School Staff
505	Visitors in the Workplace
506	Mandated Reporting
507	Computer and Email Usage
508	Internet Usage
509	Workplace Monitoring
510	Personal Technology and Social Media; Usage and Conduct

<b>600</b>	<b>LEAVES OF ABSENCE</b>
601	Family and Medical Leave of Absence (FMLA)
602	Military Leave
603	Family Military Leave
604	Victims' Economic Security and Safety Act (VESSA)
605	Maternity/Paternity Leave
606	Lactation Breaks

<b>700</b>	<b>EMPLOYEE CONDUCT EXPECTATIONS</b>
701	Employee Conduct
702	Outside Employment
703	Non-Disclosures
703a	Student Records
704	Attendance and Punctuality
705	Personal Appearance
706	Damage and Return of EMSA Property
707	Security Inspections
708	Solicitation
709	Drug Testing
710	Prohibited Drug and Alcohol Use
711	No Smoking/Tobacco Prohibition
712	Personal Vehicles
713	Maintaining Student Discipline
714	Distribution of Medicines

<b>800</b>	<b>HIRING POLICIES AND PROCESSES</b>
801	Hiring Process and Criteria
802	Nepotism

**FORMS AND SIGNATURE PAGES**

EMSA Employee Handbook Acknowledgement of Receipt

## **ELGIN MATH AND SCIENCE ACADEMY'S MISSION STATEMENT**

At the Elgin Math and Science Academy ("EMSA"), students and teachers will reach their highest potential through active exploratory learning and social responsibility.

EMSA models the EL Education approach to learning. This model is built on ten design principles that reflect the educational values and beliefs of Outward Bound. These principles also reflect the connection to other related thinking about teaching, learning, and the culture of schools. These ten principles include:

1. The Primacy of Self-Discovery.
2. The Having of Wonderful Ideas.
3. The Responsibility for Learning
4. Empathy and Caring
5. Success and Failure
6. Collaboration and Competition
7. Diversity and Inclusion
8. The Natural World
9. Solitude and Reflection
10. Service and Compassion

## **ABOUT THIS HANDBOOK**

This Employee Handbook contains general information and guidelines. It is not intended to be comprehensive or to address every possible application of, or exception to, the general policies and procedures described. Questions concerning any of the policies and procedures set forth in this Employee Handbook should be directed to your Supervisor, the Principal, or the Chief Operating Officer.

Benefits described in this Employee Handbook are set forth in and governed by formal plan documents.

The policies, procedures, and benefits set forth in this Employee Handbook are under constant review. EMSA, at its option, may change, delete, or discontinue parts of the Employee Handbook or the Employee Handbook in its entirety. EMSA will attempt to notify Employees prior to changes occurring but must retain the flexibility to make changes without prior or express notice.

**EMSA is an at-will employer. The employment-at-will policy allows you or EMSA to terminate your employment at any time for any reason. The employment-at-will policy is further described in the Policy<sup>101</sup> titled Nature of Employment. This Employee Handbook is not intended as, and does not constitute, a contract of employment.**

This edition of the Employee Handbook supersedes and replaces all prior versions.

## **EMPLOYMENT**

### **101 Nature of Employment**

Adopted: 9/1/2021

Employment with EMSA is at-will and is entered into voluntarily and both you and EMSA are free to end the employment relationship at any time, for any reason, with or without cause or advance notice so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between EMSA and any of its Employees. This handbook does not guarantee any terms, conditions, or benefits of employment, and does not guarantee employment for any particular period. The provisions of the handbook have been developed at the discretion of the leadership team (or administration) and, except for its policy of employment at-will, may be amended or cancelled at any time, at EMSA's sole discretion.

Nothing done or said by any EMSA Employee can change the at-will nature of your employment. The at-will employment relationship may only be altered by a formal vote of EMSA's Board of Directors, attested to by signature of the EMSA Board President, Chief Operating Officer or Principal, and employee concerned.

### **102 Equal Employment Opportunity**

Adopted: 9/1/21

EMSA shall provide equal employment opportunities to all persons regardless of their race, color, creed, religion, national origin, sex, sexual orientation, gender identity, age, ancestry, marital status, arrest record, military status, order of protection status, unfavorable military discharge, citizenship status provided the individual is authorized to work in the United states, use of lawful products while not at work, being a victim of domestic or sexual violence, genetic information, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation, pregnancy, childbirth, or related medical conditions; credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position, or other legally protected categories.

Persons who believe they have not received equal employment opportunities should report their claims to the Chief Operating Officer, Principal, or Chief Human Resources Officer for the Resolution Procedure. No Employee or applicant will be discriminated or retaliated against because he or she: (1) requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by the Illinois Human Rights Act or the Americans with Disabilities Act, or (2) initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or state or federal laws, rules or regulations, provided the Employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

### **103 Disability Accommodation**

Adopted: 9/1/21

EMSA is committed to complying fully with the Americans with Disabilities Act (ADA) and

applicable state law, and to ensure equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures are designed to provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodations for qualified individuals with known disabilities will be made unless to do so would impose an undue hardship. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in-job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. Qualified individuals with disabilities will be able to access Leaves of Absence in the same manner, and on an equal basis, as all other employees.

EMSA is also committed to not discriminating against any qualified Employees or applicants because they are related to or associated with a person with a disability. EMSA will follow all state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. EMSA is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws. Persons who believe they have not received the protections afforded to them under this policy should report their claims to the Principal or Chief Operating Officer for the Resolution Procedure.

#### **104 Pregnancy Rights in the Workplace**

Adopted: 9/1/21

Under Illinois law, it is illegal for EMSA to fire an Employee, refuse to provide an Employee with a reasonable accommodation because of their pregnancy (including those with a pregnancy related disability), or refuse to hire an applicant because of their pregnancy. An Employee who is pregnant, recovering from childbirth, or has a medical or common condition related to pregnancy may:

- Ask EMSA for a reasonable accommodation for the pregnancy, such as more frequent bathroom breaks, assistance with heavy work, a private space for expressing milk, or time off to recover from the pregnancy.
- Reject an unsolicited accommodation offered by EMSA for the pregnancy.
- Continue working during the pregnancy if a reasonable accommodation is available which would allow the Employee to continue performing his/her job.

EMSA will not discriminate against an Employee because of their pregnancy (including those with a pregnancy related disability), or retaliate against an Employee because she requested a reasonable accommodation.

## **105 Workplace Harassment Prohibited**

Adopted: 9/1/21

EMSA expects the workplace environment to be productive, respectful, and free of unlawful harassment. EMSA Employees shall not engage in harassment or abusive conduct on the basis of an individual's race, religion, national origin, sex, sexual orientation, gender identity, age, citizenship status, disability, or other protected status under applicable federal, state, or local law, or as identified in Policy 102, Equal Employment Opportunity. Harassment of students, including, but not limited to, sexual harassment, is prohibited.

### **Sexual Harassment**

EMSA shall provide a workplace environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment on the basis of sex as defined and otherwise prohibited by state and federal law.

EMSA Employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct that has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated considering all the circumstances.

Prohibited sexual harassment includes harassment of women by men, of men by women, and same-gender harassment.

### **Making a Complaint: Enforcement**

A violation of this policy may result in discipline, up to and including termination. Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action, up to and including discharge. An Employee's employment, compensation, or work assignment shall not be adversely affected by reporting or providing information about harassment. Retaliation against Employees for bringing bona fide complaints or providing information about harassment is prohibited.

Aggrieved persons, who feel comfortable doing so, are encouraged to directly inform the person engaging in harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees shall report claims of harassment to the following members of the Administration Team: the Principal, the Chief Operating Officer, the Chief Human Resources Officer, and/or the Board President, and/or use Policy 110, *Resolution Procedure*. Employees may choose to report to a person of the Employee's same sex. There is no set time limit for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.



## **106 Workplace Violence Prevention**

Adopted: 9/1/21

EMSA is committed to preventing workplace violence and to maintaining a safe work environment. Conduct that threatens, sabotages, intimidates or coerces another Employee, Scholar, Contractor, Vendor, or the public at any time will not be tolerated and may result in disciplinary action, up to and including termination of employment. This policy governs at all times.

An Employee is expected to refrain from fighting, "horseplay" or other conduct that may be dangerous or traumatic to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from EMSA premises and prohibited to be carried on EMSA-related Business, unless this prohibition is contrary to state law.

If an employee believes that, through the course of their employment, they have been subjected to conduct that threatens, sabotages, intimidates or coerces them, then they shall report this immediately to the Principal or Chief Operating Officer and document the alleged incident in an EMSA Injury and Incident Report which should be submitted to the COO. Failure to do so will not negate potential remedies but impacts the quality and timing of a response.

All suspicious individuals on campus, activities, threats or acts of violence shall be reported as soon as possible to the Principal or the Chief Operating Officer. A report of danger may also be made to the Chief Human Resources Officer or Board President. When reporting a threat of violence, an Employee should be as specific and detailed as possible, and as timely as possible in reporting the danger, in order to assist School leadership to address the threat(s) to student and staff well-being.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines, will be subject to prompt disciplinary action up to and including termination of employment. Depending on the severity of the alleged violence, a potential notification may be given to civil authorities.

## **107 Code of Ethics**

Adopted: 9/1/21

### **PURPOSE**

This policy reflects a code of conduct that requires EMSA Employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. EMSA Employees are expected to practice honesty and integrity in fulfilling their responsibilities and to comply with all applicable laws and regulations. It also is an Employee's responsibility to report violations of this Code of Ethics in accordance with this policy. No Employee who in good faith reports a violation of the Code shall suffer harassment, retaliation, or adverse employment consequence.

## **POLICY**

EMSA Employees are expected to adhere to high standards of ethical conduct. Although it is impossible to describe all conduct, this policy specifically requires the following:

1. Dedication to EMSA's mission, vision, values, and recognition that the chief function of EMSA at all times is to serve the best interests of our constituency.
2. The responsible and prudent management of EMSA's funds and assets.
3. Honest and ethical conduct, including the ethical handling of actual or apparent conflicts of interest between personal and professional relationships.
4. Full, fair, accurate and timely disclosure of relevant facts in all reports and documents dealing with matters of program service, governance, and business administration.
5. Compliance with all applicable laws, rules, and regulations.
6. Treatment of all persons with respect, equity, and fairness regardless of race, color, creed, religion, gender, national origin, disability, age, sexual orientation, gender identification, genetic information, veteran status, or any other characteristic protected by law (referred to as "protected status").
7. Respect and protection of confidential and/or privileged information to which Employees have access in the course of their duties.
8. Prompt internal reporting of policy violations to an appropriate person or persons within the organization. This means EMSA Employees have a positive duty to report policy violations to School Leadership.
9. Personal accountability for adherence to this Code of Ethics policy.

Employees who are in violation of the Code of Ethics will be subject to investigation.

The investigation will be conducted by School Leadership, typically led by the Chief Operating Officer and Chief Human Resources Officer, or if the allegation(s) concerns one of those persons, then the principal in addition. See Section 110, below.

Should an allegation of ethical infraction or infraction be substantiated by the investigation, the Employee judged to have violated policy (including by obstructing investigation) shall be subject to disciplinary consequences, up to and including termination of employment.

### **108 Conflicts of Interest**

Adopted: 9/1/21

Employees have an obligation to conduct their work within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which EMSA wishes to operate. The purpose of these guidelines is to provide general direction so that Employees can seek further clarification on issues related to this subject. Contact EMSA's Chief Operating Officer or Principal for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the Chief Operating Officer and Principal, and consistent with organizational policy. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit either the outside business/firm, the Employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific administrator-level or Board-level approval.

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

An actual or potential conflict of interest occurs when an Employee is personally paid for goods or services by a Student or Student's Parent, or when an Employee is paid for services rendered to another Employee or Board Member.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if Employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Chief Operating Officer, Principal, and Chief Human Resources Officer as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. The Chief Operating Officer and Chief Human Resources Officer will ask the Employee to complete a Potential Conflict of Interest Disclosure Form, to document the disclosure.

Personal gain may result not only in cases where an Employee or relative has a significant ownership in a firm with which EMSA does business, but also when an Employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving EMSA. This is prohibited regardless of whether the kickback/bribe comes from a vendor doing business with EMSA, a funder, an Employee, a Board Member, or persons closely connected with the same.

### **Romantic Relationships**

To avoid improper actual or perceived conflicts of interest, EMSA prohibits romantic relationships between a supervisor and any employee under his or her supervision, or between employees where one of the employees has the ability to alter EMSA's financial relationship with the other employee including, without limitation, the ability to alter the employee's salary, wages, benefits, or access to leaves of absence. To the extent that any such romantic relationship already exists, employees are required to disclose said relationship to Human Resources so that EMSA may identify whether the responsibilities and/or work relationship of these employees may be altered in order to negate such improper actual or perceived conflict of interest.

In addition, to avoid other potential, actual, or perceived conflicts of interest, all employees who have a romantic relationship with another employee are required to disclose said relationship to Human Resources.

Failure to follow this Policy may result in discipline, up to and including termination of employment.

### **109 Whistleblower Policy**

Adopted: 9/1/21

### **Reporting Responsibility**

It is the responsibility of all Employees to comply with all laws and EMSA policies and to report violations or suspected violations in accordance with this Whistleblower Policy.

## **No Retaliation**

No Employee who in good faith reports a violation or suspected violation of law or policy shall suffer harassment, retaliation, or adverse employment consequence. An Employee who retaliates against someone who has reported a violation or suspected violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable Employees to raise serious concerns within EMSA prior to seeking resolution outside the organization.

## **Reporting Procedure**

EMSA has an open-door policy and suggests that Employees share their questions, concerns, suggestions, or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the Principal, Chief Operating Officer, or Chief Human Resources Officer. Supervisors are required to report complaints or concerns about suspected ethical and legal violations in writing to the Chief Operating Officer and/or the Chief Human Resources Officer or designee, who have the responsibility to investigate all reported complaints.

## **110 Resolution Procedure**

Adopted: 9/1/21

An Employee should notify the Chief Operating Officer or Chief Human Resources Officer if he or she believes that EMSA, its Employees, or agents have violated his or her rights guaranteed by the state or federal Constitution, state or federal statute, or EMSA's policies, or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d *et seq.*
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e *et seq.*
6. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
7. Curriculum, instructional materials, and/or programs
8. Victims' Economic Security and Safety Act, 820 ILCS 180
9. Illinois Equal Pay Act of 2003, 820 ILCS 112
10. Provision of services to homeless students
11. Illinois Whistleblower Act, 740 ILCS 174/
12. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff *et seq.*
13. Employee Credit Privacy Act, 820 ILCS 70/
14. EMSA's Code of Ethics
15. EMSA's Conflict of Interest Policy

The Chief Operating Officer or Chief Human Resources Officer will first attempt to resolve complaints informally without resorting to this Resolution Procedure. If a formal complaint is filed under this Procedure, EMSA will address the complaint promptly and equitably.

If the Employee has a concern about the independence and/or integrity of the Chief Operating Officer and/or the Chief Human Resources Officer, he or she may file a complaint with the Principal in his/her/their stead.

### **Right to Pursue Other Remedies Not Impaired**

The right of an Employee to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this Resolution Procedure is not a prerequisite to the pursuit of other remedies and use of this Resolution Procedure does not extend any filing deadline related to the pursuit of other remedies. If an Employee is pursuing another remedy subject to a complaint under this policy, EMSA will continue with a simultaneous investigation under this policy.

### **Deadlines**

All deadlines under this procedure may be extended by the Chief Operating Officer or Chief Human Resources Officer, as he or she deems appropriate. As used in this policy, the term "Business Days" means weekdays other than federal holidays.

### **Filing a Complaint**

An Employee (hereinafter Complainant) who wishes to avail him or herself of this Resolution Procedure may do so by filing a complaint with the Chief Operating Officer or Chief Human Resource Officer which details the nature of the complaint. The Chief Operating Officer or Chief Human Resources Officer shall assist the Complainant as needed.

### **Investigation**

The Chief Operating Officer or Chief Human Resources Officer will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The Chief Operating Officer or Chief Human Resources Officer shall ensure all parties have an equal opportunity to present evidence during an investigation. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law or this policy, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The Chief Operating Officer or Chief Human Resources Officer will inform, at regular intervals, as appropriate, the person(s) filing a complaint under this procedure about the status of the investigation.

### **Decision**

Within 30 Business days of the date the matter filed under this Section 110 was officially filed for Resolution, the Chief Operating Officer and Chief Human Resources Officer shall file a written report of the investigation and decision.

The Chief Operating Officer, Chief Human Resources Officer, or Principal will keep the Board of Directors informed of all complaints. The Chief Operating Officer or Chief Human Resources

Officer may request an extension of time from the Board of Directors to complete the investigation.

If a complaint or report contains allegations concerning a member of the Leadership Team, that Leadership Team member shall have no role in the investigation of, or decision regarding, the complaint.

Within 5 school business days after filing his or her decision with the Board of Directors, the Chief Operating Officer or Principal shall send the decision to the Complainant and any accused persons by email. All decisions shall be based upon the *preponderance of evidence* standard.

### **Appeal**

Within 10 school business days after receiving the decision, the Complainant or the accused may appeal the decision to the Board of Directors by making a written request to the President of the Board. The Chief Operating Officer or Principal shall, within five Business Days, forward all materials relative to the complaint and appeal to the Board President. Within 30 school business days of its receipt of the information, the Board President shall affirm, reverse, or amend the decision or direct the Chief Operating Officer or Principal to gather additional information and shall inform the Complainant, accused, and the Board of his or her decision by email.

This Resolution Procedure shall not be construed to create an independent right to a hearing before the Principal, Chief Operating Officer, or Board of Directors. The failure to strictly follow the timelines in this Resolution Procedure shall not prejudice any party.

### **110a Title IX Sexual Harassment Grievance Procedure**

Adopted: 9/1/21

Sexual harassment affects a student's ability to learn and an employee's ability to work. Providing an educational and workplace environment free from sexual harassment is an important EMSA goal. EMSA does not discriminate on the basis of sex in any of its education programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations (34 C.F.R. Part 106) concerning everyone in EMSA's education programs and activities, including applicants for employment, students, parents/guardians, employees, and third parties.

#### **Title IX Sexual Harassment Prohibited**

Sexual harassment as defined in Title IX and its implementing regulations (Title IX Sexual Harassment) is prohibited. Any person, including an EMSA employee or agent, or student, engages in Title IX Sexual Harassment whenever that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:

1. An EMSA employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to EMSA's educational program or activity; or

3. *Sexual assault* as defined in 20 U.S.C. §1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. §12291(a)(10), *domestic violence* as defined in 34 U.S.C. §12291(a)(8), or *stalking* as defined in 34 U.S.C. §12291(a)(30).

Examples of sexual harassment include, but are not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, spreading rumors related to a person's alleged sexual activities, rape, sexual battery, sexual abuse, and sexual coercion.

#### Definitions from 34 C.F.R. §106.30

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

*Education program or activity* includes all EMSA operations and locations, events, or circumstances where EMSA has substantial control over both the *Respondent* and the context in which alleged sexual harassment occurs.

*Formal Title IX Sexual Harassment Complaint* means a document filed by a *Complainant* or signed by the Title IX Coordinator alleging sexual harassment against a *Respondent* and requesting that EMSA investigate the allegation.

*Respondent* means an individual who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

*Supportive measures* mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the *Complainant* or the *Respondent* before or after the filing of a *Formal Title IX Sexual Harassment Complaint* or where no *Formal Title IX Sexual Harassment Complaint* has been filed.

#### Title IX Sexual Harassment Response

The Chief Operating Officer or designee will ensure that EMSA responds to allegations of Title IX Sexual Harassment as follows:

1. In collaboration with the Principal, Ensures that EMSA's comprehensive health education program incorporates (a) age-appropriate sexual abuse and assault awareness and prevention programs in grades pre-K through 12, and (b) age-appropriate education about the warning signs, recognition, dangers, and prevention of teen dating violence in grades 7-12. This includes incorporating student social and emotional development into EMSA's educational program as required by State law.
2. Incorporates education and training for school staff as recommended by the Chief Operating Officer, Title IX Coordinator, Principal, Assistant Principal, or Human Resources.
3. Notifies applicants for employment, students, parents/guardians, employees, and collective bargaining units of this policy and contact information for the Title IX Coordinator by, at a minimum, prominently displaying them on EMSA's website, if any, and in each handbook made available to such persons.
4. Offers Supportive Measures to Complainants.

5. Follows the Grievance Process before imposing any disciplinary sanctions on Respondents.

### Making a Report

A person who wishes to make a report under this Title IX Sexual Harassment grievance procedure may make a report to the Title IX Coordinator, Principal, Assistant Principal, Chief Operating Office, Human Resources, or any employee with whom the person is comfortable speaking. A person who wishes to make a report may choose to report to a person of the same gender.

School employees shall respond to incidents of sexual harassment by promptly making or forwarding the report to the Title IX Coordinator. An employee who fails to promptly make or forward a report may be disciplined, up to and including discharge.

The Chief Operating Officer shall insert into this policy and keep current the name, office address, email address, and telephone number of the Title IX Coordinator.

### **Title IX Coordinator:**

---

Name: Dan Alexander

---

Address: 1600 Dundee Ave., Elgin, IL 60120

---

Email: [dalexander@emsacharter.org](mailto:dalexander@emsacharter.org)

---

Telephone: 630-883-5013

### Processing and Reviewing a Report or Complaint

Upon receipt of a report, the Title IX Coordinator and/or designee will promptly contact the *Complainant* to: (1) discuss the availability of supportive measures, (2) consider the *Complainant's* wishes with respect to *supportive measures*, (3) inform the *Complainant* of the availability of *supportive measures* with or without the filing of a *Formal Title IX Sexual Harassment Complaint*, and (4) explain to the *Complainant* the process for filing a *Formal Title IX Sexual Harassment Complaint*.

Further, if the allegations in the Report or Formal Title IX Sexual Harassment Complaint do not constitute sexual harassment, the conduct did not occur in EMSA's program or activity, or if the conduct did not occur in the United States, the Title IX Coordinator will analyze the report to identify and determine whether there is another or an additional appropriate method(s) for processing and reviewing it. For any report received, the Title IX Coordinator shall review other applicable EMSA policies to determine if the allegations in the report require further action.

Reports of alleged sexual harassment will be confidential to the greatest extent practicable, subject to the EMSA's duty to investigate, implement Supportive Measures, and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.



## Formal Title IX Sexual Harassment Complaint Grievance Process

When a *Formal Title IX Sexual Harassment Complaint* is filed, the Title IX Coordinator will investigate it or appoint a qualified person to undertake the investigation.

The Chief Operating Officer or designee shall implement procedures to ensure that all *Formal Title IX Sexual Harassment Complaints* are processed and reviewed according to a Title IX grievance process that fully complies with 34 C.F.R. §106.45. EMSA's grievance process shall, at a minimum:

1. Treat *Complainants* and *Respondents* equitably by providing Supportive Measures and by following a grievance process that complies with 34 C.F.R. §106.45 before the imposition of any disciplinary sanctions or other actions against a *Respondent*.
2. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a *Complainant*, *Respondent*, or witness.
3. Require that any individual designated by EMSA as a Title IX Coordinator, investigator, decision-maker, or any person designated by EMSA to facilitate an informal resolution process:
  - a. Not have a conflict of interest or bias for or against complainants or respondents generally or an individual *Complainant* or *Respondent*.
  - b. Receive training on the definition of sexual harassment, the scope of EMSA's *education program or activity*, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially.
4. Require that any individual designated by EMSA as an investigator receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
5. Require that any individual designated by EMSA as a decision-maker receive training on issues of relevance of questions and evidence, including when questions and evidence about the *Complainant's* sexual predisposition or prior sexual behavior are not relevant.
6. Include a presumption that the *Respondent* is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. Include reasonably prompt timeframes for conclusion of the grievance process.
8. Describe the range of possible disciplinary sanctions and remedies EMSA may implement following any determination of responsibility.
9. Base all decisions upon the *clear and convincing evidence* standard.
10. Include the procedures and permissible bases for the *Complainant* and *Respondent* to appeal.
11. Describe the range of *supportive measures* available to *Complainants* and *Respondents*.
12. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

## Enforcement

Any EMSA employee who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any third party who is determined, at the conclusion of the grievance process, to have engaged

in sexual harassment will be addressed in accordance with the authority of the Board in the context of the relationship of the third party to EMSA, e.g., vendor, parent, invitee, etc. Any EMSA student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with applicable law and EMSA policies. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action.

This policy does not increase or diminish the ability of EMSA or the parties to exercise any other rights under existing law.

### Retaliation Prohibited

EMSA prohibits any form of retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this policy. Any person should report claims of retaliation using EMSA Policy 5.9a, *Resolution Procedure*.

Any person who retaliates against others for reporting or complaining of violations of this policy or for participating in any manner under this policy will be subject to disciplinary action, up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

## **111 Grievance Policy**

Adopted: 9/1/21

An employee who, based upon specific facts, has a complaint relating to his or her employment or the operations of EMSA may file a grievance in order to provide the employee with an opportunity to present his or her version of any such dispute in an effort to resolve the employee's concerns.

Employees, clients, and stakeholders are assured that they have a right to file what they feel to be legitimate complaints/grievances and to follow the formal procedure through the appeal process, if necessary, without fear of barriers to service, censure, reprisal, or retaliatory conduct. All complaints/grievances should be brought to the attention of Human Resources (or designee), or if the grievance is directed toward Human Resources, then the grievance should be brought to the principal or Chief Operating Officer, by the appropriate supervisor in accordance with this Policy. Additionally, if the grievance is related to any financial matter, the grievance should be brought to the attention of the Audit Committee. Further, if the grievance is directed to the Principal or Chief Operating Officer (collectively "EMSA Leadership") or consultants, the Board President should be notified.

If possible, employees and stakeholders should document any programmatic or employee conduct complaints they may have. Additionally, employees should inform parents, donors, or vendors that have a complaint regarding services received or inappropriate conduct at EMSA, to place the complaint in writing and forward to Human Resources at [HumanResources@EMSACarter.org](mailto:HumanResources@EMSACarter.org).

This Grievance Policy does not supersede existing procedures and/or employment policies. In accordance with policies and procedures outlined in the Handbook, if feasible, employees should

continue to inform their immediate supervisor of any problems, complaints, or grievances. However, if the employee believes the source of his/her complaint is the supervisor and further communication with the supervisor will not resolve the problem, the Employee should direct his or her complaint to Human Resources immediately in accordance with the below steps.

EMSA will handle grievances/complaints in accordance with the below steps. All deadlines under this procedure may be extended by the applicable EMSA representative(s) as he or she deems appropriate.

**Step 1:** A Complaint should be brought to the immediate supervisor's attention. The subject of the complaint should be informally discussed between the complainant and the supervisor in a good faith attempt to resolve the dispute. If a resolution is not reached within a reasonable time period, which shall not be less than ten (10) working days, the employee may proceed to Step 2. If a resolution is reached, such resolution shall be reduced to writing and sent to Human Resources for approval and, if approved, implementation.

**Step 2:** If the immediate supervisor does not satisfactorily resolve the complaint within a reasonable time period after receipt of the complaint, the complainant may present the complaint in writing within five (5) working days of the supervisor's response to Human Resources for consideration and further action, or the complaint will not be considered further. The written complaint must state specifically:

- what the problem is;
- all pertinent facts;
- any specific policy, procedure, rule, or regulation upon which the complaint is based; and
- a suggested remedy or solution

This written complaint will be the basis for all future discussions. A written decision by the Chief Human Resources Officer, or designee, will be sent to the complainant within 10 working days, subject to extension by Human Resources, of receipt of the formal complaint.

**All copies of written complaints should be sent to the Human Resources at [HumanResources@EMSACCharter.org](mailto:HumanResources@EMSACCharter.org)**

**Step 3:** An employee complaint that his/her grievance was not satisfactorily resolved by the Chief Human Resources Officer may be appealed in writing to the Board President within five (5) working days of the date of the previous decision. If the appeal is not timely taken, the matter will not be further considered, and the response of the Human Resources Department will be deemed final. The appeal must state a specific reason and supporting evidence as to why he or she believes that the previous decision is wrong. The Board President will render a written decision within thirty (30) working days of receipt, subject to extension by the Boar President, and review of the appeal and completion of any applicable investigation of the evidence involved. This decision will be presented to the employee and Chief Human Resources Officer.

All complaints will be tracked by Human Resources and reviewed by the Chief Human Resources Officer.

### **Retaliation Is Prohibited**

EMSA prohibits retaliation against any individual who files a complaint or participates in an investigation of such reports. No person making a complaint or participating in the grievance process, including as a witness, will be retaliated against.

**IMPORTANT:** The provisions in this policy manual that allow an employee, through the grievance procedure, to present his or her side of any dispute do not modify and shall not be construed to modify in any way, the at-will employment doctrine. Nothing in this section shall be, or shall be construed as, a contract or other commitment that requires the employer to have cause for disciplinary action or for discharge, removal, or layoff of any employee. EMSA retains the final decision in any matter pertaining to disciplinary action including discharge decisions and retains the right to terminate this grievance procedure at any step for any reason, including abuse of the grievance procedure.

## **200 EMPLOYMENT STATUS AND RECORDS**

### **201 Compliance with the Fair Labor Standards Act**

Adopted: 9/1/21

EMSA will ensure that all job positions are identified in the Job Description, and identified in Zenefits or similar HR management program, as either "exempt" or "non-exempt" according to state law and the Fair Labor Standards Act (FLSA) and that Employees are informed whether they are "exempt" or "non-exempt." "Exempt" and "non-exempt" Employee categories may include licensed and non-licensed job positions. All non-exempt Employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

**(A) NON-EXEMPT or EXEMPT.** For purposes of determining entitlement to overtime pay under federal and state laws, each Employee is designated as either exempt or non-exempt from federal and state wage and hour laws. Generally:

- **NON-EXEMPT** Employees are entitled to overtime pay under the specific provisions of federal and state laws. Non-exempt Employees typically include individuals providing custodial, cafeteria or secretarial services.
- **EXEMPT** Employees are excluded from specific provisions of federal and state wage and hour laws. Teachers and school administrators are generally exempt Employees.

For purposes of clarity:

- If you are uncertain whether you are an exempt or non-exempt Employee, please contact Human Resources.
- An Employee's exempt or non-exempt classification may be changed only upon written notification by EMSA.
- A non-exempt Employee is prohibited from working overtime unless he or she has received written authorization from a supervisor to provide overtime services.

**(B) REGULAR FULL-TIME (RFT)** A RFT employee is one who is regularly scheduled for at least thirty (30) or more hours per week on a continuous basis. RFT employees are eligible for health insurance benefits, paid time off, and holiday pay, and to participate in retirement plans (including any EMSA matching contributions) as required by law, as well as other benefits

described herein.

**(C) REGULAR PART-TIME (RPT)** A RPT employee is one who is regularly scheduled for less than thirty (30) hours per week on a continuous basis. RPT employees are eligible to participate in retirement plans and for paid time off as required by applicable law, but are not eligible for health insurance benefits, holiday pay, or any other benefits unless specifically provided herein.

**(D) COMPANY- PAID TEMPORARY OR CONTINGENT WORKER** A Paid Temporary or Contingent Worker is one who is not scheduled to work a specific number of hours or days and is generally “on-call” for work assignments. Paid Temporary or Contingent Works are not eligible for benefits, including but not limited to, medical benefits or paid time off/holidays. Additionally, they are not eligible to participate in the retirement plan in any capacity.

### **Overtime**

A non-exempt Employee shall not work overtime without his or her supervisor's express written approval. It is the responsibility of the non-exempt Employee to comply with this policy and obtain the requisite express written approval from his or her supervisor for overtime. Any non-exempt Employee found to be in violation of this policy may be subject to disciplinary consequences up to and including termination.

All supervisors of non-exempt Employees shall: (1) monitor overtime use on a weekly basis and report such use to the Chief Operating Officer or his/her designee, (2) seek the Chief Operating Officer's written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that Employees are compensated for any approved overtime worked.

Accurate and complete records of actual hours worked during the workweek shall be entered in Zenefits by each Employee. Supervisors will be responsible to review work records of Employees on a regular basis and approve/deny overtime as appropriate.

Overtime will be based on actual hours worked. An Employee's straight-time rate of pay will be used to calculate pay when an employee is on a paid leave, including but not limited to sick leave, personal leave, holidays, and vacation.

### **Definition of Employee**

**12-Month Employee** is defined as a full-time, exempt or non-exempt employee that is hired to work 30 or more hours per week, twelve (12) months each year.

**11-Month Employee** is defined as a full-time, exempt or non-exempt employee that is hired to work 30 or more hours per week, eleven (11) months each year, who is paid over 12 months.

**10-Month Employee** is defined as a full-time, exempt or non-exempt employee that is hired to work 30 or more hours per week, eleven (10) months each year, who is paid over 12 months.

## **202 Employment References**

Adopted: 9/1/21

It is EMSA's policy to maintain strict confidentiality with respect to most matters relating to the employment or termination of employment of any current or former Employee.

Any requests for employment references must be directed to EMSA's Principal (or in the case of an Employee who reported to the Chief Operating Officer, the Chief Operating Officer). Any information provided about current and former Employees in response to an inquiry will consist of:

1. Date of hire;
2. Date of termination;
3. Current or last position held;
4. If requested by an Employee for income verification purposes, an Employee's salary/hourly wage; and
5. The following statement:

**It is the policy and practice of EMSA not to disclose any other information about any of its current and former Employees. Our decision not to provide any further information about current and former Employees should not be considered as a comment (negative or positive) about the character or performance of such Employee.**

Information relating to the attitude and job performance of a current or former Employee, the reason(s) for his/her termination, and his/her eligibility for rehire should **not** be disclosed unless requested by law enforcement authorities, the court system or other appropriate legal entity.

Certain information is accessible and available to the public under the Freedom of Information Act, and nothing in this Policy on Employment References shall be interpreted to prevent EMSA from fulfilling its obligations under that Act, or any other law which obligates EMSA to disclose information to legal authorities.

## **203 Personnel Files**

Adopted: 9/1/21

EMSA maintains a personnel file on each Employee. It is the responsibility of each Employee to promptly notify EMSA of any changes in personal information. Personal mailing and email addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, licensures and endorsements and other such status reports should be accurate and current at all times. If any personal information has changed, or if an Employee wishes to update benefit elections, the Employee must make such change or update through Zenefits, EMSA's HR Information System.

### 300 EMPLOYEE BENEFITS

#### 301 Employee Benefits

Adopted: 9/1/21

RFT Employees at EMSA are provided a wide range of benefits. A number of the benefits (such as Social Security, Workers' Compensation, Disability, and Unemployment Insurance) cover all Employees in the manner prescribed by law.

Benefit eligibility is dependent upon a variety of factors, including Employee classification. The Chief Human Resources Officer or her/his designee can identify the benefits and programs for which an Employee is eligible.

The following benefits are available to eligible Employees:

- Medical Insurance (RFT Employees only)
- Dental Insurance (RFT Employees only)
- Vision Insurance (RFT Employees only)
- Basic Life Insurance (RFT and RPT Employees)
- 403(b) Retirement Plan (RFT and RPT Employees)
- Teachers Retirement System (certified RFT Employees)
- Paid Leave (as described in further detail below; RFT Employees only unless stated otherwise)

An EMSA Employee is defined as one of the following:

<b>Classification</b>	<b>Hours Worked</b>	<b>Benefit Eligible</b>
RPT Employee	Less than 30 hours	403(b) Retirement Plan only
RFT Employee	Equal to or more than 30 hours	All Benefits
Company Paid Temps	Varied	No Benefits
1099 Independent Contractor	Varied	No Benefits

An employee must wait until the first of the month following 30 days of employment to access the following benefits:

- Medical Insurance
- Dental Insurance
- Vision Insurance
- Basic Life Insurance

**302** Left Intentionally Blank

**303** Left Intentionally Blank

**304 Sick and Personal Leave**

Adopted: 9/1/21

Sick and Personal Leave is given/"banked" on August 1<sup>st</sup> each year as follows:

	RFT (30+ hours/week)		RPT (Less than 30 hour/week)	
	Sick Days	Personal Days	Sick Days	Personal Days
12-Month Employees	11	2	5	0
11-Month Employees	10	2	4	0
10-Month Employees	9	2	3	0

There is no waiting period required to utilize sick or personal leaves. Employees **must** request, with as much notice as possible, time off in advance through the payroll system. Requested time off must be approved by the Supervisor. Time off requests by the employee are not assumed to be approved and can be denied by the Supervisor for legitimate business purposes.

Individuals who are hire after August 1<sup>st</sup> will receive prorated Sick and Personal Leave

Sick and personal days may not be used on "Black Out Days." Black Out Days consist of days which take place immediately before or after a break or Holiday. Black Out Days will be unpaid for absent employees unless an Employee receives pre-approval from the Principal, or Principal's designee to use a sick or personal day on a Black Out Day due to extenuating circumstances.

Sick and personal days are non-accrued and do not carry over from year to year, nor are unused days paid out at employment termination. However, employees are permitted to roll-over unused sick and personal days, in an amount not to exceed 12 weeks per employee, into an Extended Sick Leave Bank. An employee will be permitted to utilize days which he or she rolled into the Extended Sick Leave Bank, subject to approval by Human Resources in collaboration with the Principal or Chief Operating Officer, for extenuating medical circumstances for which the employee is eligible for FMLA leave.

After EMSA receives written notice that a TRS-eligible employee intends to retire, EMSA will return unused Extended Sick Leave Bank days to the employee at least fifteen work weeks prior to the employee's retirement (assuming the employee has provided notice at least 15 weeks prior to retirement), and will remove them from the bank. After these days have been returned to the employee, he or she may utilize them in the same manner as which sick days may normally be used, and they will not be limited to use for FMLA-eligible extenuating medical circumstances. Upon retirement, any remaining unused sick and personal days will be reported to TRS for service credit purposes. However, these days are not paid out at retirement or employment termination.



## **305 Holidays**

Reviewed: 9/1/21

EMSA observes the holidays/breaks schedule as outlined below:

### **10-Month Employees\***

- Winter Break (to be determined prior to each academic year)
- Martin Luther King Day
- Presidents Day
- Spring Break (to be determined prior to each academic year)
- Memorial Day
- Labor Day
- Indigenous People's Day (formerly known as Columbus Day)
- Thanksgiving Break (Wednesday, Thursday, and Friday of Thanksgiving Week)

### **11-Month Employees\***

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People's Day (formerly known as Columbus Day)
- Thanksgiving Break (Wednesday, Thursday, and Friday of Thanksgiving Week)
- Christmas Eve
- Christmas Day
- New Year's Eve

### **12-Month Employees\***

- New Year's
- Martin Luther King Day
- President's Day
- Spring Break (to be determined prior to each academic year)
  - Employees hired after July 1, 2021, will not be entitled to receive Spring Break
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People's Day (formerly known as Columbus Day)
- Thanksgiving Break (Wednesday, Thursday, and Friday of Thanksgiving Week)
- Christmas Eve
- Christmas Day
- New Year's Eve

\*Paid Holidays are based on normally scheduled workdays.

## **Additional Religious Holidays**

EMSA supports employee religious diversities. The first option for religious holidays as PTO would be for employees to use their personal day(s), followed by the use of up to three sick days, followed by available vacation. If an employee does not have any available paid time off, and the employee's request for time off for a religious holiday has been granted, the time off will be unpaid. Employees shall request time off for religious holidays at least one month in advance and the request will be subject to the approval of the Principal for all education staff or the Chief Operating Officer for all operations staff.

### **306 Time Off to Vote**

Adopted: 9/1/21

EMSA encourages Employees to fulfill their civic responsibilities by participating in elections. Generally, Employees should be able to find time to vote either before or after their regular work schedule. If an Employee is unable to vote in an election during his/her nonworking hours, EMSA will grant a maximum of up to two (2) hours of paid time off to vote.

Employees should request time off to vote from his/her Supervisor at least two (2) working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

Employees must submit a voter's receipt to his/her Supervisor on the first working day following the election to qualify for paid time off.

### **307 Jury Duty**

Adopted: 9/1/21

Employees shall be given time off from work when called to serve on jury duty, provided the Employee shows the summons to EMSA within ten (10) days of the date it was issued. If the employee provides an endorsed court check for Jury Duty to the Principal or Chief Operating Officer, EMSA will pay the employee their normal rate of pay up to the first 10 days of Jury Duty.

Employees must request Jury Duty leave in Zenefits. Employees must use all available vacation, sick, and/ personal days, prior to requesting an unpaid jury duty leave of absence.

Employees are expected to report for work whenever the court schedule permits.

Either EMSA or the Employee may request an excuse from jury duty if, in EMSA's judgment, the Employee's absence would create serious operational difficulties.

While on Jury Duty unpaid leave, the Employee must pay their portion of their elected benefits. Benefit payments are due on the Employee's normal paycheck date. Failure to pay these benefits in a timely manner may impact the ability for the Employee's benefits to continue.

Jury Duty pay is calculated based on the base pay rate at the time of absence and will not include any special forms or compensation, such as incentives, commissions, bonuses or shift differentials

### **308 Witness Duty**

Adopted: 9/1/21

EMSA encourages its Employees to appear in court for witness duty when subpoenaed.

If an Employee has been subpoenaed or otherwise requested to testify as a witness by EMSA or for matters related to his or her employment with EMSA, she/he will receive paid time off for the entire period of witness duty. In order to safeguard the organization, a copy of all EMSA business related subpoenas should be given to the Principle, Chief Operating Officer, or Chief Human Resources Officer immediately upon receipt.

An Employee will be granted unpaid time off to appear in court as a witness when subpoenaed for personal reasons. An Employee must use any available vacation, sick, or personal days to receive compensation for the period of this absence. Additionally, all subpoenas should be shown to the Employee's Supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the Employee's absence.

If the Employee is on unpaid Witness Duty leave, the Employee must pay their portion of their elected benefits. Benefit payments are due on the Employee's normal paycheck date. Failure to pay these benefits in a timely manner may impact the ability for the Employee's benefits to continue.

The Employee is expected to report for work whenever the court schedule permits.

Witness Duty pay is calculated based on the base pay rate at the time of absence and will not include any special forms or compensation, such as incentives, commissions, bonuses or shift differentials

### **309 Bereavement Leave**

Adopted: 9/1/21

An Employee who wishes to take time off due to the death of a Family Member should notify his/her Supervisor immediately. A Family Member is defined as a child, stepchild, unborn child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-in-laws, grandchild, grandparent, stepparent, or legal guardian.

The Employee must request Bereavement Leave in Zenefits. Up to three (3) days of paid bereavement leave will be provided to an Employee per occasion.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms or compensation, such as incentives, commissions, bonuses or shift differentials.

In the event of the death of a child, step-child, or unborn child an employee, who has previously exhausted his/her bereavement leave, sick leave, personal days, and vacation, may use up to ten (10) unpaid leave days following the use of those paid days to attend the funeral or alternative to a funeral of a child, make arrangements necessitated by the death of the child, or grieve the death of the child. Such leave shall be provided pursuant to the Illinois Child Bereavement Leave Act.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements.

### **310 Benefits Continuation (COBRA)**

Adopted: 9/1/21

State law and the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives Employees and their qualified beneficiaries the opportunity to continue health insurance coverage under EMSA's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are:

- resignation;
- termination of employment;
- death of an Employee;
- a reduction in an Employee's hours;
- a leave of absence;
- an Employee's divorce or legal separation; and
- a dependent child no longer meeting eligibility requirements.

Under COBRA, the Employee or beneficiary pays the full cost of coverage at EMSA's group rate plus an administration fee. EMSA provides each eligible Employee with a written notice describing rights granted under COBRA when the Employee becomes eligible for coverage under EMSA's health insurance plan. The notice contains important information about the Employee's rights and obligations.

**311** [Left Intentionally Blank]

**312** [Left Intentionally Blank]

### **313 Vacation Policy for 12-Month Employees**

Adopted: 9/1/21

It is EMSA's policy to provide each full-time 12-month Employee with 15 days paid vacation time to be accrued on a straight accrual basis.

Vacation time will earned upon the first day of each pay period and will commence on each employee's hire date. There will be a Waiting Period of two months from an Employee's Start Date, for use of vacation time. The vacation policy year is in accordance with the school year – August 1<sup>st</sup> through July 31<sup>st</sup>. Employees will be able to carry-over 5 unused vacation days at the end of the vacation policy year, July 31<sup>st</sup>.

Vacation time will be paid out at the termination of an employee's employment. The valuation of earned vacation time is based on the Employee's current rate of pay.

Twelve-month Employees are encouraged to take vacation time during Winter Break, Spring Break, or Summer Break (approximately June 15 – August 15 of each calendar year) but may take vacation time any time during the work year if approved, in advance, by Employee's Supervisor. Vacation should be requested at least one week in advance, or with as much notice as possible, from the Employee's Supervisor. Time off requests by the employee are not assumed to be approved, will be at the sole discretion of the Employee's Supervisor, and can be denied by the Supervisor for legitimate business purposes. The Chief Operating Officer or Principal reserves the right to cancel scheduled vacation time if he/she deems it in the best interests of EMSA.

### **Vacation Time Earned and Accrued Prior to July 1, 2020**

This subsection of Policy 313 applies to employees who still have unused vacation time that was earned and accrued prior to July 1, 2020.

Employees who have unused vacation time that was earned and accrued prior to July 1, 2020 ("Previously Accrued Vacation Time") must use at least 1/3 of their Previously Accrued Vacation time on or before July 31, 2022. Employees must then use at least 1/2 of the remaining Previously Accrued Vacation Time on or before July 31, 2023. Finally, employees must use all remaining Previously Accrued Vacation Time on or before July 31, 2024.

If an employee fails to use the required amount of Previously Accrued Vacation Time by the above-specified deadlines, EMSA will pay the employee the monetary equivalent of the unused days which were required to be utilized.

If an employee's employment relationship with EMSA terminates, and he or she has any unused Previously Accrued Vacation Time remaining, EMSA will pay the employee the monetary equivalent of such days.

The following three examples are provided to clarify how this policy will be implemented:

#### **Example 1**

As of September, 1, 2021, an employee has 30 days of Previously Accrued Vacation Time.

- The employee uses 10 days of Previously Accrued Vacation Time before July 31, 2022. The employee does not receive a monetary payment following the July 31, 2022 deadline, and has 20 days of Previously Accrued Vacation Time remaining.
- The employee uses 10 days of Previously Accrued Vacation Time between August 1, 2022 and July 31, 2023. The employee does not receive a monetary payment following the July 31, 2023 deadline, and has 10 days of Previously Accrued Vacation Time remaining.
- The employee uses the 10 days of Previously Accrued Vacation Time between August 1, 2023 and July 31, 2024. The employee does not receive a monetary payment following the July 31, 2024 deadline, and has 0 days of Previously Accrued Vacation Time remaining.

#### **Example 2**

As of September 1, 2021, an employee has 30 days of Previously Accrued Vacation Time.

- The employee uses 7 days of Previously Accrued Vacation Time before July 31, 2022. The employee receives the monetary equivalent of 3 days of vacation and has 20 days of Previously Accrued Vacation Time remaining.
- The employee uses 3 days of Previously Accrued Vacation Time between August 1, 2022 and July 1, 2023 when she resigns. The employee receives the monetary equivalent of 17 days of vacation.

### Example 3

As of September 1, 2021, an employee has 30 days of Previously Accrued Vacation Time.

- The employee uses 16 days of Previously Accrued Vacation Time before July 31, 2022. The employee does not receive a monetary payment following the July 31, 2022 deadline, and has 14 days of Previously Accrued Vacation Time remaining.
- The employee uses 4 days of Previously Accrued Vacation Time between August 1, 2022 and July 31, 2023. The employee receives the monetary equivalent of 3 days of vacation and has 7 days of Previously Accrued Vacation Time remaining.
- The employee uses 7 days of Previously Accrued Vacation Time between August 1, 2023 and July 31, 2024. The employee does not receive a monetary payment following the July 31, 2024 deadline, and has 0 days of Previously Accrued Vacation Time remaining.

## **400 TIMEKEEPING/PAYROLL**

### **401 Timekeeping**

Adopted: 9/1/21

Accurately recording time worked is the responsibility of every Employee. Federal and state laws require EMSA to keep an accurate record of time worked in order to calculate Employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

An Employee should accurately record the time she/he begins and ends their work. They should also record the departure from work for personal reasons. Overtime work must always be approved before it is performed pursuant to Policy 201.

While all Employees are expected to keep their Supervisors informed of their work schedules, a non-exempt Employee should not report to work prior to his or her scheduled starting time nor stay after his or her scheduled stop time without express, prior written authorization from their Supervisor.

Altering, falsifying, tampering with time records or recording another Employee's time record may result in disciplinary action, up to and including termination of employment.

The Fair Labor Standards Act (FLSA) and state labor laws establish requirements for keeping records of time worked by NON-EXEMPT Employees. While employers may choose to have Employees record their own time, it is the employer's responsibility to maintain the time records for a minimum of three years.

## **402 Paydays**

Adopted: 9/1/21

Most Employees are paid semi-monthly on the 15th and last day of the month, however, hourly employees are paid over 26 pay periods. An Employee should not presume that his/her payroll funds are immediately available prior to the payday/paydate.

In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, an Employee will receive pay on the last business day before the regularly scheduled payday. If a regular payday falls during an Employee's vacation and he/she receives a "live" check, his/her paycheck will be available for pickup upon return from vacation.

An Employee may have pay directly deposited into his/her bank account(s) if he or she provides advance written authorization and bank routing information to EMSA. Employees may access their pay stubs at any time using the Zenefits portal.

## **403 Administrative Pay Concerns**

Adopted: 3/1/21

EMSA takes all reasonable steps to ensure that each Employee receives the correct amount of pay in each paycheck and that an Employee is paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the Employee should promptly bring the discrepancy to the attention of his/her Supervisor and the Chief Operating Office so that corrections can be made as quickly as possible.

## **404 Compensation Policy**

Adopted: 9/1/21

Most employees are paid over 24 pay periods, but hourly employees are paid over 26 pay periods.

A salaried Employee employed on the first day of their respective calendar year (typically, August 1 through July 31) and who completes all expectations associated within their position's calendar year will continue to receive his/her annual salary and benefits through the 24 pay periods of their respective calendar year.

A salaried Employee hired after the start of their respective calendar year (e.g., after August 1) will receive a prorated salary based on the total number of days the Employee will work out of the total number of school/professional development days in the position's calendar year. This prorated salary will begin at the time the Employee is hired. If the Employee completes all expectations associated within their position's calendar year, he or she will continue to receive his/her prorated salary and benefits through the remaining pay periods of their position's calendar year.

EMSA shall pay the final compensation of separated Employees in full, at the time of separation, if possible, but in no case later than the next regularly scheduled payday for such Employee.

## **500 WORK CONDITIONS AND RULES**

### **501 Workplace Safety**

Adopted: 9/1/21

To assist in providing a safe and healthful work environment for Employees, students, families, and visitors, EMSA has established a workplace safety standard. This standard is a top priority for EMSA. Its success depends on the alertness and personal commitment of all.

EMSA provides information to its Employees about workplace safety and health issues through regular internal communication channels such as Professional Development meetings, bulletin board postings, email memos, or other written communications.

Some of the best safety improvement ideas come from Employees. Those with ideas, concerns or suggestions for improved safety in the workplace are encouraged to raise them with their Supervisor or with the Chief Operating Officer. Reports and concerns about workplace safety issues may be made anonymously if the Employee wishes. All reports can be made without fear of reprisal.

Each Employee is expected to obey safety rules and to exercise caution in all work activities. An Employee must comply with all occupational safety and health standards and regulations established by the Occupational Safety and Health Act (OSHA) and state and local regulations. Each employee is further required to wear an appropriate facial cover over the employee's mouth and nose, except while eating or drinking, unless exempted by a medical provider, during any time that said action is required by EMSA. Similarly, each employee is required to maintain proper social distancing of a particular distance as designated by EMSA. An Employee must immediately report any unsafe condition to the appropriate Supervisor and the Principal or Chief Operating Officer. An Employee who violates safety standards, causes hazardous or dangerous situations, fails to report when appropriate, or remedies such situations may be subject to disciplinary action, up to and including suspension and termination of employment.

In the case of accidents that result in injury, regardless of seeming severity of the injury, an Employee should immediately notify their Supervisor and the Principal. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

Employees that cause workplace safety and/or health issues may receive disciplinary action, up to and including termination of employment.

### **502 Use of Phone and Mail Systems**

Adopted: 9/1/21

An Employee should practice discretion when making local personal calls and may be required to reimburse EMSA for any charges resulting from his/her personal use of the telephone. Unless in a true emergency, an Employee should not make personal phone calls when Students are present in the Classroom or instructional setting.



To ensure effective telephone communications, when answering a business phone, an Employee should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

The use of EMSA-paid postage for personal correspondence is not permitted.

Abuse of phone and mail systems may result in disciplinary action, up to and including termination of employment.

### **503 Emergency School Closings**

Adopted: 9/1/21

At times, emergencies such as severe weather, fires, power failures or earthquakes, can disrupt school operations. In extreme cases, these circumstances may require the closing of a work facility. EMSA Supervisors will inform the staff and school community of closure via email, or via group texts or phone calls if necessary, and via the EMSA website as soon as possible. Local radio and/or television stations will be asked to broadcast notification of the closing.

When the decision to close school is made AFTER the workday has begun, an Employee will receive official notification from his/her Supervisor. In these situations, an Employee will be paid for their normal scheduled workday. When the decision to close school is made BEFORE the workday has begun, Employees will be paid for their normal scheduled workday, regardless of hours worked (or not).

If an emergency closing has been determined and the Employee has previously scheduled time off, for any reason, the Employee will not be eligible for Emergency School Closing pay.

In cases where an emergency closing is not authorized, an Employee who fails to report for work will not be paid for the time off. An Employee must use a personal, vacation, or sick time, as applicable. If the Employee does not have paid time off available, the employee will be unpaid for failing to report to work.

An Employee in essential operations may be required to work on a day when School is officially closed. In these circumstances, Employees who work will receive regular pay.

### **504 Reimbursement Policy**

Adopted: 9/1/21

All expenditures charged to EMSA must be for the benefit of EMSA students and/or school programs and must be supported by detailed documentation such as original receipts. Reimbursements are subject to approval by the Employee's Principal/Supervisor or Chief Operating Officer. Purchases should be pre-approved whenever possible. Unauthorized or inappropriate expenditures may be declined. To be reimbursed, receipts should be submitted within 30 days of purchase.

Tax-exempt status must be arranged with vendors before an EMSA purchase is made. Sales tax payments will not be reimbursed.

Abuse of this policy will be documented and may result in disciplinary action, up to and including termination of employment.

## **504a Financial Processes and Procedures for Teachers and School Staff**

Adopted 9/1/21

This Policy delineates the process for collection of money at the schools. This process pertains to fees, fundraisers, field trips, etc.

### **I. Cash Collection and Management at the Schools**

All Employees are instructed that no monies are to be left in classrooms or any other unsecured area.

They are instructed that all monies are to be turned in to the Office Administrator on a daily basis for processing.

Employees are instructed that these monies are to be placed in a sealed envelope/zip lock bag with the enclosed collection sheet. Forms must be completed in full and turned in with the cash on a daily basis.

The Office Administrator keeps control of all collections and the cash collection management process within the school.

### **II. Field Trip Check Request**

Field trip fees are collected several weeks prior to the trip. The fees are turned in to the Office Administrator ahead of time. The finance office generates a check to the organization that is hosting the field trip. The cash collected for field trips should follow the same procedure listed above under cash collection and management.

All field trip costs should be processed through EMSA. (e.g., Imax Theater, Field Museum, Safari Land, etc.)

Teachers should submit the check request at least 2 weeks in advance to the Office Administrator for approval.

### **III. Athletic Fees**

All fees collected must be recorded on the EMSA receipt book. The receipt should note:

- Student name
- Grade
- Sport

The athletic department should keep a record and also share the information with the main office. Monies should be turned in to the Office Administrator with a copy of the receipt for each payment taken.

#### **IV. Student Events**

If an EMSA sponsored event occurs after the conclusion of the instructional day (e.g., dance, sporting event concessions/admissions, etc.) the supervising employee must secure funds and submit to the Office Administrator by the next business day.

#### **V. Miscellaneous**

Please note that in the absence of Office Administrator, all monies and forms should be turned in to the Principal, or in her absence, the Chief Operating Officer.

Abuse of this policy and EMSA's cash collection and handling policies will be documented and may result in disciplinary action, up to and including termination of employment.

#### **505 Visitors in the Workplace**

Adopted: 9/1/21

To provide for the safety and security of Employees, students, and the facilities at EMSA, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protect against theft, ensure security of equipment, protect confidential information, safeguard Employee and Scholar welfare, and avoid potential distractions and disturbances.

All visitors should enter EMSA at the main entrance, present a photo ID and receive a visitor's pass. Authorized visitors will receive directions or be escorted to their destination. An Employee is responsible for the conduct and safety of his/her business and personal visitors.

All staff is expected to question any unknown person seen wandering throughout the building without a visitor's pass. If an unauthorized individual is observed on EMSA's premises, an Employee should immediately notify the office and his/her Supervisor. The Office Administrator or Administrative Assistant will alert maintenance and available office personnel will respond to the location. Employees who observe or encounter a situation where additional assistance is needed should call the office or if immediate danger is suspected, call 9-1-1.

Employees that enable unauthorized visitors in the workplace may be subject to disciplinary action, up to and including termination of employment.

#### **506 Mandated Reporting**

Adopted: 9/1/21

Any EMSA Employee who suspects or receives knowledge that a student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, shall: (1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline 800/25-ABUSE or 217/524-2606, and (2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office. The Employee shall also promptly notify the Principal that a report has been made. The Principal shall immediately coordinate any necessary notifications to the student's parent(s)/guardian(s) with DCFS and/or local law enforcement.

Any EMSA Employee who discovers child pornography on electronic and information technology equipment shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's CyberTipline 800/843-5678, or online at [www.cybertipline.com](http://www.cybertipline.com). The Employee shall also promptly notify the Principal of the discovery and that a report has been made.

Any EMSA Employee who observes any act of hazing to a student must report that act to the Principal or designee who will investigate and take appropriate action. If the hazing results in death or great bodily harm, the Employee shall first make the report to law enforcement and then to the Principal. Hazing is defined as any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students.

### **Abused and Neglected Child Reporting Act (ANCRA) and Erin's Law Training**

The Principal, Chief Operating Officer or designee shall provide staff development opportunities for Employees in the detection, reporting, and prevention of child abuse and neglect.

All EMSA Employees shall:

1. Before beginning employment, sign the *Acknowledgement of Mandated Reporter Status* form provided by DCFS. The Chief Operating Officer or designee shall ensure that the signed forms are retained.
2. Complete mandated reporter training as required by law within three months of initial employment and at least every three years after that date.

The Chief Operating Officer or designee will encourage all EMSA Employees to complete continuing professional development that addresses the traits and identifiers that may be evident in students who are victims of child sexual abuse, including recognizing and reporting child sexual abuse and providing appropriate follow-up and care for abused students as they return to the classroom setting.

### **507 Computer and Email Usage**

Adopted: 9/1/21

Computers, computer files, the email system, and software furnished to Employees are EMSA property and intended for business use. An Employee should not use a password, access a file or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email usage will be monitored.

EMSA strives to maintain a workplace free of harassment and sensitive to the diversity of its Employees. Therefore, EMSA prohibits the use of computers and the email system in ways that are disruptive, offensive to others or harmful to morale.

EMSA purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, EMSA does not have the right to reproduce such software for use on more than one (1) computer.

An Employee may only use software on local area networks or on multiple machines according to the software license agreement. EMSA prohibits the illegal duplication of software and its related documentation.

An Employee should notify his/her Supervisor, the Chief Operating Officer or any member of management upon learning of violations of this policy. An Employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

### **508 Internet Usage**

Adopted: 9/1/21

Internet access is provided by EMSA to assist Employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage.

All Internet data that is composed, transmitted or received via EMSA computer communications systems is considered to be part of the official records of EMSA and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, an Employee should always ensure that the business information contained in Internet email messages and other transmissions are accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of EMSA. As such, EMSA reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating or disruptive to any Employee or other person.

The unauthorized use, installation, copying or distribution of copyrighted, trademarked or patented material on the Internet is expressly prohibited. As a general rule, if an Employee did not create material, does not own the rights to it or has not gotten authorization for its use, it should not be put on the Internet. An Employee is also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Abuse of Internet access provided by EMSA or the violation of EMSA policies will result in disciplinary action, up to and including termination of employment. An Employee may also be held personally liable for any violations of this policy.

### **509 Workplace Monitoring**

Adopted: 9/1/21

Workplace monitoring may be conducted by EMSA to ensure Employee and student safety and security. Email, cell phones, equipment and services, internet services, technology and other forms of electronic communication provided by EMSA, as well as all EMSA's records are not private – they belong to EMSA and not the Employee. Employees have no reasonable expectation of privacy concerning the use of email, cell phones, equipment and services, internet services, technology, and other forms of electronic communication provided by EMSA and, as such, EMSA may access or monitor these systems and equipment.

EMSA will not:

- Ask, require or coerce Employees or applicants to provide passwords or other related account information for accessing their personal online accounts.
- Demand access to Employees' and applicant's personal online accounts.
- Ask, require or coerce Employees and applicants to authenticate or access their personal online accounts.
- Require or coerce Employees and applicants to invite EMSA to join groups affiliated with their personal online accounts.
- Require or coerce Employees and applicants to join EMSA's online accounts or add EMSA to contact lists for their personal online accounts.
- Retaliate against an Employee or applicant for refusing any of the above activities.

### **510 Personal Technology and Social Media; Usage and Conduct**

Adoped: 9/1/21

#### **Definitions**

**Social media** - Media for social interaction, using highly accessible communication techniques through the use of web-based and mobile technologies to turn communication into interactive dialogue. This includes, but is not limited to, services such as *Facebook, LinkedIn, Twitter, Instagram, Snapchat, and YouTube.*

**Personal technology** - Any device that is not owned or leased by EMSA or otherwise authorized for EMSA's use and: (1) transmits sounds, images, text, messages, videos, or electronic information, (2) electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes laptop computers (e.g., laptops, Ultrabooks, and Chromebooks), tablets (e.g., iPads®, Kindle®, Microsoft Surface®, and other Android® platform or Windows® devices), smartphones (e.g., iPhone®, BlackBerry®, Android® platform phones, and Windows Phone®), and other devices (e.g., iPod®).

In general, EMSA views websites, web logs and other information published on mediums accessible by the public by its Employees positively, and it respects the right of Employees to use them as a medium of self-expression. If an Employee chooses to identify himself/herself as an EMSA Employee or to discuss matters related to EMSA, please bear in mind that although the information published by the Employee will generally be viewed as a medium of personal expression, some readers may nonetheless view him/her as a de facto spokesperson for EMSA.

In light of this possibility the following guidelines must be followed:

- The use of school equipment, including computers and electronic systems, is for EMSA's purposes only.
- Employees should choose an EMSA provided or supported method whenever possible to communicate with students and their parents/guardians.
- Employees must adhere to the high standards for appropriate school relationships required by Policy 107, *Code of Ethics*, at all times, regardless of the ever-changing social media and personal technology platforms available. This includes Employees posting

images or private information about themselves or others in a manner readily accessible to students and other Employees that is inappropriate.

- Personal technology and social media may not be used to share, publish, or transmit information about or images of students and/or EMSA's Employees without proper approval.
- Employees may not create a link from their blog, website, or other social networking sites or profiles to a EMSA-affiliated website without identifying themselves as EMSA Employees.
- Employees must not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
- An Employee is not permitted to disclose confidential or proprietary information. He/she must at all times abide by all non-disclosure and confidentiality policies.
- If an Employee blogs or otherwise publishes information about EMSA, she/he must clearly and conspicuously disclose his/her relationship with EMSA and must make it clear to his/her readers that the views expressed are his/her opinion alone and do not represent the views of EMSA.
- An Employee is not permitted to use any school logo or graphics without first obtaining written permission from the Chief Operating Officer.
- An Employee may only use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.
- An Employee assumes all responsibility and liability for his/her public statements and all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the Employee's personal technology or social media. EMSA expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its Employees' personal technology and social media.

Employees are subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the Employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of EMSA for any losses, costs, or damages, including reasonable attorney fees, incurred by EMSA relating to, or arising out of, any violation of this policy.

## **600 LEAVES OF ABSENCE**

### **601 Family and Medical Leave of Absence (FMLA)**

Adopted: 9/1/21

An Employee may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides Employee information concerning FMLA entitlements and obligations he/she may have during such a leave. If an Employee has any questions concerning FMLA Leave, he/she should contact the Employee Relations team.

#### **I. Employees Eligible for FMLA Leave**

FMLA Leave is available to “eligible Employees”. To be an “eligible Employee”, an Employee must:

- have been employed by EMSA for at least 12 months (which need not be consecutive);
- have been employed by EMSA for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and
- be employed at a worksite where 50 or more Employees are located within 75 miles of the worksite.

The determination of whether an Employee has worked for EMSA for at least 1,250 hours in the past 12 months and has been employed by EMSA for a total of at least 12 months must be made as of the date the FMLA Leave is to start. If an Employee is on “Non-FMLA Leave” at the time he/she meets the FMLA eligibility requirements, only that portion of leave taken for FMLA-qualifying reasons, after they meet the FMLA eligibility requirements, would be designated as “FMLA Leave.”

Whether 50 Employees are employed within 75 miles to ascertain an Employee’s eligibility for FMLA benefits is determined when the Employee gives notice of the need for leave. Whether the leave is to be taken at one (1) time or on an intermittent or reduced leave schedule basis, once an Employee is determined eligible for a particular leave, the Employee’s eligibility for that specific leave is not affected by any subsequent change in the number of Employees employed at or within 75 miles of the Employee’s worksite.

When an Employee requests FMLA Leave or when EMSA acquires knowledge that an Employee’s leave may be for an FMLA-qualifying reason, EMSA must notify the Employee of the Employee’s eligibility to take FMLA Leave within five (5) business days, absent extenuating circumstances. Employee eligibility is determined (and notice will be provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period. All FMLA absences for the same qualifying reason are considered a single leave and Employee eligibility as to that reason for leave does not change during the applicable 12-month period.

#### **II. Employee Entitlements for FMLA Leave**

As described below, the FMLA provides eligible Employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration. The FMLA also entitles an Employee to certain written notices concerning their potential eligibility for and designation of FMLA Leave.



## **A. Basic FMLA Leave Entitlement**

The FMLA provides an eligible Employee up to twelve (12) work weeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a rolling 12-month calendar year measured backward from the date an Employee uses any FMLA Leave. Leave may be taken for any one (1) or for a combination of the following reasons:

- To care for the Employee's child after birth or placement for adoption or foster care;
- To care for the Employee's spouse, son, daughter or parent (but not in-laws) who has a serious health condition;
- For the Employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the Employee unable to perform one (1) or more of the essential functions of the Employee's job; and/or
- Because of any qualifying exigency arising out of the fact that an Employee's spouse, son, daughter or parent is a covered military member on covered active duty or has been notified of an impending call or order to covered active duty status in the armed forces.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the Employee from performing the functions of the Employee's job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment or incapacity due to pregnancy or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

## **B. Additional Military Family Leave Entitlement (Injured Service Member Leave)**

In addition to the basic FMLA Leave entitlement discussed above, an eligible Employee who is the spouse, son, daughter, parent or next of kin of a covered service member or covered veteran is entitled to take up to twenty-six (26) weeks of leave during a single 12-month period to care for the service member with a serious injury or illness.

Leave to care for a covered service member or veteran shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks during the single 12-month period. The single 12-month period begins on the first day an eligible Employee takes leave to care for the injured service member.

When, during the "single 12-month period", leave qualifies as both leave to care for a covered service member or veteran and leave to care for a family member with a serious health condition, EMSA will designate such leave as leave to care for a covered service member or veteran in the first instance and such leave shall not be designated and counted as both leaves to care for a covered service member or veteran and leave to care for a family member with a serious health

condition. As is the case with other FMLA Leave, EMSA may retroactively designate leave as leave to care for a covered service member or veteran.

A “covered service member” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. A covered service member would have a serious injury or illness if he/she has incurred an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

A “covered veteran” means a veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy. A covered veteran would have a serious injury or illness if he/she has incurred a qualifying injury or illness in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

### **C. Spouses Employed by the Same Worksite Employer**

Spouses employed by the same Worksite Employer are limited to a combined total of 26 work weeks in a single 12-month period if the leave is to care for a covered service member or veteran with a serious injury or illness, and to a combined total of 12 work weeks in a 12-month period if the leave is taken for the birth and care of a newborn child, for placement of a child for adoption or foster care or to care for a parent who has a serious health condition.

### **D. Intermittent Leave and Reduced Leave Schedules**

FMLA Leave usually will be taken for a period of consecutive days, weeks or months. However, an Employee may also be entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the Employee or covered family member or the serious injury or illness of a covered service member.

### **E. Special Rules for Educators**

The Special Rules for School Employees apply to EMSA Employees. See 29 CFR 825.600/et seq.

### **F. Protection of Group Health Insurance Benefits**

During FMLA Leave, an eligible Employee is entitled to receive group health plan coverage on the same terms and conditions as if he/she had continued to work. Unless EMSA notifies Employees of other arrangements, whenever Employees are receiving pay from EMSA during FMLA Leave, EMSA will deduct the Employee portion of the group health plan premium from the Employee's paycheck in the same manner as if the Employee was actively working. If FMLA

Leave is unpaid, Employees must pay their portion of the group health premium through direct payment to the School.

## **G. Restoration of Employment and Benefits**

At the end of FMLA Leave, subject to some exceptions including situations where job restoration of “a key Employee” will cause EMSA substantial and grievous economic injury, an Employee generally has a right to return to the same or equivalent position with equivalent pay, benefits and employment terms.

EMSA will notify an Employee if he/she qualifies as “a key Employee”, if it intends to deny reinstatement, and of his/her rights in such instances. Use of FMLA Leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible Employee’s FMLA Leave.

## **H. Notice of Eligibility for, and Designation of FMLA Leave**

An Employee requesting FMLA Leave is entitled to receive written notice from EMSA telling him/her whether they are eligible for FMLA Leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA Leave, an Employee is entitled to receive written notice of:

- their rights and responsibilities in connection with such leave;
- EMSA’s designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and
- the amount of leave, if known, that will be counted against an Employee’s leave entitlement.

EMSA may retroactively designate leave as FMLA Leave with appropriate written notice to an Employee provided EMSA’s failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the Employee. In all cases where leaves qualify for FMLA protection, EMSA and Employee can mutually agree that leave be retroactively designated as FMLA Leave.

## **III. Employee FMLA Leave Obligations**

### **A. Provide Notice of the Need for Leave**

An Employee who takes FMLA Leave must timely notify EMSA of his/her need for FMLA Leave. The following describes the content and timing of such Employee notices.

#### **1. Content of Employee Notice**

To trigger FMLA Leave protections, an Employee must inform Human Resources of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. An Employee may do this by either requesting FMLA Leave specifically or explaining the reasons for leave so as to allow EMSA to determine that the leave is FMLA-qualifying. For example, an Employee might explain that:

- a medical condition renders him/her unable to perform the functions of their job;
- she is pregnant;

- have been hospitalized overnight;
- he/she or a covered family member is under the continuing care of a health care provider;
- the leave is due to a qualifying exigency cause by a covered military member being on active duty or called to active duty status; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered service member with a serious injury or illness.

Calling in “sick,” without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA Leave under this policy. An Employee must respond to EMSA’s questions to determine if absences are potentially FMLA-qualifying.

If an Employee fails to explain the reasons for FMLA Leave, the leave may be denied. When an Employee seeks leave due to FMLA-qualifying reasons for which EMSA has previously provided FMLA-protected leave, he/she must specifically reference the qualifying reason for the leave or the need for FMLA Leave.

## **2. Timing of Employee Notice**

An Employee must provide a 30-day advance notice of the need to take FMLA Leave when the need is foreseeable. When a 30-day notice is not possible or the approximate timing of the need for leave is not foreseeable, an Employee must provide EMSA notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. An Employee, who fails to give a 30-day notice for foreseeable leave without a reasonable excuse for the delay or otherwise fail to satisfy FMLA notice obligations, may have his/her FMLA Leave delayed or denied.

### **B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules**

When planning medical treatment, an Employee must consult with Human Resources and must make a reasonable effort to schedule treatment so as not to unduly disrupt EMSA’s operations, subject to the approval of an Employee’s health care provider. An Employee must consult with Human Resources prior to the scheduling of treatment to work out a treatment schedule which best suits the needs of both EMSA and the Employee, subject to the approval of an Employee’s health care provider. If an Employee providing notice of the need to take FMLA Leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, EMSA may require an Employee to attempt to make such arrangements, subject to the approval of the Employee’s health care provider.

When an Employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment for the Employee or a family member, including during a period of recovery from a serious health condition or to care for a covered service member, EMSA may temporarily transfer Employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the Employees are qualified and which better accommodate recurring periods of leave.

When Employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, Employees must advise EMSA of the reason why such leave is medically necessary. In such instances, EMSA and Employee shall attempt to

work out a leave schedule that meets the Employee's needs without unduly disrupting EMSA's operations, subject to the approval of the Employee's health care provider.

### **C. Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)**

Depending on the nature of FMLA Leave sought, Employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three (3) types of FMLA medical certifications:

- an initial certification,
- a recertification,
- a return to work / fitness for duty certification

It is the Employee's responsibility to provide EMSA with timely, complete and sufficient medical certifications. Whenever EMSA requests Employees to provide FMLA medical certifications, Employees must provide the requested certifications within fifteen (15) calendar days after EMSA's request, unless it is not practicable to do so despite an Employee's diligent, good faith efforts. EMSA shall inform Employees if submitted medical certifications are incomplete or insufficient and provide Employees at least seven (7) calendar days to cure deficiencies. EMSA will deny FMLA Leave to Employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the Employee's permission, EMSA (through individuals other than an Employee's direct Supervisor) may contact the Employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If Employees choose not to provide EMSA with authorization allowing it to clarify or authenticate certifications with health care providers, EMSA may deny FMLA Leave if certifications are unclear.

Whenever EMSA deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

#### **1. Initial Medical Certifications**

Employees requesting leave because of their own or a covered relation's, serious health condition or to care for a covered service member, must supply medical certification supporting the need for such leave from their health care provider or if applicable, the health care provider of their covered family or service member. If Employees provide at least a 30-day notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If EMSA has reason to doubt initial medical certifications, it may require Employees to obtain a second opinion at EMSA's expense. If the opinions of the initial and second health care providers differ, EMSA may, at its expense, require Employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by EMSA and the Employee.

## **2. Medical Recertification**

Depending on the circumstances and duration of FMLA Leave, EMSA may require Employees to provide recertification of medical conditions giving rise to the need for leave. EMSA will notify Employees if recertification is required and will give Employees at least fifteen (15) calendar days to provide medical recertification.

Generally, EMSA may request medical certification no more often than every thirty (30) days and only in connection with an Employee's absence. If medical certification indicates the minimum duration of the condition is more than thirty (30) days, EMSA will wait until that minimum duration expires before requesting medical recertification. In all cases, EMSA may request recertification of a medical condition every six (6) months in connection with an Employee's absence.

EMSA may request certification in less than thirty (30) days or before the minimum duration of the condition has elapsed, if:

- a) an Employee requests an extension of leave(s);
- b) circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications, etc.); or
- c) EMSA receives information casting doubt upon an Employee's stated reason for the absence or the continuing validity of a certification.

## **3. Return to Work/Fitness for Duty Medical Certifications**

Unless notified that providing such certifications is not necessary, Employees returning to work from FMLA Leaves that were taken because of their own serious health conditions that made them unable to perform their jobs, must provide EMSA medical certification confirming they are able to return to work and the Employees' ability to perform the essential functions of the Employees' position, with or without reasonable accommodation. EMSA may delay and/or deny job restoration until Employees provide return to work/fitness for duty certifications.

### **D. Submit Certifications Supporting Need for Military Family Leave**

Upon request, the first time that an Employee seeks leave due to qualifying exigencies arising out of the active duty or call to active duty status of a covered military member, EMSA may require the Employee to provide:

1. a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or call to active duty status and the dates of the covered military member's active duty service; and
2. a certification from the Employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. An Employee shall provide a copy of a new, active duty order or other documentation issued by the military for a leave arising out of qualifying exigencies arising out of a different active duty or call to active duty status of the same or a different covered military member.

When leave is taken to care for a covered service member with a serious injury or illness, EMSA may require Employees to obtain certifications completed by an authorized health care provider

of the covered service member. In addition, and in accordance with the FMLA regulations, EMSA may request that the certification submitted by Employees set forth additional information provided by the Employee and/or the covered service member confirming entitlement to such leave.

#### **E. Paid Leave During FMLA Leave**

Employees shall use any accrued paid time while taking FMLA Leave. The use of paid time for unpaid FMLA Leave time does not extend the length of FMLA Leaves and the paid time will run concurrently with an Employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA Leave entitlement. Upon written request, EMSA will allow Employees to use accrued paid time to supplement any paid disability benefits.

#### **F. Pay Employee's Share of Health Insurance Premiums**

As noted above, during FMLA Leave, Employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless EMSA notifies Employees of other arrangements, whenever Employees are receiving pay from EMSA during FMLA Leave, EMSA will deduct the Employee portion of the group health plan premium from the Employee's paycheck in the same manner as if the Employee was actively working. If FMLA Leave is unpaid, Employees must pay their portion of the group health premium through direct payment to the School.

EMSA's obligation to maintain health care coverage ceases if an Employee's premium payment is more than thirty (30) days late. If an Employee's payment is more than fifteen (15) days late, EMSA will send a letter notifying the Employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If Employees do not return to work within thirty (30) calendar days at the end of the leave period (unless Employees cannot return to work because of a serious health condition or other circumstances beyond their control) they will be required to reimburse EMSA for the cost of the premiums EMSA paid for maintaining coverage during their unpaid FMLA Leave.

#### **G. Report Periodically Concerning Intent to Return to Work**

Employees must contact EMSA periodically regarding their status and intention to return to work at the end of the FMLA Leave period. If an Employee's anticipated return to work date changes and it becomes necessary for the Employee to take more or less leave than originally anticipated, the Employee must provide EMSA with reasonable notice (i.e., within two (2) business days) of the Employee's changed circumstances and new return to work date. If Employees give EMSA unequivocal notice of their intent not to return to work, EMSA's obligation to maintain health benefits (subject to COBRA requirements) and to restore their positions cease.

#### **V. Coordination of FMLA Leave with Other Leave Policies**

The FMLA does not affect any federal, state or local law prohibiting discrimination or supersede any state or local law which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA Leave is

either not available or exhausted, please consult EMSA's other leave policies in this handbook or contact the Employee Relations team.

## **VI. Questions and/or Complaints about FMLA Leave**

If an Employee has questions regarding this FMLA policy, he/she should contact Human Resources. EMSA is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to:

- 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or
- 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA.

If Employees believe their FMLA rights have been violated, they should contact the Principal, Chief Operating Officer, or Chief Human Resources Officer immediately. EMSA will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

### **602 Military Leave**

Adopted: 9/1/21

A military leave of absence will be granted to Employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), state law, and applicable EMSA policy. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Employees are required to give or send written details of any United States military commitments to contact the Employee Relations team. Duty orders must be submitted immediately to the Employee Relations team upon receipt from the military.

Unless otherwise provided for by EMSA policy, military leave will be unpaid. However, Employees may elect to use any available paid time off for the absence. Please contact Human Resources for the latest EMSA policy, if any, concerning special pay and benefits for Employees called to active military duty.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the Employee is otherwise eligible.

Except as otherwise indicated by EMSA policy, benefit accruals, such as vacation, sick leave or holiday benefits, will be suspended during the leave and will resume upon the Employee's return to active employment.

Employees on military leave for up to thirty (30) days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on military leave between thirty-one (31) and one hundred-eighty (180) days have fourteen (14) days from the end of their service to report back to work. Those Employees who serve more than one hundred-eighty (180) days must return to work within ninety (90) days of the end of their military



service. Employees on military leave longer than thirty (30) days must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

### **603 Family Military Leave**

Adopted: 9/1/21

Eligible Employees whose spouse or child(ren) are called to military service of at least thirty (30) days by the state of Illinois or the United States may take fifteen (15) or thirty (30) days of protected, unpaid leave (depending on how many Employees EMSA has at the time of the leave) in accordance with the Illinois Family Military Leave Act. To be eligible, the Employee must have been continuously employed by EMSA for at least twelve (12) months, and must have been scheduled to work at least 1,250 hours during the 12-month period immediately preceding the day the leave is to begin. Also, before taking Family Military Leave, the Employee must first exhaust any accrued paid time off available to him/her.

Employees must request Family Military Leave in writing and must consult with Human Resources to schedule the leave so as not to unduly disrupt EMSA's operations. If an Employee's need for Family Military Leave is foreseeable, and his/her leave will be for five (5) or more consecutive work days, he/she must provide at least fourteen (14) days written notice of the leave. EMSA requires certification from the proper military authority to verify an Employee's eligibility for Family Military Leave.

During an Employee's leave under this policy, he/she is responsible for the cost of coverage under any applicable insurance programs or policies. Arrangements to pay for such coverage should be made before the Employee's leave begins.

If an Employee fails to return to work as scheduled following a Family Military Leave, he/she will be considered to have resigned employment effective as of the last date of the approved leave.

### **604 Victims' Economic Security and Safety Act (VESSA)**

Adopted: 9/1/21

#### **The Leave Policy**

Full-time and part-time Employees in Illinois are eligible to take up to twelve (12) weeks of unpaid Victims' Economic Security and Safety Act (VESSA) leave within any 12-month period and be restored to the same or an equivalent position upon his/her return from leave provided he/she:

- gives 48 hours' advance notice of the intention to take VESSA leave; and
- submits the appropriate VESSA certification documents. Please note that if the reason for the request for VESSA leave would also entitle the Employee to FMLA Leave, then the Employee must concurrently take FMLA Leave.

## **Notice of Leave**

To request leave, an Employee must notify Human Resources of his/her request for leave by completing a Request for VESSA Leave Form available from the Supervisor. An Employee must give 48 hours' prior written notice (unless under the circumstances such notice is impracticable) or as much advance written notice as possible, to Human Resources.

## **Certification**

If an Employee requests a VESSA leave, he/she must supply certification documentation to EMSA at the time of the requested leave or if impracticable, within a reasonable time but in no event more than seven (7) business days from the first day of the leave requested. This certification must contain a sworn statement by the Employee that the Employee or a member of the Employee's family or household member is a victim of domestic or sexual violence and that the request for VESSA leave is for the purpose of:

- seeking medical attention for or recovering from, physical or psychological injuries caused by domestic or sexual violence;
- obtaining services from a victim services organization;
- obtaining psychological or other counseling, participating in safety planning, temporarily or permanently relocating or taking other actions to increase the safety of the Employee, his/her family or household member, or ensure economic security; or
- seeking legal assistance or remedies including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic sexual violence.

Please note that if leave is requested due to a family or household member, their interests must not be adverse to the Employee. In other words, leave cannot be requested by a perpetrator. Further, the certification must indicate that upon obtaining the following, the Employee will provide his or her Supervisor with:

1. documentation from an Employee, agent or volunteer of a victim services organization, an attorney, a member of the clergy or a medical or other professional from whom the Employee, a member of the Employee's family or household sought assistance in addressing domestic or sexual violence and specifying the effects of the violence;
2. a police or court record; or
3. other corroborating evidence.

Failure to provide the requested certification and corroboration documentation within a reasonable time may result in delay of further leave until it is provided, and/or may subject the Employee to discipline, up to and including termination, for taking unauthorized leave or excessive absenteeism.

## **Confidentiality**

All VESSA leave information provided by an Employee to EMSA is confidential. This information will not be disclosed by EMSA to third parties unless an Employee requests such disclosure in writing or the disclosure is required by state or federal law.

## **While on Leave**

If an Employee takes VESSA leave, he/she must contact Human Resources on the “first and third Tuesday” of each month regarding his/her status. In addition, he/she must give notice to Human Resources as soon as practicable (within two (2) business days, if feasible) if the dates of leave change, are extended or initially were unknown.

## **Intermittent and Reduced Schedule Leave**

VESSA leave may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (reducing the usual number of hours an Employee works each workday) if necessary. An Employee will receive his/her current rate of pay for hours worked and time spent working will not count against his/her available VESSA leave. In addition, while an Employee is on an intermittent or reduced schedule leave, EMSA may temporarily transfer him/her to an available alternative position, which better accommodates his/her recurring leave and which has equivalent pay and benefits.

## **Leave is Unpaid**

During an approved VESSA leave, EMSA will maintain the Employee’s health and other benefits, as if employment was actively continued. However, an Employee must continue to pay his/her portion, if any, of the group health plan premiums or benefits may be cancelled. Accrual of benefits such as paid time off will be suspended during the duration of the leave. Accrual of seniority will also be suspended during the leave and the Employee’s annual review date will be adjusted accordingly. If an Employee returns to work owing any employer-made contributions to his/her insurance premiums to maintain coverage during their leave, an Employee will be required to reimburse EMSA through payroll deduction immediately upon return.

If an Employee elects not to return to work at the end of the leave period, he/she will be required to reimburse EMSA for contributions to the health insurance premiums made to maintain coverage during his/her leave, unless a certification can be provided indicating that he/she cannot return to work because of the continuation, recurrence or onset of domestic or sexual violence that resulted in his/her VESSA leave or because of other circumstances beyond control. An Employee must contact his/her Supervisor immediately upon learning that he/she will be unable to return to work to obtain the necessary certification forms.

## **Returning From Leave**

When an Employee is able to return to work following VESSA leave, he/she should attempt to give EMSA as much notice as possible but at least one (1) week notice by emailing the notice to Human Resources. This is important so that the return to work is properly scheduled.

## **Reasonable Accommodations**

Upon return to work, an Employee may also ask Human Resources for help to stay safe at work. EMSA will make reasonable accommodations in a timely fashion, unless it would be an undue hardship. EMSA and its designees may not retaliate, terminate, or reduce work hours against the Employee for making these requests.

## **605 Maternity/Paternity Leave**

Adopted: 9/1/21

For FMLA eligible employees, FMLA provides up to twelve (12) work weeks of unpaid leave to care for the Employee's child after birth or placement for adoption or foster care during a 12-month period. The 12-month period is determined based on a rolling 12-month calendar year measured backward from the date an Employee uses any FMLA Leave. For more information on FMLA eligibility and entitlements, please see Policy 601. Employees may also utilize their sick and personal days to receive pay during unpaid FMLA.

## **606 Lactation Breaks**

Adopted: 9/1/21

Employees may take reasonable lactation breaks in accordance with applicable law, including the Nursing Mother in the Workplace Act, 820 ILCS 260/1 *et seq.*

## **700 EMPLOYEE CONDUCT EXPECTATIONS**

### **701 Employee Conduct**

Adopted: 9/1/21

To ensure the best possible work and educational environment, EMSA's Employees are required to act in the best interests of students and fellow Employees. It is not possible to list all the forms of behavior that are considered unacceptable, but the following are provided as examples of actions that may result in disciplinary action, up to and including termination of employment:

- Supplying false or misleading information when applying for employment or during employment
- Theft or inappropriate removal or possession of property
- Falsification of any record
- Working under the influence of alcohol or an illegal drug
- Engaging in violence or the threat of violence
- Negligence that endangers a student or any other individual
- Disrespectful conduct
- Engaging in unethical or illegal conduct
- Having a conflict of interest
- Violating a safety or health rule
- Smoking on EMSA property
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or tardiness or any absence without notice
- Unauthorized absence from work
- Making or publishing false or malicious statements relating to a student, student's family, Employee, or EMSA

- Refusing or failing to wear an appropriate facial cover over the employee's mouth and nose, except while eating/drinking, unless exempted by a medical provider, during any time said action is required by EMSA
- Failing to maintain proper social distancing of a particular distance designated by EMSA
- Violation of personnel policies

Employment with EMSA is at the mutual consent of EMSA and the Employee, and either party may terminate that relationship at any time, with or without cause. Unless otherwise specified in a written agreement between the Employee and EMSA, termination may be with or without advance notice.

## **702 Outside Employment**

Adopted: 9/1/21

Employees may hold outside jobs as long as they meet the performance standards of their job with EMSA. All Employees will be judged by the same performance standards and will be subject to EMSA's scheduling demands, regardless of any existing outside work requirements.

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

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside EMSA for materials produced or services rendered while performing their jobs.

## **703 Non-Disclosures**

Adopted: 9/1/21

The protection of confidential student information, Employee information and business information is vital to the interests and the success of EMSA and to meeting needs of the students it serves. Such confidential information includes, but is not limited to, the following examples:

- Personally-identifiable information about a student
- Personally-identifiable information about an Employee
- Personally-identifiable information about a family member of a student or Employee
- Medical records or information about a student
- Medical records or information about an Employee
- Computer Programs and Codes
- Vendor Lists
- Vendor Preferences
- Financial Information
- Marketing Strategies
- Pending Projects and Proposals

Employees are required to maintain in strict confidence any and all Confidential Information obtained by them and shall not disclose all or any part of the Confidential Information to any other person or entity not affiliated with EMSA or to any person within EMSA not privy to such information, and they shall not use the Confidential Information for any purpose unrelated to their

employment, except as authorized by the Principal. This obligation survives an Employee's termination of employment.

Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information.

### **703a Student Records**

Adopted: 9/1/21

School student records are confidential. Information from them shall not be released other than as provided by law. A school student record is any writing or other recorded information concerning a student and by which a student may be identified individually that is maintained by a school or at its direction by a school employee, regardless of how or where the information is stored, except as provided in State or federal law as summarized below:

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement officers working in the school.
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 17 years who has been arrested or taken into custody.

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy, and challenge school student records. The information contained in school student records shall be kept current, accurate, clear and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. EMSA may release directory information as permitted by law, but a parent/guardian shall have the right to object to the release of information regarding his or her child. However, EMSA will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to, or the consent of, the student's parent/guardian. Upon request, EMSA discloses school student records without consent to officials of another school or school district in which the student has enrolled or intends to enroll, as well as to any person as specifically required by State or federal law.

The Principal shall fully implement this policy and designate an official records custodian who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and parents/guardians of their rights regarding school student records.

### **704 Attendance and Punctuality**

Adopted: 9/1/21

To maintain a safe and productive work environment, EMSA expects Employees to be reliable and to be punctual in reporting for scheduled work. An Employee is also expected to take his/her lunch/meal times within the time limits set by the Supervisor. Absenteeism and tardiness place a burden on other Employees and on EMSA. In instances when Employees cannot avoid being late to work or are unable to work as scheduled, they should notify their Supervisor as soon as

possible in advance of the anticipated tardiness or absence. On-going tardiness and attendance issues will not be accepted, and will result in disciplinary action, up to and including termination of employment.

Most Employees are expected to work at least forty (40) hours per week. The Supervisor of each area is responsible for maintaining work schedules, recording hours worked, and documenting all absences. Human Resources, the Principal, and/or the Chief Operating Officer are responsible for authorizing leaves of absence.

An Employee should accurately record the time he/she begins and ends their work. They should also record the departure from work for personal reasons. Overtime work must always be approved before it is performed. Altering, falsifying, tampering with time records or recording time on another Employee's time record may result in disciplinary action, up to and including termination of employment. Any issue with timekeeping should be reported to the Principal and Chief Operating Officer in writing by the Employee.

### **705 Personal Appearance**

Adopted: 9/1/21

Teachers and office staff should present a professional, well-groomed appearance. While EMSA does not have a formal dress code, EMSA expects staff to exercise good judgment in their attire for school. Since EMSA incorporates the use of the outdoors on a daily basis, the staff should dress in accordance to what they have planned for the day which includes appropriate closed toe shoes for outside activities. When parents or students are present, staff is expected to set a good example for students and always be professional in every respect. Students will be wearing uniforms, so staff members should dress in a manner at or above the student level of dress. On Fridays, staff may wear properly fitting jeans without holes with EMSA logo wear. When students are not present, dress code is casual, but not sloppy. Guests for tours as well as staff from partnership agencies should be advised to dress appropriately when inside school facilities. Exceptions to the dress code for religious reasons shall be made in compliance with applicable laws and regulations. If an employee, for religious reasons, cannot adhere to the dress code, the employee should contact the Principal.

### **706 Damage and Return of EMSA Property**

Adopted: 9/1/21

Employees are responsible for all EMSA's property, materials or written information issued to them or in their possession or control.

#### **Policies on Damaged, Lost, or Stolen Equipment:**

You are responsible for proper care of EMSA's property, including repair or replacement of EMSA's equipment damaged as a result of negligence. Normal wear and tear is expected. Please provide adequate security for the equipment (especially consideration for technology) while it is in your possession (on or off EMSA property).

If any of your EMSA property is stolen please follow this process.

- Email the details of what happened within 24 hours - that email should be addressed to the Chief Operating Officer.
- If stolen - complete a police report, submit a copy of the police report to the Chief Operating Officer
- Replacement will be issued as quickly as possible.
- You will be responsible for paying the deductible if determined due to Employee negligence.

If any of your EMSA property is damaged or lost, please follow this process.

- Email the details of what happened within 24 hours - that email should be addressed to the Chief Operating Officer.
- Replacement will be issued as quickly as possible.

If EMSA's property is damaged, lost, or stolen due to your negligence, you may be responsible for paying any deductible owed for replacing the property.

If you leave the employ of EMSA you will be expected to return all equipment on or before your last day of work. EMSA may take any action deemed appropriate and which is permitted by law to recover or protect its property, or to cover any losses associated with the damage to its property.

### **707 Security Inspections**

Adopted: 9/1/21

EMSA wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives or other improper materials. To this end, EMSA prohibits the possession, transfer, sale or use of such materials on its premises. EMSA requires the cooperation of all Employees in administering this policy.

**Desks, lockers, and other storage devices may be provided for the conveniences of Employees but remain the sole property of EMSA. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of EMSA at any time, either with or without prior notice.**

EMSA likewise wishes to discourage theft or unauthorized possession of the property of Employees, EMSA, visitors, and customers. To facilitate enforcement of this policy, EMSA or its representative may inspect not only desks and lockers but also persons entering and/or leaving the premises and any packages or other belongings. Any Employee who wishes to avoid inspection of any articles or materials should not bring such items onto EMSA's premises.

### **708 Solicitation**

Adopted: 9/1/21

In an effort to ensure a productive and harmonious work environment, persons not employed by EMSA may not solicit or distribute literature in the workplace at any time for any purpose. EMSA recognizes that Employees may have interests in events and organizations outside the workplace. However, Employees may not solicit or distribute literature concerning these activities during



working time. In addition, the posting of written solicitations on EMSA's bulletin boards is prohibited. Bulletin boards are reserved for official organizational communications on such items as:

- Affirmative Action statement
- Postings required by law
- Employee announcements
- Internal memoranda
- Job openings
- Organizational announcements
- Payday notice
- Workers' compensation insurance information
- State disability insurance/unemployment insurance information

On-going violations will result in disciplinary action, up to and including termination of employment.

### **709 Drug Testing**

Adopted: 9/1/21

EMSA is committed to providing a safe, efficient, and productive work environment for all Employees. Using or being under the influence of drugs on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, job applicants and Employees may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs.

Employees found to pose safety and health risks to EMSA due to the influence of illicit or illegal drugs may be disciplined, up to and including termination of employment.

### **710 Prohibited Drug and Alcohol Use**

Adopted: 9/1/21

It is EMSA's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, an Employee is required to report to work in appropriate mental and physical condition to perform his/her job in a safe and satisfactory manner.

While on EMSA's premises and while conducting school-related activities off the premises, no Employee may use, possess, distribute, sell or be under the influence of illegal drugs. The legal use of prescribed drugs to the designated Employee on the medical label is permitted on the job only if it does not impair an Employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. No one will be penalized solely for his or her status as a registered qualifying patient or a registered designated caregiver for purposes of the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/. An Employee is prohibited from distributing or selling his/her legally prescribed drugs. Employees are required to notify the Chief Operating Officer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction.

Alcohol may not be consumed or ingested by any Employee while on duty or on campus, nor are Employees allowed to be under the influence of alcohol while on duty or on campus. The sole exception to this rule is that Employees may lawfully consume alcohol at EMSA-sponsored social events if the Employee is 21 years of age or older (fundraisers, etc.). No Employees are allowed to be illegally intoxicated by alcohol while on duty or on campus (whether or not they are on duty) or at said social events.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

### **711 No Smoking/Tobacco Prohibition**

Adopted: 9/1/21

In keeping with EMSA's intent to provide a safe and healthful work environment, smoking and the use of tobacco is prohibited throughout the workplace. EMSA's premises are smoke free, which means smoking is not permitted in doorways, parking lots, alleys, etc.

For purposes of this policy "smoking" shall mean inhaling, exhaling, burning, or carrying any lit or heated cigar, cigarette, electronic cigarette, vape, pen, little cigar, pipe, water pipe, herbal cigarette, non-tobacco smoking product, or any similar form of lighted object or device designed for human use or consumption by the inhalation of smoke.

For purposes of this policy "tobacco" shall mean cigarette, cigar, or tobacco in any other form, including smokeless tobacco which is any loose, cut, shredded, ground, powdered, compressed or leaf tobacco that is intended to be placed in the mouth without being smoked.

Violations of this policy may result in civil fines by state or local enforcement agencies and may lead to discipline up to and including termination of employment.

### **712 Personal Vehicles**

Adopted: 9/1/21

Employees shall:

1. Not transport students in their personal vehicles including transportation for school functions.
2. Not allow students to use their personal vehicles.

In circumstances where a student is in physical danger, staff should consult the Principal, Chief Operating Officer, or the police prior to transporting a student in a personal vehicle. Only the Principal's vehicle or rental cars are covered under the EMSA auto insurance for the purpose of transporting students.

This Policy shall not apply to Employees who have familial relationships with the students they are transporting or allowing to use their personal vehicles, or for students whose parent or guardian has provided explicit written permission for a specific Employee to transport his or her child.

Violators of said Policy shall be subject to discipline, up to and including termination of employment.

### **713 Maintaining Student Discipline**

Adopted: 9/1/21

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness. The Principal shall ensure that teachers and other persons providing a student's related services: (1) maintain discipline at EMSA, and (2) follow EMSA's rules and procedures on student conduct, behavior, and discipline.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student, if appropriate. If the unacceptable behavior continues, the teacher should consult with the Principal and/or discuss the problem with the parent(s)/guardian(s). A teacher may remove any student from the learning setting whose behavior interferes with the lessons or participation of fellow students. A student's removal must be in accordance with EMSA's rules and procedures on student conduct, behavior, and discipline.

Teachers shall not use disciplinary methods that may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment (including slapping, paddling, or prolonged maintenance of a student in physically painful positions, and intentional infliction of bodily harm) may not be used. The use of corporal punishment may lead to discipline, up to and including termination of employment. Teachers may use reasonable force as needed to keep students, school personnel, and others safe, or for self-defense or defense of property.

### **714 Distribution of Medicines**

Adopted: 9/1/21

Students who become ill or injured should be sent to the nurse or main office with an escort. All illnesses, incidents, and injuries must be reported to the main office so that they can be properly documented.

It is the policy at EMSA that students not be in possession of any medication, with the exception of asthma inhalers and/or EpiPens, during the regular school day or on campus premises. Staff, except the school nurse and other trained personnel, is also not permitted under any circumstances to administer any medication to a student (prescription, over-the-counter, or otherwise) except to use an EpiPen. Students who are on medications must adhere to the medicine distribution policy established in the student handbook. When required, students taking medication will do so in the nurse's office and teachers are asked to cooperate in ensuring that students are in compliance with their medicines by allowing them access to the nurse's office at designated times. If a student requires medication during school hours, the supervision of the medications will be done by the Nurse, Principal, Administrative Assistant or his/her designee. At no time should a student be allowed to have medication in their possession or in their cubbies, with the exception of asthma inhalers and/or EpiPens. In order to supervise any student's self-administration of prescribed medication (including asthma inhalers and/or EpiPens), we must have a completed Physician Request form on file (form available in the Main Office). For any over the counter medication, we must have a completed parent/guardian request for self-administration (form available in the Main Office). Students are responsible for coming to the nurse's office to take their medications at the appropriate time with the permission of their instructor.

Furthermore, a paper log will be kept on file that indicates the following: name of student, name of medication, date, time, and who supervised the student's self-administration of medicine. All medications, with the exception of asthma inhalers and/or EpiPens, must be placed in a locked box in the nurse's office. If you have any questions, contact the office.

## **800 HIRING POLICIES AND PROCESSES**

### **801 Hiring Process and Criteria**

Adopted: 9/1/21

EMSA hires the most qualified personnel consistent with budget and staffing requirements and in compliance with its policy on equal employment opportunity. No individual will be employed who has been convicted of a criminal offense listed in Section 21B-80 of the Illinois School Code (105 ILCS 5/21B-80).

All applicants must complete all required on-boarding documents in Zenefits in order to be considered for employment. No individual shall begin full-time, part-time, club, stipend-compensated work, or any other work until receiving written approval to begin. Any individual who is found to be in violation will be subject to disciplinary consequences up to and including termination. It is the responsibility of the individual who has sought employment to ensure that official approval has been granted prior to beginning any type of employment.

Supervisors of clubs, activities, athletics, and departmental and building administrators are responsible for monitoring, supervising and ensuring that all persons have appropriate clearance from the Principal, in coordination with the Chief Operating Officer and Human Resources, to work before they allow any individual to begin service.

### **Investigations**

The Chief Operating Officer or designee shall ensure that a fingerprint-based criminal history records check and a check of the statewide Sex Offender Database and Violent Offender Against Youth Database is performed on each applicant as required by state law and EMSA's charter. The Chief Operating Officer or designee shall notify an applicant if the applicant is identified in either database.

Each newly hired Employee must complete an Immigration and Naturalization Service Form as required by federal law.

EMSA retains the right to discharge any Employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section 5/21B-80(c) of the School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

After the initial background investigation is completed, Employees must report any ensuing criminal conviction to the Chief Human Resources Officer. EMSA reserves the right to discipline the Employee for a criminal conviction, up to and including termination of employment.

## **802 Nepotism**

Adopted: 9/1/21

EMSA believes that it is necessary and in its best interest to eliminate the following with respect to hiring: (1) the possibility of actual or potential conflicts of interest, (2) the appearance of impropriety, or (3) the conduct of any person with authority or influence unduly determining the selection of candidates to favor familial relatives in hiring. At all times, all individuals involved in the hiring process should be sensitive to the possibility of the perception of favoritism or abuse of power in hiring due to relationships between an Employee and the candidate, including family relationships, friendships, or business-professional relationships. For purposes of this policy, the following definitions shall be considered an "Interested Relationship":

- **Familial:** Grandfather, grandmother, father, mother, son, daughter, brother, sister, spouse or domestic partner, niece, nephew, and cousin including all associated in-law and step relationships for these categories.
- **Business-Professional:** Any such person with whom the Board of Directors or an Administration member has currently or has had within the previous 24 months a relationship where non-de minimus value (monetary or other consideration) has exchanged hands between the Board or the Administration member and the job candidate including the exchange of value with any organization in which the candidate plays a role of influence. For the purposes of this policy, any item of value permitted to be exchanged pursuant to the state Officials Employee Ethics Act shall be considered of de minimus value. In addition, this definition does not include relationships where value was exchanged between an organization for whom any administrator or job candidate was formerly employed.

No person with an Interested Relationship with any member of the Board of Directors or Administration shall be eligible for employment. In a case where a Board Member has an Interested Relationship with an individual already employed by EMSA, the Board Member shall publicly disclose the nature and extent of the relationship prior to any deliberations regarding the relative. The Board Member shall recuse himself or herself from any deliberations or voting on any matter related to the Employee's wages, benefits, hours, terms and conditions of employment.

No EMSA Employee may participate in the hiring, supervision, review, recommendation, and/or decision-making in any matter concerning salary, promotion, demotion, discipline, transfer, lay-off, recall evaluation, discharge, or determining work duties or assignments with an individual with whom there is an Interested Relationship. Any individual with an Interested Relationship with any Administrator at the building level shall not be employed for any position at, or later assigned to, the building of that Administrator with supervisory responsibilities. If an Interested Relationship is created after the placement of the Employee, said Employee may be transferred.

Board Members and EMSA Administration excepted, this policy shall not apply to the employment of part-time and temporary non-licensed support staff or to substitute teachers (i.e. less than 120 days in a school year.) The prohibitions in the preceding paragraph regarding prohibited participation in personnel functions with family members, however, shall apply.

**EMSA EMPLOYEE HANDBOOK ACKNOWLEDGEMENT OF RECEIPT**

**Academic Year 2021-2022**

**EMSA Copy**

The Employee Handbook describes important information about my employment with EMSA and I understand that I should consult with the Principal, Chief Operating Officer, or Chief Human Resources Officer regarding any questions not answered in these policies. **I have entered into my employment relationship with EMSA voluntarily and acknowledge that there is no specified length of employment. Accordingly, EMSA or I can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.**

Since the information, policies, and benefits described here are on the Internet and are subject to change, I acknowledge that revisions to the handbook may occur, except to the policy of employment at will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies.

Only EMSA has the ability to adopt any revisions to the policies in this handbook.

**Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook (OR: I acknowledge that I have access to the handbook via the Internet and that I will not receive a paper copy of the handbook), and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.**

Employee's Full Name (print): \_\_\_\_\_

Employee's Full Signature: \_\_\_\_\_

Date: \_\_\_\_\_