

# PERSONNEL POLICY MANUAL



39 Trellis Drive San Rafael, CA 94903

Updated July 2014

# Mark Day School

## *Mission Statement*

Mark Day School discovers and nurtures what is finest in each child in a vibrant, inclusive, non-sectarian learning community. Innovative and full of heart, Mark Day strives to develop well-rounded critical thinkers in a challenging program that fosters academic excellence and responsible world citizenship.

## *Philosophy*

At Mark Day School we:

- offer a strong, dynamic academic curriculum, enriched by programs in the arts, physical education, service learning, and outdoor education, with an emphasis on social-emotional development.
- honor and are guided by the Seven Pillars of Character: Caring, Courage, Citizenship, Respect, Responsibility, Honesty, and Fairness.
- embrace diversity in preparing students for a global future.
- combine thoughtful innovation with enduring best practices.
- provide a hands-on program that encourages curiosity, develops independence, and addresses different learning styles.
- strive to teach, learn, and live in a sustainable way.
- integrate technology for learning at age-appropriate levels.
- foster a partnership between our school and parents, which is vital to the success of each child.
- understand that each member of our community blossoms in an atmosphere of safety, encouragement, support, and collaboration.
- believe that school should be challenging, fun, engaging, and joyful.



## **TABLE OF CONTENTS**

### **SECTION I: EMPLOYMENT POLICIES**

- 1.01 Statement of Purpose, Policy and Responsibility
- 1.02 Equal Employment Opportunity
- 1.03 “At Will” Employment Relationship
- 1.04 Hiring of Relatives
- 1.05 Immigration Law Compliance
- 1.06 Employee Status
  - Full-Time
  - Part-Time
  - Temporary
  - Exempt
  - Non-Exempt
  - Administrators
  - Faculty
  - Staff
  - Employee
- 1.07 Background Checks

### **SECTION II: WORK ENVIRONMENT**

- 2.01 Working Hours
  - Full-Time Employees
  - Part-Time Employees
  - Breaks/Rest Periods
  - Overtime for Non-Exempt Employees
  - Faculty
- 2.02 Timekeeping
  - Non-Exempt Employees
  - Exempt Employees
- 2.03 Employee Records
- 2.04 Safety

- On-the-Job Injury
- 2.05 Security

### **SECTION III: COMPENSATION AND PERFORMANCE**

- 3.01 Wage and Administration
- 3.02 Payment of Salaries
- Paychecks
  - Advances
  - Extra Compensation
- 3.03 Performance Appraisal and Review
- Administrative Evaluation
  - Faculty Evaluation: Formal
  - Faculty Evaluation: Informal
  - Staff Evaluation

### **SECTION IV: BENEFITS**

- 4.00 ERISA
- 4.01 Vacations
- 4.02 Holidays
- 4.03 Insurance Coverage
- Open Enrollment Period
- 4.04 C.O.B.R.A.
- 4.05 Retirement Plan - TIAA/CREF
- 4.06 Re-Hires
- Break in Service
- 4.07 Professional Development

### **SECTION V: ABSENCES**

- 5.01 Sick Leave
- 5.02 Personal Leave
- 5.03 Disability Leave
- 5.04 Pregnancy Disability Leave
- 5.05 Family Care and Medical Leave
- 5.06 Unpaid Personal Leave and Long-term Leave of Absence
- 5.07 Bereavement or Family Emergency Leave
- 5.08 Professional Release Time
- 5.09 Military Leave/Service
- 5.10 Jury and Witness Duty

- 5.11 Voting
- 5.12 Child's School Matters Leave
- 5.13 Volunteer Firefighter Leave
- 5.14 Alcohol/Drug Rehabilitation Leave

## **SECTION VI: EMPLOYEE STATUS**

- 6.01 Procedure for Correcting Areas of Concern
  - Warnings
  - Suspension
- 6.02 Termination

## **SECTION VII: EMPLOYEE RESPONSIBILITIES**

- 7.01 Attendance and Punctuality
- 7.02 Suggestions
- 7.03 Secondary Employment
- 7.04 Conflict of Interest
- 7.05 Confidentiality
- 7.06 Personal Telephone Calls
- 7.07 Solicitations
- 7.08 Harassment Policy
- 7.09 Personal Appearance
- 7.10 Smoking
- 7.11 Code of Conduct
- 7.12 Use of Faculty and Staff Computers
- 7.13 Acceptable Use Policy
- 7.14 Additional Employee Rules
  - Illegal Drugs or Alcohol
  - Firearms or Lethal Weapons
  - Fraternalizing with Students
  - Abusive Language
  - Discrimination/Harassment
  - Willful Misrepresentation
  - Insubordination
  - Personal Business
  - Social Networking Policies & Guidelines for Faculty & Staff
- 7.15 Fraud Policy
- 7.16 Whistleblower Policy

## **SECTION VIII**

- 8.01 Acknowledgment

## 1.01

### STATEMENT OF PURPOSE, POLICY AND RESPONSIBILITY

Mark Day School operates in the interest of its students, the community and you - the employee. It is the responsibility of the Head of School and employees to balance these interests. This responsibility includes the understanding and effective administration of our Personnel policies and procedures.

It is the school's intent, in the administration of these policies, that all employees be treated fairly and that the policies be applied uniformly. Accordingly, Mark Day School expects each employee to follow the policies and procedures, which enable the School to operate effectively and to provide quality education and a supportive environment for our students. This Manual, however, is not a contract, and it does not create an express or implied contract of employment for any particular amount of time.

While Mark Day School believes wholeheartedly in the plans, policies and procedures described in this Manual, in light of the rapid pace of changes in the law and our economy, the School must retain the right to modify, revoke, suspend, terminate, or change any or all of the plans, policies or procedures in effect at Mark Day School including those set forth in this Manual with or without advance notice to the employees. All efforts will be made to provide advance notice and discussion when possible. The Head of School in consultation with the Board has responsibility for the approval of changes to personnel plans, policies, and procedures.

The following pages state the Schools' goals and intentions regarding its employees. Careful study and understanding of the information contained herein will help you perform more effectively. After you read this Manual, please complete the attached certificate and return it to the Director of Finance & Operations. The certificate acknowledges that you received a copy of the Manual, read it and understand its contents. If you have any questions, comments, or suggestions, please contact the Head of School.

Personnel policies are principles of personnel administration and are stated in definitive language, especially where the law is involved. In some areas the language is less restrictive and allows latitude after careful consideration of the facts. Despite the diversity of conditions under which Mark Day School may operate, consistency in the application of these policies is a must. In certain cases, for compelling reasons, it may be necessary to vary from the stated policies. However, such variance must conform with the policy's overall purpose and must be approved by the Head of School. The Head of School has the responsibility for administering and enforcing the plans, policies, and procedures addressed in this Manual.

The principal objective of our Personnel policies and procedures is to develop a staff whose efficiency, loyalty and teamwork will continue to make Mark Day School an institution dedicated to educational excellence.

## **1.02**

### **EQUAL EMPLOYMENT OPPORTUNITY**

Mark Day School is an equal opportunity employer. All individuals have an equal opportunity for employment based on qualifications and merit, regardless of religion, race, sex, marital status, pregnancy, childbirth or related medical conditions, age, color, national origin, ancestry, physical or mental disability, medical condition, sexual orientation, mental status, or any other factor prohibited by state or federal law. This policy applies to all areas of employment, including recruitment, hiring, training, promotion, compensation, benefits and other conditions of employment. The School also makes reasonable accommodations for disabled employees and for pregnant employees who request an accommodation for pregnancy, childbirth or related medical conditions.

## **1.03**

### **“AT-WILL” EMPLOYMENT RELATIONSHIP**

It is the goal of Mark Day School to provide a positive work environment for all employees. It is also recognized that personnel changes are frequently initiated by employees and management alike. In this regard, except as expressly provided by an individual, written employment contract, it is expressly understood that employment at Mark Day School is “at-will.” This means that you retain your right to terminate your employment at any time with or without cause or notice, and that Mark Day School retains the corresponding right to terminate your employment at any time with or without cause or notice. No one other than the Head of School has the authority to alter this arrangement, to enter into an agreement for employment for a specified time, or to make any agreement contrary to this policy, and any such agreement must be in writing and must be signed by the Head of School and you.

## **1.04**

### **HIRING OF RELATIVES**

Mark Day School may employ a relative of an employee if the applicant meets the qualifications required for the position. However, employees may not work in a direct supervisory relationship with a relative, or hold a position that will pose difficulties for supervision, security, safety, or morale. Should you become related through marriage after employment to another employee of the School with whom you work in a direct supervisory relationship or where the relationship otherwise poses difficulties for supervision, security, safety, or morale, a reasonable effort will be made to transfer you or your relative to an available position for which you qualify.

If a transfer is not possible within ninety (90) days, you or your relative may be asked to resign. The decision as to which employee leaves will be left solely to you and your relative. If neither employee voluntarily resigns, the employee with lesser seniority will be terminated, when all other facts are equal.

## 1.05

### IMMIGRATION LAW COMPLIANCE

Mark Day School is in full compliance with the federal immigration laws, which require all persons to provide satisfactory evidence of their identity and legal authority to work in the United States. Every person to be hired by the School will be required to complete an I-9 immigration form and present appropriate documentation to prove he or she may legally work in the United States. Prior to your starting date, the Business Office must receive your documentation.

## 1.06

### EMPLOYEE STATUS

Upon your date of hire, you were assigned to a specific employment status based on the job requirements and your regularly scheduled hours per week. Your employment status affects your benefits and other policies, as will be noted in those specific policies. As an employee, you will fit into one or more of these categories. The following definitions explain the employee status categories:

**Full-Time Employee** - An employee who is assigned a regular work schedule of 37 ½ or more hours per week and is on a 12 month contract. Full-time employees are eligible for all employee benefits and programs.

**Part-Time Employee** – A 10-month employee who works less than 37 ½ hours per week is considered part time. A year-round part-time employee assigned to work 20 or more hours per week is eligible for medical benefits with a pro-rated share being contributed by the School. A year-round employee assigned to work 30 hours or more per week is eligible for full benefits.

**Temporary Employee** - An employee who is hired full-time, or part-time but only for a pre-determined period of time, usually not longer than ninety (90) days. Temporary employees are not eligible for employee benefits and programs.

**Exempt Employee** - An employee who meets salary and job responsibility requirements as determined by the Industrial Welfare Commission Order No. 4-80, which exempts him or her from overtime pay. Normally, exempt employees include professional and administrative personnel.

**Non-Exempt Employee** - An employee who is compensated for overtime worked, if that overtime is at the direction and approval of his or her supervisor.

**Administrators** - An employee who is responsible for the administration of the School; i.e., the Head of School, Head of Lower School, Head of Upper School, Director of Finance and Operations, Director of Development, Director of Admissions, Assistant Head for Educational Design and Innovation, Director of Global & Special Programs, Upper School Director of Student Life and Learning.

**Faculty** - An employee who is hired as an instructor or support teacher.

**Staff** - An employee whose job responsibilities are generally administrative or maintenance related; i.e. clerical staff, maintenance staff, and before and after school care staff.

**Employee** - Unless otherwise indicated, reference to "employee" in this Manual refers to all those employed by Mark Day School.

## 1.07

### BACKGROUND CHECKS

Mark Day School conducts initial criminal record checks. Information from these checks will not become a part of employee's personnel files. To the extent any information is retained, it will be kept in confidential files, separate from regular personnel records. Information obtained as a result of these background criminal record checks may affect your employment with the School.

Pursuant to Education Code section 44237, all newly hired, regular employees not holding a current California teaching credential must be fingerprinted. The School reserves the right to require fingerprints of all employees. These fingerprints will be sent to the California Department of Justice and the Federal Bureau of Investigation, as required by law.

## 2.01

### WORKING HOURS - STAFF

**Work Week** - Mark Day workweek begins Monday and ends Sunday. Individual work hours are established based on workload, needs of the school community, and the efficient use of human resources. Therefore, the guidelines below represent the legal requirements of the Industrial Welfare Commission Order No. 4-80 for scheduling work hours, meal periods and breaks.

#### **Guidelines:**

**Hours of Work - Full-time Employees** - Unless otherwise stated as a condition of employment, seven hours within an eight-hour period constitutes a workday. During that eight-hour period you will receive a one-hour (60-minute) lunch period, to be scheduled so that there is continuous coverage in your area/department.

Starting and ending work hours will be determined by your supervisor and communicated through your job description or employment contract or letter of agreement.

**Hours of Work - Part-time (Hourly) Employees** - Your normal work hours and schedule will be determined by your supervisor and communicated through your job description or employment contract or letter of agreement. You will receive a non-paid meal period of 30 minutes for a consecutive work period of four hours; or, an hour (60 minutes) non-paid meal period if you work seven hours.

**Breaks/Rest Periods** - You will receive a ten- (10) minute rest period for each four-hour work period. Your supervisor will schedule rest periods so that they do not disrupt administrative workflow.

Employees whose total daily work time is less than three and one-half (3 1/2) hours do not receive a rest period.

**Overtime for Non-Exempt Employees** - Mark Day School believes that the majority of your job responsibilities and assignments can be met during the course of the regularly scheduled workday.

However, if an unpredictable situation which requires additional duties or an unusually heavy workload arises employees receive overtime compensation for hours worked in excess of eight hours in a day or 40 hours in a workweek, or as otherwise required by law. Employees must obtain the approval of the Director of Finance & Operations prior to working any overtime. It is against School policy to work overtime without prior approval. Working unauthorized overtime is grounds for discipline, up to and including discharge.

Occasionally school meetings will be held which will require your attendance. If you are a non-exempt employee and the meeting necessitates that you have to stay for overtime hours, you will be paid for the overtime hours as required by law

Excused absences, holidays and vacations do not count toward the total number of hours for a week needed to go into overtime.

**Faculty** - Most faculty members will arrive long before school begins and leave long after school is dismissed, however minimum campus hours are:

Monday, Wednesday, Thursday = 8:15 a. m. to 3:30 p.m.  
Tuesday = 8:15 a.m. to 4:30 p.m.  
Friday = 8:15 a.m. to 2:45 p.m.

These hours may be extended on days when there is a specially scheduled meeting, or for those faculty with student coaching obligations. Alternative arrangements may be made with the Head of School.

It is important as members of Mark Day School faculty to recognize that the expected on-campus hours do not represent the entirety of your teaching responsibilities. For example:

- academic activities - curriculum research, parent/student conferences, classroom preparation
- extracurricular activities, supporting athletic events, assembly performance preparation, attending class dances, etc.

While it is up to each faculty member to make his or her own commitment to extracurricular activities, the quality of life at Mark Day School dramatically increases when we approach our jobs from a broader perspective than that of a standard hour workweek. Students do notice our efforts and colleagues appreciate them too!

## **2.02**

### **TIMEKEEPING**

To comply with the state and federal wage and hour laws, Mark Day School provides an ADP based electronic time card system for all employees. Exempt employees are required to track their days off. Non-exempt employees are required to keep an accurate record of hours worked on a daily basis, using the time card. You must complete your own time card and make sure that a supervisor approves them prior to the close of each pay period. If you fail or forget to submit a time card, please notify the Business Office. Since the time card is the basis on which your pay is computed and eligibility in many benefit programs is dependent, it is essential that all notations are accurate.

It is the responsibility of each supervisor to review time cards and approve them. The supervisor's signature denotes concurrence and approval. Both the employee and supervisor must initial any alterations.

## **2.03**

### **EMPLOYEE RECORDS**

It is Mark Day School's practice to maintain personnel records that are job-related, accurate and confidential.

You may read all materials in your personnel file, which is in the Director of Finance & Operations. This applies to anything Mark Day School used to decide your qualifications for employment, promotion, additional compensation or termination or disciplinary action. It does not apply to letters of reference. If you want to review this file, contact the Director of Finance & Operations who will set up an appointment and will be present when you review the file. You are not permitted to take or modify any document or other item contained in your personnel file, and you may only copy items which you have signed or as otherwise provided by law.

## **2.04**

### **SAFETY**

The safety of Mark Day School's employees and students is of prime concern. Mark Day School wants to provide a safe working environment for you and operate in compliance with the Occupational Safety and Health Administration (OSHA) and standard health and safety procedures. Mark Day School considers accident prevention to be of prime importance. The success of any accident prevention program depends on the sincere, constant, and cooperative effort of all employees plus their active participation and support. You are expected to work safely and comply with the following safety regulations.

1. Report hazards or unsafe conditions to the Maintenance Director immediately.

2. Report all injuries to the Director of Finance & Operations immediately.
3. Be familiar with fire exits and emergency evacuation procedures, including Earthquake Plan.

**On-the-Job Injury** - If you are injured on the job, immediately inform your supervisor for proper care. Your supervisor must inform the Director of Finance & Operations within 24 hours so that the necessary written reports are completed. Job-related accidents are covered by Workers' Compensation. If a student or visitor is injured, report the incident immediately to the Office. You are not to move the injured person unless directed to do so by a physician, trained first aid personnel, or the Head of School. Make note of any witnesses to the accident.

Remember employees should not try to handle medical emergencies themselves. If you are faced with such a situation get qualified assistance immediately.

Failure to observe the school safety rules may result in disciplinary action.

## 2.05

### SECURITY

Mark Day School needs your assistance in preventing thefts, accidents and other undesirable occurrences. A few key points to remember are:

1. Never leave your personal belongings unattended.
2. Notify the Director of Finance & Operations immediately if your property or Mark Day School's property is stolen. Mark Day School will conduct a prompt investigation into all reported incidents.
3. Notify the Office or the Director of Finance & Operations immediately if you see someone who does not belong in your area and/or on the campus, or if you perceive something or someone suspicious.

### 3.01

#### WAGE AND SALARY ADMINISTRATION

**Wage and Salary Policy** - The compensation program at Mark Day School seeks to attract, retain, and motivate our employees.

**Starting Salaries** - Starting salaries are determined by the Head of School, based on previous experience, the position requirements, and the existing salary structure.

**Annual Increases** - Annual increases are established by the Board of Trustees and administered by the Head of School. The Board is committed to the continual growth and improvement of salaries by granting increases, subject to other factors, greater than area cost of living increases. Other factors, which will determine the amount of annual salary increases, are the school enrollment, the school's commitment to reasonable tuition and a balanced budget. However, the Board of Trustees reserves the right to modify salaries and determine salary increases in its sole discretion.

### 3.02

#### PAYMENT OF SALARIES

**Paychecks** - Employee salaries are paid semi-monthly over twelve months. Payday for all employees is the 15<sup>th</sup> and last weekday each month. Each employee receives an "Earnings Statement" which indicates the pay and authorized deductions.

Paychecks will have the following deductions:

- Federal and State Withholding Tax (Income Tax). If your number of dependents changes, you should report the change to the Business Office. You will have to complete new withholding statements.
- State Disability Insurance (SDI). The amount deducted from your paycheck is in accordance with the State of California regulations.
- Social Security (FICA). The amount deducted from your paycheck is in accordance with Federal laws.
- Voluntary Deductions. Any special options offered which you may have requested, in writing, such as additional accounts or pension plan.

**Advances** - Requests for advances against earned net salary, between regular pay periods, may be considered. However, such advance requests are strongly discouraged and should only be requested due to special circumstances. Normally, the advances cannot exceed moneys to be earned in the next pay period and will be expected to be repaid from the next paycheck. The Head of School must approve such requests.

**Extra Compensation** - The following list contains examples of extra responsibilities that may be compensated over and above the regular salary.

Afterschool Adventures teachers, Art Show, Coaching, Coordinating Roots and Wings, Coordinating Graduation, Coordinating Integrated Studies, Mentor for new faculty, Outdoor Education, and Teaching Electives.

### 3.03

## PERFORMANCE APPRAISAL AND REVIEW

### **Administrative Evaluation**

At the close of each year, the Head meets with each administrative staff member (including Lower and Upper School Head, Director of Finance & Operations, Director of Admissions, Director of Development, Director of Global & Special Programs, Assistant Head for Educational Design and Innovation, and Upper School Director of Student Life and Learning.) In that meeting, the events of the year are discussed, each element of the administrator's job description is discussed, and the agreed upon goals from the previous year are discussed. Following that conversation, the Head writes a formal evaluation for each administrator. In that evaluation, the agreed upon goals for the following year are clearly articulated and the administrator's response to the previous year's goals are evaluated. The administrator receives a copy of the document, which he or she may copy for his or her file; the original is signed by both parties and placed in the personnel file.

### **Faculty Evaluation: Formal Evaluation Component**

Mark Day School faculty undergo a formal, written evaluation during each of their first two years of teaching and every third year thereafter, until year eight, when they participate in the experienced teacher evaluation. Regular evaluation consists of a pre-meeting with their supervisor to set the times and focus of three classroom observations. Following the observations, a post-meeting takes place during which (1) the observations are reviewed; (2) identical questionnaires (developed jointly by faculty and administration) which rate desirable teaching behaviors, filled out separately by faculty member and supervisor, are compared to discuss any areas of difference; and (3) the faculty member receives from the supervisor written commendations and recommendations.

During the two years between formal evaluations, faculty fills out a self-evaluation each fall. This is followed by a meeting between faculty member and the supervisor. Its focus during year one is progress made toward the recommendations from the recent year's formal evaluation. In year two the faculty members are asked to set a goal for themselves and progress toward their goal is discussed during a meeting later in the year.

## **Faculty Evaluation: Informal Evaluation Component**

As well as the formal evaluation system, there are many informal evaluation opportunities in place.

(1) Weekly meetings between a supervisor and small groups of teachers include discussions of such educational topics as the program, the curriculum, pedagogy, and child development. These informal sessions provide unique opportunities to provide information and feedback to teachers.

(2) Weekly division meetings provide opportunity to discuss such issues as administrative duties, curriculum development, student management and discipline, and faculty education. These meetings provide time for colleagues to learn from each other under the guidance of the supervisor.

(3) Short *ad hoc* visits to classrooms allow the supervisor to observe aspects of a teacher's pedagogy such as classroom management, teaching style, and classroom ethos. Informal observation notes can be used as feedback for further discussion.

These three methods of informal evaluation provide ongoing opportunities to improve the quality of teaching and integrate with the formal evaluation system. Together they provide dynamic learning opportunities and growth for teachers.

## **Staff Evaluation**

Clerical and Maintenance Staff are evaluated annually. The Director of Finance & Operations evaluates the Controller and Bookkeeper, Maintenance Director, Office Manager and any other Director of Finance & Operations employees. The Associate Director of Admissions is evaluated by the Director of Admissions; the Director of Publications and the Development Assistant are evaluated by the Director of Development.

### **4.00**

## **ERISA (Employee Retirement Income Security Act of 1974)**

The Employee Retirement Income Security Act of 1974 (ERISA) established federal controls over the administration of certain employee benefit plans and the distribution of plan information. The School maintains various employee benefit programs, which are subject to ERISA. Details of these plans are provided to each employee, as they become eligible for benefit programs. The School reserves the right to change employee benefit programs at anytime subject to the terms and provisions of individual plans.

The plans subject to ERISA are the health plans and the 403(b) Plan, a Defined Contribution Retirement Plan. Although every attempt has been made to ensure that any information provided by Mark Day School representatives is accurate, the official plan documents will govern in the case of any conflict in meaning.

The Administrator of the 403(b) Plan is Mark Day School.

## 4.01

### VACATIONS - ADMINISTRATORS AND STAFF

All full-time, non-faculty employees accrue vacation based on their years of service. Vacation with pay is an earned benefit, based on having worked; thereby accruing paid time off. Mark Day School requests that employees take their vacation during the normally scheduled school vacation periods to ensure continuity in the administrative function of the School while faculty and students are present. Vacation requests are to be submitted to your supervisor for approval at least two weeks prior to the requested time off.

All full-time employees and part-time administrative and custodial staff who work year-round and are normally scheduled to work 20 or more hours per week will accrue vacation monthly from the date of hire according to the following schedule:

<u>Years Worked</u>	<u>Days Accrued/Month</u>	<u>Maximum Accrual</u>
0-1	.83 days/month	2 weeks
2-4	1.25 days/month	3 weeks
5-6	1.67 days/month	4 weeks
7+	2.08 days/month	5 weeks

Vacation accrual for administrators and staff hired prior to July 1, 1988 will be governed by past practice.

If a holiday falls within your vacation time, the day off will be charged as holiday pay, not vacation.

All accrued and unused vacation pay will be paid to an employee upon termination of employment. However, if an employee has taken vacation in excess of that accrual at the time of termination, pay for the excess vacation will be withheld from the final paycheck.

### VACATIONS - FACULTY

Faculty vacations are days when school is not in session, unless the Head of School has designated them as workdays.

### VACATIONS – MAXIMUM ACCRUAL

Mark Day School believes that it is in employees' best interest to take vacation time each year. Accordingly, employees will be allowed to accumulate no more than the maximum vacation accrual set forth in the chart above. After accruing the maximum, an employee will no longer accrue vacation days until s/he uses one or more vacation days, at which point s/he will resume vacation accrual, again subject to the maximum accrual limits. Unused vacation days accrued in one year are carried over to the next year, subject, however, to the accrual maximum applying to all vacation days, whenever

accrued. In no event will the School pay an employee's salary in lieu of vacation time except upon termination as required by law.

#### 4.02

### **HOLIDAYS - ADMINISTRATORS AND STAFF**

Mark Day School has a minimum of ten paid holidays each year. All full-time employees are eligible. When a holiday falls on a Saturday or Sunday, the Head of School will schedule the observance. The ten holidays are:

<b>New Year's Day</b>	<b>Labor Day</b>
<b>Martin Luther King, Jr. Day</b>	<b>Indigenous Peoples Day</b>
<b>Presidents' Day</b>	<b>Thanksgiving Day</b>
<b>Memorial Day</b>	<b>Friday after Thanksgiving</b>
<b>Independence Day</b>	<b>Christmas Day</b>

The following days may also be designated as holidays at the discretion of the Head of School: Christmas Eve and New Year's Eve.

The Head of School may also designate additional holidays and/or reduced workdays at his discretion. The (early or total) closing of school does not automatically indicate a reduced workday.

### **HOLIDAYS - FACULTY**

Faculty holidays are days when school is not in session, unless the Head of School has designated them as workdays.

#### 4.03

### **INSURANCE COVERAGE**

Mark Day School offers a comprehensive benefits package. The major portion of the cost for your coverage is paid completely by the School. All employees who are scheduled to work thirty (30) hours or more a week are eligible on date of hire for the following benefits in accordance with plan provisions. The School currently offers medical, dental, vision, life insurance and long term disability insurance. In addition, all employees are entitled to social security, workers' compensation, state disability insurance, and state unemployment insurance. The School reserves the right to expand or reduce these benefits in its sole discretion.

Medical, dental, vision, life insurance, Long Term Disability, Workers' Compensation and state unemployment insurance premiums are fully paid by Mark Day School. If you have dependents you wish to cover, you will be required to pay the additional premium cost of those dependents. Retirement and Social Security contributions are paid jointly by the employee and the school. State Disability Insurance premium is paid by the employee.

More details on all of these benefits are available in the Business Office.

If an eligible employee elects to decline medical, dental and vision coverage, \$50 per month may be added to base pay.

### **Open Enrollment Period**

Once each year you will be given the opportunity to make changes to your medical and dental coverage. This is called the **Open Enrollment Period**. It is at this time that you may change the plan you originally selected or add dependents that were not added when they first became eligible dependents. However, if you have a new baby, or are newly married or divorced, you may change your plan within thirty days of the event. Our **Open Enrollment Period** is October 1st through October 31st with changes effective November 1st.

## **4.04**

### **C.O.B.R.A.**

COBRA is the acronym for the Consolidated Omnibus Budget Reconciliation Act of 1985. The purpose of COBRA is to ensure that employees who would otherwise lose health coverage because of termination of employment and certain other reasons may continue in the employer's health plan so there will not be immediate loss of coverage. Eligible dependents (if previously covered) may also be allowed to continue coverage beyond their normal termination dates.

Eligible employees and their qualified beneficiaries will be eligible to choose this continuation coverage if they lose group health coverage because of a reduction in hours of employment or the termination of employment, or in other circumstances such as divorce, legal separation, death, or the cessation of dependent status of a child. Under the law, the employee or the affected beneficiary has the responsibility to inform the School of a divorce, legal separation, or a child losing dependent status under the Plan within 60 days of the happening of any such event. If notice is not received within that 60-day period, the dependent will not be entitled to choose continuation coverage. You do not have to show that you are insurable to choose continuation coverage. However, under the law, you may have to pay all or part of the premium for your continuation coverage.

You are encouraged to consult with the Director of Finance & Operations for more details on COBRA.

## **4.05**

### **RETIREMENT PLAN - TIAA/CREF**

Mark Day School offers a tax-deferred retirement plan through Teachers Insurance and Annuity Association - College Retirement Equities Fund (TIAA-CREF). All employees working 1,000 hours

or more per year are eligible to participate in the matching plan. If an eligible employee elects to participate and 5% of his or her gross salary are contributed to the Retirement Plan, Mark Day School will contribute 6% of the gross. All employees may contribute to the Retirement Plan without Mark Day School's matching contribution. After 15 years of employment at Mark Day, the school will contribute 7% of the employee's salary to the retirement plan.

Under Mark Day School TIAA-CREF retirement plan, 65 is the normal retirement age.

As required by law, you will receive periodic information concerning the School's retirement plan. If you have questions regarding the plan or your participation in the plan contact the Director of Finance & Operations.

#### **4.06**

### **RE-HIRES**

Former employees who left Mark Day School in good standing may be considered for re-hire. Mark Day School will not consider for re-hire former employees who resigned without adequate notice or who were dismissed for unsatisfactory performance or conduct.

**Break in Service** - Employees who were re-hired by the School within one year after their termination date are eligible to have their service time bridged. In other words, previous service time will be added to current service so the employee is accruing benefits based on the combined service years.

#### **4.07**

### **PROFESSIONAL DEVELOPMENT**

All employees are encouraged to participate in courses, conferences, workshops, or professional meetings designed to increase knowledge, abilities, and skills related to their position. To the extent that funds are available, and with the prior approval of the Head of School, Mark Day School will generally provide financial support for these activities. The school will generally provide reimbursement for registration, fees, transportation, and lodging.

Mark Day School will generally fund up to \$45 per diem for meals not covered by registration fee.

Mileage is compensated at the IRS published rate per mile.

#### **5.01**

### **SICK LEAVE**

Sick leave is made available for legitimate instances of illness or accidents, which make it impossible for you to perform your job. Sick days are not to be used as personal time. Please remember absenteeism causes hardship on everyone. The number of sick days with pay are accrued as follows:

**Administrators and full-time Staff** - accrue sick days beginning with the first month of employment at the rate of one day per month to a maximum of 36 days.

**Faculty** - accrue sick days beginning with the first month of employment at the rate of one day per month (based on ten months) to a maximum of 30 days.

**Part-Time**

Eligible part-time employees (those who work 30 hours per week or more) accumulate sick leave based on a pro-rated basis according to the number of hours worked per month.

Employees are not paid for accrued but unused sick leave. The purpose of sick leave accrual is to provide sufficient reserve in the event of an unexpected accident or lengthy illness.

You must notify your supervisor as soon as possible if you are going to be absent. On each day of absence you must notify the school. In the case of faculty, you must notify the Division Head and front office as soon as possible if you are going to be absent. If time permits, it is the responsibility of the faculty member to locate a qualified substitute from sources identified by the School. In the event this is not possible, the School will secure a substitute. Again, you must notify the School on each day of absence.

Mark Day School considers an absence of three (3) days without calling or returning to work a voluntary resignation.

If you are absent for five consecutive work days, a physician's statement may be required upon your return. Under some circumstances, a physician's statement may be required for less than five days' absence. If your physician advises you that an extended absence is necessary to improve your health, a statement indicating when you might reasonably return to work should be submitted to the Head of School. You may also be eligible for a family or medical leave (see below).

Mark Day School absolutely discourages absences preceding and following School holidays and vacations (including the summer months). This action imposes hardships on other employees and affects the community spirit of all.

Medical appointments should be scheduled so that they do not conflict with the workday or instructional day. In instances where this is not possible, the school encourages appointments be scheduled to ensure that there is coverage of the employee's area or classroom.

You are eligible for State Disability Insurance (SDI) payments for illnesses of eight days or more, or for which you are hospitalized. Contact the Director of Finance & Operations for more information.

**Using Sick Leave to Care for Family Members**

Eligible employees may also use sick leave in an amount not to exceed one-half of their annual accrual to attend to the illness of a family member (defined as child, step-child, legal ward, spouse, parent,

step-parent, legal guardian, domestic partner, or domestic partner's child). Sick leave to attend to family members is subject to the same verification requirements set forth above.

## **5.02**

### **PERSONAL LEAVE**

Administrators, full-time staff, faculty and eligible part-time employees (those who are salaried as opposed to hourly) have two personal days each year.

Faculty must notify the Division Head and Office Manager at least two days in advance of their planned absence. It is the responsibility of the faculty member to locate a qualified substitute from sources identified by the school. Administrators and staff are to notify their supervisors at least two days in advance and it is the employee's responsibility to arrange for a substitute if needed.

Mark Day School discourages absences preceding and following School holidays and vacations unless those personal days are taken for religious reasons.

### **PERSONAL – MAXIMUM ACCRUAL**

Employees will be allowed to accumulate no more than two days for personal accrual. After accruing the maximum, an employee will no longer accrue hours until s/he takes some personal time off, at which point s/he will resume accrual, again subject to the maximum accrual limits. Unused personal days accrued in one year are carried over to the next year, subject, however, to the accrual maximum. In no event will the School pay an employee's salary in lieu of personal time except upon termination as required by law.

## **5.03**

### **DISABILITY LEAVE**

Employees may take a temporary disability leave of absence if necessary to reasonably accommodate a workplace injury or a disability under the federal Americans with Disabilities Act or state Fair Employment and Housing Act. Any disability leave may run concurrently with any medical leave to which the employee is entitled (see below). The duration of a temporary disability leave shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of his or her position, with or without a reasonable accommodation.

Depending on the circumstances, you may be eligible for disability benefits through the State of California or Workers' Compensation benefits. If you have accrued sick leave, you may use it along with other benefits to make up the difference between the disability benefits and your normal salary. For each day an employee receives SDI while on paid sick leave, four hours will be deducted from his or her sick leave rather than eight.

If you have been disabled for seven consecutive days or are hospitalized, you need to apply for disability benefits by filing a claim with the State of California. As soon as you become aware of your disability, contact the Director of Finance & Operations to obtain the appropriate form. You will complete your section and take it to your physician who will complete his/her section and send it to the State.

You will be requested periodically to inform the School, during the period of the leave, of your intent to return to Mark Day School and to give adequate notice of your return date.

Upon returning to work, you will be required to furnish the School with a written certification from your attending physician that you are able to return to work.

While on disability leave for a non-work related injury or illness, you will not accrue sick time or vacation time. Mark Day will continue to pay your insurance premiums for the remainder of the contract year, or as otherwise required by law.

#### **5.04**

### **PREGNANCY DISABILITY LEAVE**

Any employee who is disabled on account of pregnancy, childbirth, or related medical conditions may take an unpaid pregnancy-related disability leave for the period of actual disability of up to four months, in addition to any family care or medical leave to which the employee may be entitled (see above). Pregnancy-related disability leaves may be taken intermittently, or on a reduced-hours schedule, as medically necessary. Employees must substitute any available vacation and personal pay and may, at her option, substitute any accrued sick time for her leave. Mark Day School will continue to pay for the employee's insurance coverage during a pregnancy-related disability leave. Employees wishing to take pregnancy-related disability leave must comply with the medical certification requirements described below for family care and medical leave, except there is no process for obtaining more than one medical opinion.

Moreover, an employee is entitled to a reasonable accommodation for pregnancy, childbirth or related medical conditions if she so requests and provides the School with medical certification from her health care provider. In addition to other forms of reasonable accommodation, a pregnant employee is entitled to transfer temporarily to a less strenuous or hazardous position or to less hazardous or strenuous duties if she so requests, the transfer request is supported by proper medical certification, and the transfer can be reasonably accommodated.

Upon return from leave, the School will accommodate nursing mothers who wish to express breast milk at work by providing a reasonable amount of break time and a private location for this purpose. If possible, this break time should run concurrently with the employee's normal break time.

## 5.05

### FAMILY CARE AND MEDICAL LEAVE

Mark Day School complies with the federal Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act (CFRA). These laws provide up to 12 weeks of unpaid, job-protected leave every 12 months to eligible employees for specified family care and medical reasons. Due to the complexity of these laws, this policy statement is intended to serve as a summary, and is not inclusive of all governing rules and procedures that apply.

**Eligibility** To be eligible for family care and medical leave, an employee must (1) have worked for the School for at least twelve months prior to the date on which the leave is to commence; and (2) have worked at least 1,250 hours in the twelve months preceding the leave.

**Permissible Uses** Family care leave may be requested for (1) the birth or adoption of an employee's child; (2) the placement of a foster child with the employee; (3) the serious health condition of an employee's spouse, child, or parent. Medical leave may be requested for an employee's own serious health condition. A "serious health condition" is one that requires either in-patient care in a medical facility or continuing treatment or supervision by a health care provider.

**Amount of Leave** Provided all the conditions of this policy are met, an employee may take a maximum of 12 weeks of family care and medical leave in a rolling 12-month period measured backwards from the date your leave commences. The periods during summer vacation, winter break or spring break when the employee is not required to report for work are not counted against the 12 weeks of available leave. Parents who are both employed by the School may take a maximum combined total of 12 weeks of family care leave in a 12-month period for the birth, adoption or foster care of their child. Leave resulting from employee's disability due to pregnancy, child birth or related medical condition is **not** counted as leave time under this section. Please refer to the section on Pregnancy Disability Leave.

Under some circumstances, family and medical care leave may be taken intermittently - which means taking leave in blocks of time, or by reducing the employee's normal weekly or daily work schedule. Family and medical care leave may be taken intermittently if medically necessary because of a serious health condition. If leave is for birth, adoption or foster care, it generally must be taken in blocks of at least two weeks' duration. Family care leaves for the birth, adoption or foster care placement of a child must be concluded within one year of the birth, adoption or placement.

If a teacher wishes to take intermittent leave, and that leave would cause the teacher's absence from the classroom more than 20 percent of the working days over the period of the leave, the teacher may be required either to take continuous leave throughout the treatment period or to be transferred temporarily to an alternative position for which the employee is qualified, with equivalent pay and benefits, which better accommodates recurring periods of leave. Also, a teacher may be required to extend leave through the end of a school term under the following circumstances: (a) the leave begins more than five weeks before the end of a term, will last at least three weeks, and would have the employee return to work during the last three weeks of the term; (b) a leave for a reason other than the employee's own serious health condition begins during the five-week period before the end of the term, will last more than two weeks, and would

have the employee return to work during the last two weeks of the term; and (c) a leave for a reason other than the employee's own serious health condition begins during the last three weeks of the term and will last more than five working days. Any additional leave required to the end of the school year will not count against the employee's family care and medical leave entitlement, although the School will continue maintaining your health benefits during this time.

**Leave's Effect on Pay** The family/medical care leave is unpaid. The School requires that the employee apply accrued vacation and personal leave time (not including sick leave) to all family and medical care leaves. Employees are required to substitute sick leave only when the leave is taken for their own medical condition. Employees may elect to substitute sick leave for other types of family care leave. The substitution of paid leave for family care or medical leave does not extend the total duration of the leave to which an employee is entitled.

**Leave's Effect on Benefits** During a family care or medical leave, the School will continue to provide paid health insurance during the family and medical care leave on the same basis and under the same terms and conditions as would apply if the employee had not taken leave. If the employee doesn't return to work after the leave, he or she will be required to repay the School for its portion of the insurance premiums unless failure to return was due to the recurrence or continuation of the health condition that brought about the leave or other circumstances beyond the employee's control.

Employees on family care and medical leave accrue employment benefits, such as sick leave, vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

**Request for Leave** Employees should notify the School of their request for family care or medical leave as soon as they are aware of the need for such leave. The employee must give the School at least 30 days' advance notice of the request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or a planned medical treatment. If 30 days' notice is not practicable, the employee must give notice as soon as practicable, usually within one or two business days of when the need for leave becomes known. If 30 days' advance notice is not given, and if the need for the leave and the approximate date of the leave were clearly foreseeable by the employee, the School may deny the request for leave until at least 30 days after the date the employee notifies the School. All requests for family care and medical leave should include the anticipated date(s) and duration of the leave.

**Medical Certification** The School requires employees to provide medical certification to support a request for leave because of a serious health condition (the employee's own, a child's, spouse's or parent's) whenever the leave is expected to extend beyond five consecutive working days or will involve intermittent or part-time leave. For foreseeable leaves, the employee must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after the School's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts. Failure to provide the required certification may result in the denial of leave.

Medical certification to care for a family member with a serious health condition shall include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) the

health care provider's estimate of the amount of time needed for family care; (d) the health care provider's assurance that the health care condition warrants the participation of the employee to provide family care; and (e) in the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule.

Medical certification for the employee's own serious health condition shall include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) a statement that, due to the serious health condition, the employee is unable to perform the functions of his or her position; and (d) in the case of intermittent leave or reduced schedule leave where medically necessary, the probable duration of such a schedule. If the School reasonably doubts the medical certification provided by the employee, it may require an examination by a second health care provider at its own expense. If the second health care provider's opinion conflicts with the original certification, the School may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

**Return from Leave** Employees returning from family care or medical leave are entitled to reinstatement to the same or comparable position consistent with applicable law. The School retains the right to deny reinstatement to employees who are among the highest paid ten percent (10%) of the School's employees and whose reinstatement would cause substantial and grievous economic injury to the School's operations.

## 5.06

### UNPAID PERSONAL LEAVE AND LONG-TERM LEAVE OF ABSENCE

An employee may request in writing unpaid personal leave at least four weeks in advance of the requested beginning date of the leave. The Head of School's approval is required. Consideration for granting such leaves will be based on your length of employment, your position with the School, needs of the School community, your attendance and performance records, and the reason for the leave. Mark Day School will guarantee your position or a similar position for a leave less than thirty days. If you take a personal leave over thirty days you will not be guaranteed a position upon return. While on personal leave you will not accrue sick time or vacation time, and will be responsible for paying your portion of your medical insurance premiums. With sufficient notice, up to a year's leave of absence may be requested, given the above criteria.

When on leave you must notify the School that you are ready to return to work two weeks in advance or at a date agreed upon by the Head of School. It will be considered a voluntary resignation if you fail to return to work on the day after your leave expires.

For personal leaves of more than thirty (30) days you will be required to pay your medical and dental premium. The Director of Finance & Operations will calculate the total amount due and provide you with that information.

## 5.07

### **BEREAVEMENT OR FAMILY EMERGENCY LEAVE**

Paid leave will be granted if a life threatening emergency or death occurs in your immediate family. Immediate family is normally defined as spouse, parents, step-parent, step-child, legal ward, siblings, grandparents, children, grandchildren, legal guardian, immediate family of your spouse, and domestic partner or domestic partner's child. The length of this leave is normally three working days. Employees required to travel out of state may be granted two additional days with pay. Leave time will not count in any overtime computation.

## 5.08

### **PROFESSIONAL RELEASE TIME**

Faculty members are required to spend at least one and preferably two days each year visiting other schools. Faculty is to make their own arrangements for these visits and for a substitute teacher, which the school will fund.

**Writing Days:** In addition, faculty members are entitled to a Writing Day at the close of each trimester which they can get a substitute while writing report cards. The guidelines for the day include:

- the day may be taken in the two weeks prior to the date report cards are due
- teacher must receive approval of the Division Head for the specific day taken
- teacher must notify the office of the day, and enter it on the calendar in office of the Division Head's assistant so the office staff and the admissions staff are aware of what's happening
- teacher should make every effort to procure their own substitute

## 5.09

### **MILITARY LEAVE/ABSENCE**

Leave will be granted for full-time employees required to spend two weeks in active military training or reserve duty. Reimbursement will be made based on the difference between your Mark Day School salary and military base pay, plus quarters allowance.

Leave for active United States military service may not exceed five consecutive years. It is without pay. In order to be eligible, employees must submit written verification from the appropriate military authority. The School will reinstate those employees returning from military leave to their same position or one of comparable status in accordance with applicable law.

## 5.10

### JURY AND WITNESS DUTY

Full-time employees are continued on salary for a period normally not to exceed one week when performing jury service. However, exempt employees who serve on jury duty will continue to receive their full salary beyond that workweek. You are required to immediately notify your supervisor if called for jury duty. Additionally, you are expected to report to work for any portion of the day not actively required in Court and are to take any steps necessary to minimize the disruption of work. Proof of jury service and attendance will be required.

The time spent on jury duty will not be counted as time worked for purposes of computing overtime pay or any other pay that counts toward time worked, except for purposes of computing vacation or sick pay earned credits.

The School will also provide employees with time off to (1) appear in court or other judicial proceeding as a witness to comply with a valid subpoena or other court order or (2) obtain any relief, including a temporary restraining order, to help ensure the health, safety, or welfare of a domestic violence victim or his or her child. In instances where the time off is needed to obtain relief in a case involving domestic violence, reasonable advance notice of the court appearance is also required unless an emergency or unscheduled court appearance is required. If time off is taken for this purpose due to an emergency or unscheduled court appearance, the employee must provide the School with written evidence from the court or prosecuting attorney within 15 days of the absence that the employee has appeared in court.

## 5.11

### VOTING

If you do not have sufficient time to vote outside working hours at a statewide election, then you may take off up to two (2) hours with pay. You can take the time only at the beginning or end of your regular working shift. Also, you must provide your supervisor with at least two (2) days notice.

## 5.12

### CHILD'S SCHOOL MATTERS LEAVE

If you are a parent or guardian of a child attending school, Mark Day School will allow you time off to visit your child's school under two specific situations. For non-exempt employees, such leave is without pay. For exempt employees no salary will be paid for workweeks in which no work for Mark Day is performed.

***Mandatory Appearance:*** You can take the necessary time off to appear at your child's school if the school suspends your child and you receive a formal written request to appear under

California Education Code § 48900.1. You must provide your supervisor with reasonable advance notice and written proof that you must appear.

***Voluntary Visit:*** You can take off up to forty (40) hours each school year, not to exceed eight (8) hours per month, per child, to visit your child's school. You must provide your supervisor with reasonable advance notice that you want to visit the school. You also must provide written proof from the school that you visited it on the date and time you requested.

### **5.13**

#### **VOLUNTEER FIREFIGHTER LEAVE**

Employees will be granted time-off to perform emergency duties as a volunteer firefighter. For non-exempt employees, such leave is without pay. For exempt employees, no salary will be paid for workweeks in which no work for Mark Day School is performed. Employees may substitute vacation pay for any unpaid portion of leave to perform emergency duties as a volunteer firefighter.

### **5.14**

#### **ALCOHOL/DRUG REHABILITATION LEAVE**

Mark Day School wants to help employees who recognize that they have a problem with alcohol or drugs. This policy is especially true if the problem interferes with their ability to do their job satisfactorily.

If you have a problem with alcohol or drugs and decide to enroll in a rehabilitation program, Mark Day School will grant a leave of absence, without pay, to participate in the program, unless doing so would constitute an undue hardship. If you request time off for such a program, the School will make reasonable efforts to keep the fact of your enrollment confidential. Employees should be aware that participation in a rehabilitation program will not necessarily shield them from disciplinary action for a violation of any School rules or policies, particularly if discipline is imposed for a violation occurring before the employee seeks assistance.

### **6.01**

#### **PROCEDURE FOR CORRECTING AREAS OF CONCERN**

These procedures are designed to give notice to employees regarding problem situations, provide communication on how to correct the problems, and establish a time frame for the achievement of the required change. The type of corrective action employed depends upon the seriousness of the situation. A policy following a "progressive cycle" appropriate to the situation may be followed in certain cases. However, Mark Day School reserves the right to proceed directly to a written warning, or demotion, or termination for misconduct or performance deficiency, without resorting to prior disciplinary steps, when the school deems such action appropriate.

When appropriate, you will first receive a verbal warning outlining the issues and the expected changes in performance and/or behavior. You are to be made aware that if such conduct is continued, further action will be taken. Your supervisor may elect to prepare written summaries of verbal warnings for your file.

Generally the second step is a first written warning outlining the deficiencies, steps required to correct them and a time frame for correction.

If significant improvement is not noticed by your supervisor, you will normally receive a second written warning.

If you refuse to change or have not demonstrated the ability to correct the performance or behavior, which are not consistent with the school's standards, termination and/or non-renewal of contract will result.

**Suspension** - Some situations may warrant an additional step prior to termination. Suspension, with or without pay, may be the step elected by your supervisor. The purpose of employment suspension is to allow you time away from the job in order to determine whether you have the commitment level to correct the deficiencies discussed and/or to allow your supervisor the time to properly investigate serious situations.

**Faculty and Staff Concerns** - Mark Day School philosophy is that problems and misunderstandings which may arise concerning employment can best be solved through communication. When a problem or question arises, your first course of action should be to discuss it with your immediate supervisor. If satisfactory resolution has not been resolved at this level or if there are circumstances that make it difficult for you to talk with your supervisor, you may take your concern to the next level of management.

In the event the concern is still not resolved to your satisfaction, you may refer the matter to the Head of School whose decision is final.

## 6.02

### TERMINATION

**Voluntary Termination** - Unless a contrary notice period is specified in an employment agreement, Mark Day School requests its employees to give a minimum of two weeks written notice of their intent to resign. Any additional notice would be appreciated in order to allow the School sufficient time to recruit and hire a replacement. Failure to give appropriate notice will make the employee ineligible for re-hire. If you are absent for three business days without notice to the School, it will be assumed that you have voluntarily terminated.

**Involuntary Termination** - An employee may be terminated involuntarily for reasons that may include poor performance, misconduct, or other violations of the School's rules of conduct. However, the School reserves the right to discharge or demote any employee with or without cause and with or without prior notice.

## 7.01

### ATTENDANCE AND PUNCTUALITY

You are important to the overall success of Mark Day School's goals and objectives. Your presence on a daily basis is critical for us to fulfill our responsibilities to our students and the Mark Day School community. Consequently, regular attendance and punctuality are crucial.

If you are going to be late, notify the front office and your supervisor, or in the case of faculty the Division Head, as far in advance as possible.

## 7.02

### SUGGESTIONS

Mark Day School welcomes suggestions from employees on any matter. You may give your suggestions to the Director of Finance & Operations or the Head of School. Suggestions are requested to be submitted in writing and be as detailed as possible.

## 7.03

### SECONDARY EMPLOYMENT

Mark Day School recognizes the right of its employees to spend their non-working time away from the job as they please. However, Mark Day School requires that activities away from the job must not compromise the school's interest, reduce the employee's efficiency or adversely affect the employee's job performance and ability to fulfill all responsibilities to Mark Day School. Employees who engage in outside employment will be held to the same performance standards and scheduling demands as other employees.

## 7.04

### CONFLICT OF INTEREST

Mark Day School prohibits employees from engaging in any activity, practice or act that conflicts with the school's interest. Specific conflict of interest examples are listed below. Employees must scrupulously avoid these situations and any similar circumstances that create an actual conflict of loyalty or interest or even the appearance of such a conflict.

#### **Guidelines**

1. No employee shall accept full-time, part-time, or temporary employment in any organization which conducts business with the school.

2. If an employee or a member of the employee's family has a financial interest in a firm that does business with the school, the employee must report the interest to the Director of Finance & Operations and must not represent the school in such transactions.
3. No employee or member of the employee's family shall accept gifts from any person or firm doing, or seeking to do, business with the school. Such gifts should be returned with an explanatory note. Token gifts valued less than \$30 is excluded from this policy.
4. No employee shall directly or indirectly give, offer or promise anything of value to any representative of any vendor in connection with any transaction or business that the school may have with that vendor.

Failure to adhere to these guidelines, including failure to disclose any actual or potential conflicts, may result in disciplinary action up to and including termination.

#### **7.05**

### **CONFIDENTIALITY**

In the course of their duties, employees may be called upon to work with confidential information. Mark Day School expects all employees to ensure that this information remains strictly confidential. Employees must not disclose confidential information to any person not authorized to receive such information. This obligation to maintain the confidentiality of Mark Day School matters entrusted to the employee is a condition of employment.

#### **7.06**

### **PERSONAL TELEPHONE CALLS**

There are occasions when it is necessary to place or receive personal telephone calls. Employees are expected to inform potential callers as to when the break and meal times are scheduled so as to plan to call during those times.

Faculty and staff should notify the Director of Finance & Operations of any personal long distance or toll calls and will be expected to reimburse the school for those calls.

Emergency phone calls will be immediately put through to employees. 472-8000 is the emergency telephone number.

#### **7.07**

### **SOLICITATIONS**

Unless special management approval is obtained as an exception, employees are not permitted to solicit donations or contributions on the School's premises during working hours for religious, charitable, political and other causes.

Distribution of advertising materials, handbills or other literature by employees on the campus is prohibited at all times. Solicitations or distribution of literature of any type by non-employees on the School's premises is prohibited.

## 7.08

### HARASSMENT POLICY

Mark Day School prohibits the harassment of employees on the basis of sex, race, color, religion, national origin, ancestry, disability, marital status, age, sexual preference, disabled veteran or Vietnam Era veteran status, or any other basis protected by federal or state laws. The school strongly disapproves of and will not tolerate harassment of employees by managers, supervisors, or co-workers. Similarly, the school will not tolerate harassment by its employees of non-employees with whom the school employees have a business, service, or professional relationship.

#### Harassment Defined

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance. Here are some examples of sexual and personal harassment that Mark Day School will not allow or tolerate by or against either men or women. While the conduct described below may not constitute unlawful behavior in all circumstances, such conduct is considered unprofessional and unacceptable Mark Day School.

#### 1. Sexual Harassment

Sexual harassment may include unwelcome solicitation of sexual favors (coercion), unwelcome sexual advances, or other unwelcome written, verbal, physical or visual conduct with sexual overtones. Here are examples of these categories:

***Coercion:*** This is called "quid pro quo" sexual harassment. It occurs when a supervisor/manager of an employee conditions continued employment or an employment benefit (a promotion, pay raise, transfer, etc.) on submission to or acceptance of unwelcome sexual advances.

***Unwelcome Sexual Behavior:*** This occurs when any employee continues to express unsolicited sexual interest in another employee after being told that the interest is unwelcome. If both employees consent to a relationship, however, it is not sexual harassment.

***Hostile Working Environment:*** This occurs when sexual conduct interferes with an employee's work performance and creates an intimidating, hostile, or offensive work environment. -Here are some examples:

- ***Written:*** Sexually suggestive or obscene letters, notes or invitations.

- **Verbal:** Sexually derogatory comments, slurs, jokes or remarks.
- **Physical:** Assault (like a threat), unwelcome touching, impeding or blocking movement of or following an employee.
- **Visual:** Leering, gestures and sexually suggestive objects, pictures, cartoons, posters and magazines.

These examples are not an exhaustive list of the kinds of conduct that should not occur in the workplace. The point is that any unsolicited, unwelcome or offensive conduct that has sexual overtones is simply unacceptable in the workplace. So, please be careful to avoid this problem.

## 2. Personal Harassment

Also, Mark Day School will not allow or tolerate any personally insulting or demeaning remarks or acts based on race, color, religion, national origin, ancestry, age, medical condition, marital status, sexual orientation, physical or mental disability, or veteran status. This includes racial slurs, ethnic jokes, posting of offensive statements, posters, cartoons, or other similar conduct. Just like the examples under sexual harassment, these acts can create a hostile working environment which will not be tolerated.

### If Harassment Occurs

If you believe you are the victim of either sexual or personal harassment, or you witness work-related harassment, you should promptly report it. Depending on what will make you the most comfortable, you can report it to your own supervisor, the supervisor of the person claimed to have engaged in such conduct, a Division Head, the Director of Finance & Operations, or to the Head of School. Supervisors who receive complaints or who observe harassing conduct should immediately inform the Head of School. Mark Day School will then make every effort to investigate all such claims promptly, thoroughly and confidentially to the extent possible. The school will let you know about its decision regarding the alleged harassment.

**No individual will suffer any reprisals for reporting any incidents of harassment or for making any complaints. Any employee who is found to be responsible for harassment will be subject to appropriate discipline, up to and including termination.**

### Corrective Action

If Mark Day finds harassment occurred in the workplace, the school will take immediate and appropriate action to:

- Stop the harassment,
- Discipline the offender,
- Take steps to prevent further harassment and
- Conduct follow-up work to ensure that harassment is not resumed and the complaining employee or employees do not suffer any form of retaliation for reporting the harassment.

## **Additional Information**

In addition to notifying the School about harassment or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing (“DFEH”), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may seek an administrative hearing before the California Fair Employment and Housing Commission (“FEHC”) or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and non-monetary relief in meritorious cases. Employees can contact the nearest DFEH office or the FEHC at the locations listed in the School’s DFEH poster or by checking the state government listings in the local telephone directory.

### **7.09**

#### **PERSONAL APPEARANCE/DRESS CODE**

Mark Day School expects you to wear business-like work attire, which is consistent with your specific job responsibilities. It is important that we maintain a professional appearance for our students, the community and ourselves.

### **7.10**

#### **SMOKING**

Mark Day School is a non-smoking campus and prohibits smoking in all indoor facilities as required by law.

### **7.11**

#### **CODE OF CONDUCT**

Mark Day School expects high standards of conduct, honesty and integrity from its employees. Employees should always be aware of their high visibility to the public and, therefore, conduct themselves professionally and ethically. They should avoid all situations that may reflect negatively on themselves, fellow employees or the School.

The best working conditions prevail when people conduct themselves with respect and consideration for each other and observe reasonable rules and regulations of personal behavior.

The school expects all of its activities and the activities of its employees and agents to be legal, ethical and otherwise proper. It is each employee's responsibility to alert management immediately about any illegal, unethical or otherwise improper activity. If such a report is made in good faith, Mark Day School will protect the reporting employee from retaliation or any other detrimental action.

## 7.12

### USE OF FACULTY AND STAFF COMPUTERS

Although employees may have individual passwords or access codes to email and computer network systems, these systems are accessible at all times by the school, and may be subject to unannounced inspection by the school at any time for any reason. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created or maintained on the school's computer systems.

As a courtesy, before using someone else's personal computer, faculty and staff members are asked to obtain permission from the primary user. There may be exceptions in which the use of someone else's personal computer is necessary, but permission cannot be obtained. In these instances, it is courteous to leave a note for the primary user, letting him/her know you used the machine. When using another faculty or staff member's personal computer, a guest user must never change any settings, configurations, or preferences on the computer and must leave the machine exactly as he/she found it.

## 7.13

### ACCEPTABLE USE POLICY

Mark Day School's Network Resources and technology infrastructure exist to further the school's mission and to enrich, support and extend learning. Digital technology provides unprecedented access to information and to tools that facilitate communication, analysis, and multiples modes of expression. Despite the manifold benefits that digital tools bring, certain legal and ethical restrictions apply to their use. A limited supply of hardware, software, and network bandwidth requires Mark Day School to set priorities for use. Academic class work always takes priority over any other use of network and computer resources. The following is a list of rules and guidelines that govern the use of Mark Day School network and computer resources.

In this document Network Resources refers to all aspects of Mark Day School owned or leased equipment, including computers, printers, scanners and other peripherals, as well as to email, internet services (both in house and third party), servers, network files and folders, and all other technology-related equipment and services used in the school context. These rules apply to any use of Mark Day School Network Resources regardless of whether access occurs on or off campus.

#### General Policy

It is a general policy that Mark Day School Network Resources be used in accordance with the Seven Pillars of Character and the ethos of Mark Day School and in a manner that is responsible, considerate, ethical, and legal. As a condition of using Network Resources, users must acknowledge their understanding of this policy and the responsibilities and guidelines herein set forth. Failure to adhere to this policy may result in suspension or revocation of the offender's privilege of access, and, possibly, to

disciplinary or legal action, up to and including expulsion of students or separation from faculty or staff employment.

### **Privileges, Risks and Responsibilities of Internet Access**

Access to the Internet is a privilege granted by Mark Day School. In return for this privilege, every person using the Internet has the responsibility to respect and protect the rights of every user in the community and on the Internet. In short, users are expected to act in a responsible, ethical, and legal manner. It is essential for each user of the Internet to recognize his/her responsibility in having access to vast services, sites, systems and people. The user is ultimately responsible for his/her actions when using Network Resources. Online conduct that reflects negatively on the school is prohibited.

Sites and services accessible via the Internet may contain material that is illegal, defamatory, threatening, profane, inaccurate, offensive or otherwise inconsistent with the mission of Mark Day School. Although Mark Day School utilizes a content filtering device, the school makes no guarantee that such a device is effective or operable. Even with the use of such a device, users may encounter inappropriate material, conduct themselves inappropriately and/or be subject to the inappropriate conduct of others when using Network Resources. The school cannot be held responsible for such incidents. Users are responsible for NOT pursuing or distributing unacceptable material.

It is every user's responsibility to inform an appropriate supervising adult when others break the rules.

### **Legal Issues and Jurisdiction**

Mark Day School owns, operates or contracts to use the hardware and software that comprise the School's Network Resources. Consequently, the school is obligated to take steps to ensure that all equipment and services are used legally. Any illegal use of Network Resources is strictly prohibited. All content created, posted, sent, accessed, downloaded, uploaded or stored using any part of Mark Day School Network Resources is subject to the rules stated in this policy. School staff and administration monitor Network Resources and may find it necessary to investigate electronic incidents that utilize Mark Day School Network Resources, including those that happen after school and off campus. The school reserves the right to remotely access, open and/or examine files that may violate the school's Acceptable Use Policy and to delete files that are found to violate the policy or that interfere with the healthy operation of Network Resources.

It is the responsibility of users to abide by the laws governing software licensing and copyright.

In addition, Mark Day School account holders take full responsibility for their access to the school's Network Resources. Mark Day School makes no warranties with respect to Network Resources nor does it take responsibility for:

- the content of any advice or information received by users;
- the costs, liability or damages incurred as a result of access to Network Resources or the Internet; any consequences of service interruptions.

## **File Sharing and File Sharing Programs**

The installation and/or use of any Internet-based file-sharing tools, including but not limited to BitTorrent, Limewire, and Gnutella, is explicitly prohibited.

### **Unacceptable Use:**

1. Accessing, creating, posting, sending, downloading, uploading or storing files or messages that contain:
  - a. sexually explicit material;
  - b. slurs related to ethnicity, race, religion or sexual orientation;
  - c. profanity, libel, pornography, or obscenity;
  - d. material undermining the school's basic educational mission;
  - e. material intended to cause deliberate harm or offense to another user; or
  - f. material that is abusive, hateful, harassing, intimidating, or disparaging to others.
2. Using the Internet for any illegal activity, including violation of copyright, software licensing or other contracts;
3. Invading the privacy of individuals, including but not limited to accessing or using files or accounts belonging to others;
4. Giving out any student's home address or phone number online, including one's own home address or phone number;
5. Altering computer settings and configurations, files, applications, programs, or documents that do not belong to the user;
6. Deliberately attempting to degrade or disrupt local or remote system performance or security;
7. Using pseudonyms; impersonating another person or posting anonymous messages (unless explicitly directed to do so as part of a class assignment);
8. Gaining unauthorized access to resources or entities;
9. Using the network for financial gain or for any commercial activity;
10. Send or forward email commonly known as "SPAM", Unsolicited Commercial Email (UCE), "junk email" or chain letters;
11. Attempting to determine or secure any unauthorized password or giving one's own passwords out to anyone other than one's parents or school personnel;
12. Posting or re-distributing personal communications online in a public context without the author's prior consent;

13. Using a video or audio recording device to record faculty or students without the permission of a faculty or staff member; posting online any audio or video recording made on campus or during a school-sponsored event without the permission of a faculty or staff member.

### **Criminal Behavior**

Though very unlikely to occur when students follow acceptable use guidelines, the following acts may constitute a crime under California Law:

1. Copying files or passwords belonging to others;
2. Adding, altering, deleting, or destroying data or software programs on the network that do not belong to the user;
3. Introducing contaminants into the network system.

*This document was adapted with permission from The Urban School of San Francisco's Laptop Computer Use Agreement 09-10, Standards for Proper Computer Care, and Compute Use Policy documents.*

## **7.14**

### **ADDITIONAL EMPLOYEE RULES**

Following are some of the actions that will constitute a basis for employee counseling and will result in corrective action or immediate termination. It is not possible to list every type of misconduct, which will demand corrective action or termination. Therefore, employees should be aware that conduct not specifically listed below but which adversely affects or is otherwise detrimental to the interests of the school may also result in disciplinary action.

**Illegal Drugs or Alcohol** - Sale, distribution, possession or use, or being under the influence of illegal drugs on school premises or while participating in any school function, whether or not on its premises. Sale, distribution, possession, use, or under the influence of alcohol on school premises. Use of alcohol is not permitted at any school function (on or off campus) where students are present, but limited use of alcohol is allowed during school-sponsored events for adults.

**Firearms or Lethal Weapons** - Possession of firearms or lethal weapons while on the school's property or business.

**Fraternalizing with Students** - Inappropriate fraternization with students, or any student-related moral turpitude.

**Abusive Language** - The use of abusive language in front of students, other employees, or members of the community.

**Discrimination/Harassment** - Conduct on the part of any staff member which could be interpreted as harassment or discrimination.

**Willful Misrepresentation** - Falsification of application for employment, time reports or other records, or omission of pertinent facts.

**Insubordination** - Refusal to carry out an assignment that is properly within the scope of your job responsibilities, or disregard for instructions or established school procedures.

**Personal Business** - Conducting personal business matters on school time or use of facilities for non-school purposes without permission.

### **Social Networking Policies & Guidelines for Mark Day School Faculty & Staff**

The development and growing popularity of social networking sites has created a myriad of new communication opportunities for people around the globe. At the same time, social networking sites have posed risks and challenges as communities struggle to establish new social norms. The following policies and guidelines have been established to raise awareness among Mark Day School faculty and staff of potential liabilities associated with the use of social networking sites and to offer guidance that will help faculty and staff protect both themselves and the school online.

## **Policies**

1. **FRIENDING STUDENTS & ALUMNI UNDER 18:** Mark Day School faculty and staff may not friend and/or accept friend requests from current students or alumni under the age of 18 on non-school sponsored social networking sites.
2. **COURSE USE OF SOCIAL NETWORKING:** In order to provide equal, age-appropriate access for students to course materials, faculty will limit class activities to school-sanctioned online tools.

## **Guidelines**

1. **FRIENDING CURRENT PARENTS & ALUMNI OVER 18:** Mark Day School faculty and staff should use caution when friending current parents and alumni over the age of 18. The School expects faculty and staff members to maintain professional relationships with parents and alumni. Faculty members can better maintain professionalism and control access to personal information by avoiding parents and alumni as friends on social networking sites.
2. **PRIVACY:** Mark Day School faculty and staff should recognize that there is no such thing as complete privacy on any social networking site. Take care in anything you post online, and monitor what others post about you. Keep your privacy settings at appropriate levels to protect yourself and, by association, the school.

**Information made public on a social networking site, no matter the source, that reflects negatively on the school or its employees may result in disciplinary action.**

## 7.15

### **POLICY ON FRAUDULENT ACTIVITIES**

This policy is established to protect the assets and interests of Mark Day School, to increase overall fraud awareness and to ensure a coordinated approach toward resolution of financial fraud.

Mark Day School must identify and promptly investigate all instances and allegations of fraudulent activities regarding the school's funds, documents, and equipment involving staff, personnel, students, vendors, agencies, or other parties. Good business practice dictates that suspected defalcation, misappropriation or other fiscal irregularities be promptly identified and investigated. Every employee and trustee has the responsibility to report all known or suspected fraudulent activity.

Mark Day School may involve law enforcement agencies to investigate and prosecute employees and trustees for engaging in fraudulent activities.

All employees and trustees found to have committed fraud relevant to Mark Day School's financial affairs shall be subject to punitive action by Mark Day School up to and including termination of employment or removal from the Board of Trustees.

Fraud in any form will not be tolerated. This policy applies to all Mark Day School employees and trustees and will be enforced without regard to past performance, position held, or length of service.

#### **Scope and Definition of Fraud**

Fraud generally involves a willful or deliberate act with the intention of obtaining an unauthorized benefit, such as money or property, by deception or other unethical means. All fraudulent acts are included under this policy and include, without limitation, such things as:

- Embezzlement, misappropriation or other financial irregularities.
- Forgery or alteration of documents (checks, time sheets, contractor agreements, purchase orders, other financial documents, electronic files).
- Improprieties in the handling or reporting of money or financial transactions.
- Misappropriation of funds, securities, supplies, inventory, or any other asset (including furniture, fixtures or equipment).
- Authorizing or receiving payment for goods not received or services not performed.
- Authorizing or receiving payments for hours not worked.

Mark Day School shall issue guidelines to implement this Trustee policy and revise them as appropriate.

#### **Guidelines for the Policy on Fraudulent Financial Activities**

The Board of Trustees has issued a Policy Statement on Fraudulent Financial Activities. Described herein are the steps to be taken when fraud, misappropriation, or similar dishonest activities are suspected.

## **General Protocol – Reporting Procedure**

Anyone who knows or suspects fraud has occurred must report such incident.

Employees must report any known or suspected fraud to one of the following: their immediate supervisor, the Head of School and/or the President of the Board of Trustees of Mark Day School.

Immediate supervisors, Trustees and the Head of School must report all known or suspected cases of fraud brought to their attention to the President of the Board of Trustees, and if appropriate, to the local Police Department.

As set forth in detail in the Whistleblower Policy, Mark Day School strictly prohibits retaliation against any employee for engaging in good faith in any activities required or permitted by this policy.

## **Responsibilities**

Mark Day School’s administrators and all levels of management are responsible for establishing and maintaining proper internal controls that provide security and accountability for the resources entrusted to them. Administrators should be familiar with the risks and exposures inherent in their areas of responsibility and be alert for any indications of improper activities, misappropriation, or dishonest activity.

Responsibilities of management and non-managerial staff for handling fraudulent activities include the following:

- Insure that notification promptly reaches the President of the Board of Trustees and/or the Head of School, and if appropriate, the Police Department.
- If the situation warrants immediate action – for example, obvious theft has taken place, security is at risk, or immediate recovery is possible – management and non-managerial staff receiving reports should immediately contact the Police Department.
- Do not conduct any investigation of a report unless authorized by the Head of School or President of the Board of Trustees.
- If the Police Department or other law enforcement agency is investigating a report, do not contact the suspected individual to determine facts without the Police Department’s or other law enforcement agency’s approval. Under no circumstances should there be any reference to “what you did”, “the crime,” “the fraud,” “the forgery,” the misappropriation,” etc.
- Managers should consult with the Head of School to determine if any immediate personnel actions are necessary.
- Do not discuss the case, facts, suspicions, or allegations with anyone, unless specifically directed to do so by the school’s counsel, Mark Day School President of the Board of Trustees, or Head of School.
- Direct all inquiries from any suspected individual, his or her representative, or his or her attorney to Mark Day School Head of School or Board President. Direct all inquiries from the media to the Head of School or Board President.

Great care must be taken in the dealing with suspected fraudulent activities to avoid any incorrect accusations, prematurely alerting suspected individuals that an investigation may be conducted or is under way, violating any person's right to due process, or making statements that could lead to claims of false accusation or other civil rights violations.

Mark Day Head of School or Board may investigate any suspected dishonest or fraudulent activity. Mark Day School may work with internal or external persons, such as the Police Department and other law enforcement agencies, as circumstances may require. The Head of School and President are available and receptive to receiving relevant information on an anonymous basis and may be contacted directly whenever a fraudulent activity is suspected.

Management will support Mark Day School responsibilities and will cooperate with the Board and law enforcement agencies in the detection, reporting, and investigation of fraudulent acts, including prosecution of offenders. Appropriate efforts will be made to effect recovery of losses from responsible parties or through the school's insurance coverage.

Mark Day School Board of Trustees will review the results of any investigations with management and administrators as necessary, making recommendations for improvement to the internal control.

### **Non-Fraud Irregularities**

Identification or allegations of acts outside the scope of this policy, such as personal improprieties or irregularities, whether moral, ethical, or behavioral, safety or work environment related, or complaints of discrimination or sexual harassment, should be resolved by the respective area management in conjunction with the Head of School and/or any other existing officers. Examples include actions inconsistent with the personnel handbook or the sexual harassment policy (this list is not all-inclusive). Employees are encouraged to review their personnel handbooks.

The Head of School or/and President may be contacted if guidance is needed to determine if an action might constitute fraud as defined in this policy.

## **7.16**

### **Whistleblower Policy**

Mark Day School requires Trustees and employees to maintain high standards of ethical conduct at all times. As representatives of the School, Trustees and employees must practice honesty and integrity in fulfilling their responsibilities and complying with all applicable laws and regulations.

It is the responsibility of all Trustees and employees to comply with the Policy and Guidelines on Fraudulent Financial Activities and to report violations or suspected violations in accordance with this Whistleblower Policy and the Policy and Guidelines on Fraudulent Financial Activities.

Should an employee become aware of or suspect any violation of the Policy on Fraudulent Financial Activities, he/she is encouraged to speak with his/her supervisor. If the employee is not comfortable speaking with his/her supervisor or is not satisfied with his/her supervisor's response, he/she must speak with the Head of School or President of the Board of Trustees. Supervisors and managers are

required to report all known or suspected violations to the Head of School or the President of the Board.

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

Mark Day School strictly prohibits any form of retaliation against any employee for engaging in any of the following activities in good faith:

- Making a report under this policy or the Policy or Guidelines on Fraudulent Financial Activities;
- Assisting in any investigation by providing truthful information; or
- Filing, testifying, participating in, or otherwise assisting in a proceeding relating to a violation of any law, rule or regulation by Mark Day School or any of its officers, employees, trustees or agents.

Employees who believe that they have experienced or witnessed retaliation must immediately report such conduct to their supervisor, the Head of School or the President of the Board of Trustees of Mark Day School. Reports of retaliation will be promptly and thoroughly investigated. If Mark Day School determines that an employee or trustee has engaged in retaliation, it will take appropriate disciplinary action, up to and including termination of employment or removal from the Board of Trustees. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within Mark Day School before seeking resolution outside the school.

Anyone making a report concerning a violation or suspected violation of the Policy on Fraudulent Financial Activities must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Policy on Fraudulent Financial Activities. Knowingly making false accusations will be viewed as a serious disciplinary offense and will be grounds for termination of employment or removal from the Board of Trustees.

**8.01**

**ACKNOWLEDGMENT**

The Mark Day School Personnel Policy Manual is designed to provide our employees with an outline of the school’s personnel policies, work rules, and benefits. It is only an outline for your personal education. It is not to be construed as a legal document or as an implied employment contract. No attempt is made to cover every employment situation or to answer every employment question.

The personnel policies, work rules and benefits presented in this handbook are subject to modification. Mark Day School reserves the rights to modify, delete or add to the provisions of this handbook and any other personnel documents, as it deems appropriate at its sole and absolute discretion.

.....

I have received my copy of the Personnel Policy Manual. I understand and agree to conform to the rules and regulations of Mark Day School. I specifically understand and acknowledge that my employment and compensation can be terminated, with or without cause, and with or without notice, at any time, at the option of either the School or myself. No management representative of the School has any authority to enter into any agreement that would limit my right or the School’s right to terminate our employment relationship at any time, as provided above, or to make any other agreement contrary to the foregoing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

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