

PACIFIC COLLEGIATE SCHOOL
EMPLOYEE HANDBOOK

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I. INTRODUCTION

A. *Pacific Collegiate School Mission*

Pacific Collegiate School's (PCS's) mission is to provide exemplary, standards based college preparatory and fine arts education for public middle and high school students of Santa Cruz County and bordering areas. Our vision is to offer any student the same quality of education offered by the most academically distinguished schools in California. Our graduates will be prepared to enter and thrive at the world's finest colleges and universities.

In addition to a core college preparatory curriculum, Pacific Collegiate School will emphasize international, cross-cultural, and technological education in order to prepare graduates for life in the 21st Century. Pacific Collegiate students will be introduced to the rich variety of world cultures and become fluent in at least one foreign language. They will become proficient in the basic information technologies essential for cultural literacy in the 21st Century.

B. *Pacific Collegiate School Vision*

PCS students graduate with the foundation of coherent, relevant knowledge required for lifelong cultural maturity. PCS is open to all academically motivated students willing to study hard. PCS prepares students to attend and succeed at any UC or similar high quality private or public university. PCS concentrates on quality instruction in core academic areas of language arts, mathematics, science, and history, as well as emphasis on foreign languages and the fine arts. PCS promotes an international perspective. Teachers demonstrate a mastery of and enthusiasm for their subjects.

C. *Purpose of Handbook*

The purpose of this Handbook is to provide a reference and summary of employee policies and procedures at PCS. It is expected that all employees will perform their jobs in a manner that promotes the mission and vision of PCS.

All employees must read the Handbook. Employees must be familiar with the Handbook, understand its provisions, and adhere to the policies contained herein. Employees must keep the Handbook as a reference.

In instances where a provision of the Handbook conflicts with the employee's Employment Agreement, the latter will govern. In any instance where a provision of the Handbook is found to conflict with applicable state or federal laws, the legal requirements will govern.

PCS reserves the right to change, amend, supplement, or rescind provisions of this Handbook at PCS's sole and absolute discretion. Any changes to the Handbook must be approved by the PCS Board of Directors (Board) and will be distributed to employees as approved.

II. CERTIFICATION AND LICENSURE

A. *Certificated Staff*

To the extent required by State law, all certificated staff must be working toward, or possess, an appropriate teaching credential from the State of California Commission on Teacher Credentialing. All certificated staff must possess the necessary abilities to carry out the responsibilities of their positions.

B. *Principal*

The Principal must be a qualified administrator, and must possess the necessary abilities to carry out the responsibilities of the position, which includes overseeing the hiring of all employees, and working closely with and reporting to the Board.

C. *Other Staff, Substitutes and Consultants*

Other personnel and consultants must demonstrate the abilities to carry out their responsibilities effectively.

D. *Department Chairs*

The faculty of PCS is organized as set forth in the Department Chairs and Committee Structure Policy set forth in **Attachment 1**.

III. REQUIREMENTS FOR EMPLOYMENT FOR ALL EMPLOYEES

A. *Recruitment and Hiring*

Employees will be recruited and hired pursuant to the Employee Recruitment and Hiring Policy set forth in **Attachment 2**.

B. *Employment Records*

Personnel files will be maintained pursuant to the Employment Records Policy set forth in **Attachment 3**.

C. *Adherence to Requirements and Professionalism*

Employees must adhere to the requirements of employment established by PCS. Employees must conduct themselves at all times in a manner consistent with the highest standards of personal character and professionalism.

D. *Drug and Alcohol-Free Workplace*

PCS is committed to providing a drug and alcohol free workplace and to promoting safety in the workplace, employee health and well-being, public confidence and a work environment that is conducive to attaining high work standards. The abuse of drugs and alcohol by employees, whether on or off the job, jeopardizes these goals, since it adversely affects health and safety, security, productivity, and public confidence and trust. Drug or alcohol use in the workplace is extremely harmful to PCS employees and students. The bringing to the work place, possession or use of intoxicating beverages or drugs on any PCS premises, or being under the influence of such substances, is prohibited and will result in disciplinary action up to and including release from at-will employment.

E. *Work Schedule*

Business hours are normally 7:30 a.m. – 4:30 p.m. Monday through Friday. The regular workday schedule for full-time non-exempt employees is 8 hours; the regular workweek schedule is 40 hours. Exempt employees must commit whatever time is necessary to satisfactorily complete all job requirements.

F. *Meal and Rest Periods*

Non-exempt employees working for a period of more than five (5) hours are provided with at least a thirty (30) minute unpaid meal period, to be taken approximately in the middle of the workday. Non-exempt employees working for a period of more than four (4) hours are provided with a paid ten (10) minute rest period. The Principal must be aware of and approve scheduled meal and rest periods.

G. *Attendance and Tardiness*

All employees, whether exempt or non-exempt, must arrive at work consistently and on time. Absenteeism and tardiness negatively affects PCS's ability to implement its educational program and disrupts consistency in students' learning.

Employees must work according to the schedules and dates set forth in their Employment Agreements. Teachers must report to work at least fifteen (15) minutes before their first teaching period begins. Teachers must be available at work at least fifteen (15) minutes after their last period has ended. If an employee must be late, he/she must telephone the Principal as soon as possible and, whenever possible, no later than one-half hour before the start of the workday.

Any employee who is unable to work on any particular day must notify the PCS office staff at least one hour before the start of the scheduled workday. Teachers must utilize the sub-finder to secure their own substitute (unless it is an emergency) and fill out the requisite paperwork for all absences. Employees are absent from work longer than one day must keep the Principal informed of their situation.

As noted in the section of this Handbook concerning prohibited conduct, excessive or unexcused absences or tardiness may result in disciplinary action up to and including release from at-will employment with PCS. Absence for more than 3 consecutive days without notifying the Principal will be considered a voluntary resignation from employment.

H. Time Sheets

By law, PCS is obligated to keep accurate records of the time worked by non-exempt employees. Such employees must utilize PCS's time sheet system.

Non-exempt employees must accurately record their hours as this is the only way the payroll department knows how many hours each employee has worked and how much each employee is owed. The time sheet indicates the number of hours the employee works each day and/or any sick leave taken.

Non-exempt employees are solely responsible for ensuring accurate information on their time sheets and remembering to record time worked. If an employee forgets to mark his/her time sheet or makes an error on the time sheet, the employee must contact the Principal to make the correction and both the employee and the Principal must initial such correction. No one may record hours worked on another's time sheet. Any employee who tampers with his/her own time sheet, or another employee's time sheet, may be subject to disciplinary action, up to and including release from at-will employment with PCS.

All employees must keep the office advised of their departures from and returns to PCS premises during the workday.

I. Personal Business

PCS's facilities and resources are designed and dedicated to accommodate PCS business. Employees must not use PCS material, time or equipment for personal projects.

J. Use of E-mail, Voicemail, Internet Access and other PCS Resources

PCS permits employees to use its resources – for example, electronic mail, voicemail systems, Internet access, copiers, paper -- subject to the following:

1. Minimal personal use as long as it does not interfere with timely job performance

and is consistent with law and appropriate protocols.

2. The E-mail system and Internet access is not to be used in any way that may be disruptive, offensive to others, or harmful to morale. For example, sexually explicit images, ethnic slurs, racial epithets, or anything else that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, religious beliefs, political beliefs, or other legally protected status may not be displayed or transmitted.
3. Employees must not attempt to gain access to another employee's personal files, E-mail or voicemail messages without the latter's express permission.
4. PCS administration will enter an employee's personal E-mail, Internet and/or voicemail, or other PCS-funded resources if there is a business reason to do so. PCS retains a copy of all passwords. Employees may not use passwords unknown to PCS. System security features, including passwords and delete functions, do not neutralize PCS's ability to access any message at any time. Employees must be aware that the possibility of such access always exists, and that the employee has no reasonable expectation of privacy.
5. PCS recognizes that Internet sites such as myspace, facebook, twitter, and bebo are popular with students and teachers and can facilitate communication outside the classroom. However, PCS employees must follow all PCS policies and procedures when communicating with students, parents, or colleagues via the Internet, chat rooms, social networking sites, etc. It is required that teachers report to the administration any online activity or communication that could cause substantial disruption to the educational environment at PCS. Employees should also note that knowledge of child abuse obtained or observed via these Internet sites would meet the definition for mandatory child abuse reporting.

K. Communications

PCS maintains an employee communications bulletin board in an area readily accessible to employees. The bulletin board is used to communicate news regarding school events; revisions to the employee Handbook; new or revised personnel policies; legally required notices; or any other information that the Principal or Board believes is needed by employees. It is the responsibility of all employees to review information on the bulletin board on a regular basis.

L. Child Abuse Reporting

California Penal Code Section 11166 requires any child care custodian who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

Employees who are childcare custodians must have knowledge of California Penal Code Section 11166 and comply with its provisions.

M. Conflict of Interest

All employees must avoid situations involving actual or potential conflict of interest. Employees whose job classifications have been identified in the PCS Conflict of Interest Code must file appropriate financial interest disclosure forms.

An employee involved in any relationships or situations which may constitute a conflict of interest must immediately and fully disclose the relevant circumstances to the Principal, or the Board, for a determination as to whether a potential or actual conflict exists. If an actual or potential conflict is determined, PCS may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts may constitute grounds for disciplinary action.

N. Personal Appearance/Standards of Dress

Employees serve as role models. They must therefore maintain professional standards of dress and grooming. Just as overall attitude and instructional competency contribute to a productive learning environment, so do appropriate dress and grooming. The Board encourages staff, during school hours, to wear clothing that will add dignity to the educational profession, will present an image consistent with their job responsibilities, and will not interfere with the learning process.

O. No Smoking

The PCS campus is a non-smoking campus.

P. TB Test

Before the first day of employment, all employees must have a tuberculosis test. If the test is positive, physician certification of non-contagiousness must be obtained. Results of the test (if negative) or the physician certification must be on file at PCS before the first day of employment. Regular review is required by PCS.

Q. Fingerprints

All employees must submit fingerprints to the County Office of Education for the purpose of obtaining a criminal record summary as required by Education Code Section 44237. Such fingerprints must be submitted prior to employment and are a condition of employment.

R. Identification on File

All employees must have a copy of their driver's license and social security card on file at PCS, or other identification acceptable to the Principal.

S. Respectful Communication and Behavior

Employees must communicate, as needed, with students, parents, colleagues, and administration in a respectful and timely manner. It is expected that members of the PCS community, including students, parents, faculty, administration, directors, and volunteers will communicate with respect, compassion, and integrity at all times. Every adult involved in PCS has a responsibility to model these behaviors for the students. In this way PCS can help prepare graduates to enter and thrive at the world's finest colleges and universities.

Employees must actively discourage bullying (intellectual, verbal, or physical) anywhere on campus, and model respectful behavior.

Employees must respond to parent/student concerns, whether the concern is raised by phone, e-mail or in writing, within two (2) business days.

T. Attendance at School Functions

Employees are encouraged to attend PCS functions and events.

IV. ADDITIONAL REQUIREMENTS FOR EMPLOYMENT FOR CERTIFICATED STAFF

Each certificated staff member at PCS is an important member of a collaborative team, and must accept responsibility for his/her part in promoting and building a positive team culture focused on student achievement.

A. *California Professional Teaching Standards*

Certificated staff must meet the six California professional teaching standards:

1. Engaging and supporting all students in learning.
2. Creating and maintaining effective environments for student learning.
3. Understanding and organizing subject matter for student learning.
4. Planning instruction and designing learning experiences for all students.
5. Assessing student learning.
6. Developing professional education.

B. *Documents that Must be on File*

1. All certificated staff must obtain basic CPR certification from a qualified American Red Cross CPR instructor and provide a copy to the Principal for their personnel files. Certificated staff will be required to keep the certification current. PCS will reimburse any costs for certification and renewal.
2. All certificated staff must have proof of current teacher certification to the extent required by State law.
3. All certificated staff must have on file at PCS copies of their transcripts with degrees earned indicated on the transcript.

C. *Responsibilities to Colleagues and Administration*

1. Teachers must attend regularly scheduled in-service professional development meetings and school events such as Back-to-School Night, Under the Hood and the 12th grade graduation ceremony.
2. At the beginning of each year, teachers will sign up to take on an appropriate amount of extra supervision, leadership or administrative duties according to their preferences. The process for choosing these duties is designed by the Management Team in order to ensure that all duties are addressed, and that responsibility is distributed fairly among the teachers. These extra duties may include (but are not limited to): chaperoning dances, chaperoning field trips, chaperoning grade level events, attending and presenting at awards night in June,

coordinating Arts Night, attending and presenting at lottery information sessions, attending and presenting at new student orientations, writing letters of recommendation, proctoring STAR tests or other standardized tests, attending and participating in committee meetings (both board level and faculty generated), supervising Arts or Math/Science Day presentations, presenting at board meetings, or presenting at Department Information nights.

3. Teachers may be asked to assist with other supervision duties as needed.
4. Teachers must attend and participate in all appropriate grade level, faculty, , and department meetings. Any teacher who misses a meeting is responsible for finding out what occurred at that meeting.
5. Teachers must participate effectively in school-wide efforts such as WASC accreditation committee work and the composition of, and/or collaboration in, course-descriptions.
6. Teachers must respond to queries from colleagues and administrators about students.
7. Teachers must agree to scheduled/drop-in observations of their classes by the Principal or designee, colleagues, or other professionals as appropriate and must participate in related meetings before and after the observation.
8. Teachers must submit grades, attendance, and end-of-year checkout list on time.
9. Teachers must attend IEP and 504 meetings. If they are teaching at the time a meeting is called, then the administration must provide a substitute so that the teacher can attend. If the teacher is not on campus (part-time employees only) then the teacher must submit a written report of the student's progress to the Special Education Director before the scheduled meeting.
10. Teachers must take accurate attendance each period.

D. Responsibilities to Parents and Students

1. Teachers must have a strong command of their field of study, and maintain their scholarly edge.
2. Teachers must maintain rigor and establish relevance of their curriculum, but realize raising the bar is not enough. Teachers must work with students on the skills necessary to reach the "high bar."
3. AP teachers must prepare students for AP exams.
4. Teachers must be in the classroom, set-up, and ready to teach when class is scheduled to begin. Teachers must be in their classrooms at all times during class except in an emergency situation.

5. Teachers must plan lessons weekly, monthly, and yearly and clarify learning goals for students.
6. Teachers must provide instruction that is learned and clear.
7. Teachers must design their lessons for all students, not just the highest performers.
8. Teachers must offer students reasonable make-up time for missed work.
9. Teachers must provide outside help, such as tutorials, in response to all reasonable student requests. Minimally, teachers must be available to students one hour per week beyond regular classroom hours. Teachers must publish and post their office hours on the PCS website.
10. Teachers must assist students through periods of excused absence.
11. Teachers must grade and turn back assignments in a timely manner (that is, so that students can learn from the assignment before being assessed again on the same skills). While timeliness may vary among assignments or courses, best practice suggests that teachers notify expected turnaround times within PowerSchool, on their Web pages, or on their syllabus.
12. Teachers must provide clarification to parents, as needed, regarding assignments.
13. Teachers must give thoughtful feedback about student work during class and in parent-teacher conferences.
14. Teachers must learn and effectively use PowerSchool to log in grades and assignments in a timely fashion. While appropriate frequency varies among courses, best practice demonstrates that student achievement goes up with greater frequency of feedback. Within PowerSchool, best practice is to post known assignments and deadlines in advance, without points established.
15. Good teaching is a group effort, including involvement of colleagues and support staff to assist each other and students.
16. Teachers must create a physical environment that engages all students.
17. Teachers must balance professional responsibilities and maintain motivation.

E. Part-time Teachers

Teachers who teach part-time must meet all of the responsibilities of full-time teachers with respect to classroom activities. Part-time teachers are given fewer (proportional) non-academic duties in the supervision of extra-curricular events, such as dances or field trips. (See Section C, number 2, for a complete list of these duties). Part-time teachers must attend all faculty, department and grade level meetings, as appropriate, unless excused by the Principal.

V. SALARIES/BENEFITS

Employee compensation is determined by the Board on a yearly basis, based on recommendations by the Principal and Finance Committee, and by the Legal and Personnel Committee when appropriate. Staff compensation may be determined by a salary schedule and/or performance incentive plan, as adopted by the Board. Total compensation under any performance incentive plan is limited to the amount budgeted annually by the Board. If there are not sufficient funds budgeted to fully award all participating staff, performance bonuses shall be distributed on a pro rata basis. The calculation method for any performance incentive plan shall be set forth in **Attachment 4**.

PCS offers eligible employees optional group medical, vision, dental, and life insurance plans that employees may purchase at their own expense. The Board may approve PCS contributions toward medical premiums and/or other benefits for employees. In order to be eligible for employee benefits, classified employees must work .5 time or greater, and certificated employees must work .4 time or greater.

PCS provides retirement benefits through the State Teachers Retirement System (STRS) and Public Employee Retirement System (PERS), and will make the required employer contribution to these plans. PCS will make the required employer contribution toward federal Social Security for any employee not covered by STRS or PERS.

Employees must report any changes in name, address, telephone number, marital status, or number of dependents to the Principal promptly to keep records current.

A. Payroll Withholdings

PCS is required by law to withhold applicable federal, state and local taxes, including but not limited to Federal Income Tax, State Income Tax, Social Security (FICA), and STRS/PERS contributions. Withholdings from each employee's pay include the following:

1. Federal Income Tax Withholding: The amount varies with the number of exemptions the employee claims and the gross pay amount.
2. State Income Tax Withholding: The same factors that apply to federal withholdings apply to state withholdings.
3. Social Security (FICA): The Federal Insurance Contribution Act requires that a certain percentage of employee earnings be deducted and forwarded to the federal government, together with an equal amount contributed by PCS.
4. State Disability Insurance (SDI): This state fund is used to provide benefits to those out of work because of illness or disability. PCS may withhold SDI contributions if applicable.

Every deduction from a paycheck is explained on the check voucher. Questions about deductions should be addressed to the Principal or Business Manager.

All Federal, State, and Social Security taxes will be automatically deducted from

paychecks. Federal and State Withholding Tax deductions are determined by the employee's W-4 form. The W-4 form must be completed upon hire and it is the employee's responsibility to report any changes in filing status to the Principal and to fill out a new W-4 form. An employee may change the number of withholding allowances claimed for federal or state income tax purposes at any time by submitting a new W-4 form to the Principal. The office maintains a supply of these forms.

At the end of the calendar year, a "withholding statement" (W-2) will be prepared and forwarded to each employee for use in connection with preparation of income tax returns. The W-2 shows Social Security information, taxes withheld and total wages.

B. Overtime Pay

Whether an employee is exempt from or subject to overtime pay will be determined on a case-by-case basis and will be indicated in the employee's job description. Generally, certificated staff and administrators are exempt. Non-exempt employees may be required to work beyond the regularly scheduled workday or workweek as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime for non-exempt employees. All overtime work must be previously authorized in writing by the Principal. PCS provides compensation for authorized overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

For employees subject to overtime, all hours worked in excess of eight (8) hours in one workday or forty (40) hours in one workweek shall be treated as overtime. Compensation for hours in excess of forty (40) for the workweek or in excess of eight (8) and not more than twelve (12) for the workday, and for the first eight (8) hours on the seventh consecutive day in one workweek, shall be paid at a rate of one and one-half times the employee's regular rate of pay. Compensation for hours in excess of twelve (12) in one workday and an excess of eight (8) on the seventh consecutive workday of the workweek shall be paid at double the regular rate of pay.

Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to these exempt employees.

C. Paydays

Paydays for exempt employees are scheduled on the last working day of each month. Paydays for non-exempt employees are scheduled on the 10th day of each month. An employee must report any error in a check immediately to the Principal.

D. Wage Attachments and Garnishments

Under normal circumstances, PCS will not assist creditors in the collection of personal debts from its employees. However, creditors may resort to certain legal procedures such as garnishments, levies or judgments that require PCS, by law, to withhold part of an employee's earnings in their favor.

E. Differential Pay

In extraordinary circumstances, employees who must take extended leave for reasons beyond their control and who have exhausted their earned leave banks may be eligible for differential pay in the sole discretion of the Principal and on the terms and conditions established by the Principal. Differential pay is the difference between the employee's regular salary and the cost to PCS to hire a substitute or temporary employee to cover the employee's absence. PCS will offset an employee's differential pay with any other income received by the employee during that period, such as disability insurance or workers compensation benefits. Therefore, an employee receiving differential pay must report to the Principal any income earned from activities related or similar to the employee's duties at PCS while on leave.

VI. HOLIDAYS AND LEAVES

PCS shall grant employees holidays, sick leave, personal necessity leave and other leaves in accordance with applicable federal and state laws and regulations, and as set forth in PCS's policy which is set forth in **Attachment 5**.

VII. PERSONNEL EVALUATIONS

PCS maintains a confidential personnel file for each employee as stated in the Employment Records Policy set forth in **Attachment 3**, which may include, among other items, the employee's individual professional development plan and the employee's personnel evaluations.

The specific procedures for establishing each employee's goals and the evaluation of each employee's performance are stated in the Personnel Evaluations policy set forth in **Attachment 6**.

VIII. AT-WILL EMPLOYMENT, RESIGNATION AND DISCIPLINE

A. *At-Will Employment*

All employment at PCS is “at will.” This means that both employees and PCS have the right to terminate employment at any time, with or without advance notice, and with or without cause. Employees also may be disciplined at-will. The terms of their employment may be altered at any time, with or without advance notice, with or without cause, at the sole and unreviewable discretion of PCS. No one other than the Board has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy. Any such agreement must be in writing, must be signed by an officer of the Board and by the affected employee, and must express a clear and unambiguous intent to alter the at-will nature of the employment relationship.

B. *Resignation*

PCS will consider an employee to have resigned from his or her employment if an employee does any of the following:

1. Notifies the Principal either verbally or in writing of his or her election to resign from PCS;
2. Fails to return from an approved leave of absence on the date specified by the Principal; or
3. Fails to report for work for more than three (3) consecutive days without notice to the Principal, absent extenuating circumstances.

C. *Discipline and Rules of Conduct*

Employees must observe certain standards of job performance and good conduct. When performance or conduct does not meet school standards, PCS will endeavor, when it deems appropriate, to provide the employee a reasonable opportunity to correct the deficiency. The policies and procedures related to employee discipline are stated in the Discipline and Rules of Conduct Policy, set forth in **Attachment 7**.

D. *Exit Interviews*

Employees who leave PCS for any reason will be asked to participate in two (2) exit interviews. These interviews are intended to permit exiting employees the opportunity to communicate their views regarding their work with PCS, including job duties, job training, job supervision, and job benefits. One interview will be conducted by the exiting employee’s supervisor, Vice Principal, or Principal. Another interview will be conducted by a Board designee. At the time of the interviews, employees must return all school property.

E. *Complaint Policy*

PCS has adopted a Complaint Policy, set forth in **Attachment 8**. There are informal and formal procedures that may be followed. Formal procedures may include review by an ad hoc Complaint Review Committee as well as the Board.

The purpose of having an internal complaint procedure is to afford all employees the opportunity to seek internal resolution of their work-related complaints if they feel these concerns must be brought to the attention of PCS. If an employee believes that he or she is being retaliated against for lodging a complaint, the employee must immediately notify the Board President.

IX. NON-DISCRIMINATION/HARASSMENT

A. *Non-Discrimination*

PCS does not discriminate in any personnel matters or in the provision of programs and services on any basis prohibited by law, as more specifically stated in the Policy Against Sexual Harassment and Discrimination set forth in **Attachment 9**.

B. *Non-Harassment*

Harassment refers to conduct which is personally offensive or threatening, impairs morale or interferes with the work effectiveness of employees. No employee is permitted to sexually or otherwise harass any other employee, student, or other member of the PCS community on any basis protected by law, as more specifically stated in the Policy Against Sexual Harassment and Discrimination set forth in **Attachment 9**.

C. *Reporting of Discrimination or Harassment*

Any employee who believes (s)he has been the subject of discrimination or harassment must follow the procedures outlined in the Policy Against Sexual Harassment and Discrimination set forth in **Attachment 9**, or bring questions, concerns, or complaints to the Board President. No employee reporting discrimination or harassment will be subject to reprisals for reporting.

Any employee who is found to have violated these non-discrimination and non-harassment principles is subject to discipline up to and including termination of at-will employment.

X. WORKPLACE SAFETY

A. Health and Safety Policy

PCS is committed to providing and maintaining a healthy and safe work environment for all employees. Employees must know and comply with PCS's School Safety Plan and follow safe and healthy work practices at all times. Employees must report immediately to the Principal any potential health or safety hazards, and all injuries or accidents. Failure to comply with or enforce PCS safety and health rules, practices and procedures could result in disciplinary action up to and including termination from at-will employment.

B. Occupational Safety

PCS is committed to the safety of its employees, students, vendors, contractors and the public and to providing a clear safety goal for management. It is the policy of PCS that accident prevention must be considered of primary importance in all phases of operation and administration. PCS's management must provide safe and healthy working conditions for all employees and establish and require the use of safe practices at all times.

The prevention of accidents is the responsibility of every PCS employee. It is also the duty of all employees to accept and promote the established safety regulations and procedures. Every effort will be made to provide adequate safety training. If an employee is ever in doubt as to how to perform a job or task safely, the employee must request assistance. Unsafe conditions must be reported immediately.

C. Workplace Violence

PCS strives to maintain a workplace free of violence and threats to the personal security of PCS employees and students. Threats or acts of violence by or against any person at the PCS facility or while on PCS business are strictly prohibited; this constitutes a zero tolerance policy.

Employees acting in violation of this policy may be subject to discipline, up to and including termination of at-will employment. Criminal prosecution may also be pursued.

For purposes of this policy, workplace violence includes but is not limited to any verbal threat, threatening behavior, or physical assault occurring in or arising from the workplace. This includes but is not limited to:

1. Threatening statements or gestures, including threats to return to the PCS facility in order to harm a person or persons;
2. Brandishing of weapons of any kind or threatening to bring weapons to the workplace;
3. Use of tools, hazardous materials or other objects as weapons or in a threatening or dangerous manner with intent to cause harm or property damage;
4. Deliberate destructive acts that result in damage to PCS property;

5. Acts that do not cause immediate harm to persons or property but still appear to pose a threat;
6. Verbal or written statements discussing violent acts in a manner that could lead a person reasonably to be fearful for his/her safety;
7. Assault (unlawful attempt or threat to do physical injury to another); and
8. Battery (unlawful beating of a person).

Employees who are aware of situations in their personal lives that bring a risk of violence to the PCS facility must report such situations to the Principal so that protective measures, if appropriate, may be taken.

XI. ATTESTATION

A. *Receipt of Employee Handbook*

I hereby acknowledge receipt of this copy of the Pacific Collegiate School Employee Handbook and policies set forth in the attachments. I will familiarize myself with the information contained in the Handbook and attachments; seek verification or clarification regarding the information whenever necessary; and comply with the procedures and requirements during my period of employment with Pacific Collegiate School. I understand that my employment is at-will, and subject to the policies contained in the Handbook and attachments, and any changes to such policies that PCS may make from time to time.

Employee Printed Name: _____

Employee Signature: _____

Date: _____

(CC: school personnel file, employee)

Attachment 1

PACIFIC COLLEGIATE SCHOOL POLICY AND PROCEDURE

DEPARTMENT CHAIRS AND COMMITTEE STRUCTURE

POLICY

PCS faculty structure is organized in three ways: by department, by grade level team, and by committees charged with various tasks and leadership. Each teacher serves in all three levels of this structure.

PROCEDURE

A. *Department Chairs*

The Principal appoints department chairs on an annual basis with input from the Department. The Principal may remove and replace department chairs in his/her discretion. The PCS Board will annually set compensation for department chairs.

Department Chairs are responsible for:

1. Attending leadership team/instructional council meetings.
2. Managing departmental budgets.
3. Coordinating orders, text adoptions, and inventories.
4. Facilitating department meetings, gathering agenda items for department meetings, keeping records of meetings, and reporting meeting minutes to the Principal.
5. Facilitating discussion of measurable department goals.
6. Identifying professional development opportunities for department members, and forwarding to the Faculty Dean.
7. Identifying and promoting cross curricular collaborative opportunities.
8. Organizing interview teams, conducting paper screening of faculty candidates, managing interviews, and presenting first round rankings to site administration.
9. Facilitating discussion about vertical alignment of content and skill acquisition.
10. Facilitating department reports on student achievement progress and action plans for improvement.
11. Act as representative of department to internal and external constituencies, or ensure that a representative is present.
12. Moderate and facilitate discussions that may arise between parents and teachers.
13. Facilitate and communicate discussions about credit allocation for off campus and prerequisite coursework.
14. Work with teachers to be sure that each individual teacher has revised their course descriptions to be up-to-date and accurate.

Department Chairs will be reviewed annually by members of their department by way of an online survey. This survey will be administered annually in December, and will ask department

members to provide constructive feedback about the Department Chair's performance of the above duties.

B. Grade Level Teams

Grade level teams are standing structures, with assignments by the Principal based on the majority assignment for an individual teacher, or based on short-term needs. Grade level committees are organized by the Principal to review student work and design interventions for students in need, to coordinate workload and deadlines for students, and to pursue cross-curricular opportunities among colleagues.

C. School Improvement Committees

School Improvement Committees are established by the Principal for the general welfare of the faculty and school. Some committees, such as the school culture committee, are standing committees. Others may have shorter timelines and charges. Committee members will select their chair or facilitator, who is responsible for convening meetings and reporting minutes.

D. Other Committees

Teachers may be asked to participate in Board-appointed or other committees where appropriate.

Attachment 2

PACIFIC COLLEGIATE SCHOOL POLICY AND PROCEDURE

EMPLOYEE RECRUITMENT AND HIRING

POLICY

PCS seeks to attract and hire the best candidates for all positions. It is the policy of PCS to adhere to a consistent process for recruiting and hiring employees in order to achieve that goal.

This policy applies to regular full- and part-time positions at PCS, including teachers, administration, and support staff.

PROCEDURE

PCS will follow applicable state and federal laws regarding hiring practices. PCS does not unlawfully discriminate on the basis of race, color, creed, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, citizenship status, ancestry, age, physical or mental disability, legally protected medical condition, family care status, veteran status, marital status, sexual orientation, or any other basis protected by state or federal laws. PCS advertising and recruitment material must include a statement to this effect in promoting equal opportunity in hiring practices.

The Board must approve all new positions before the recruitment process begins.

The Principal is responsible for the process of recruitment and hiring of applicants for any open positions.

The Board has final responsibility to approve all hires and determine salary and benefits. All offers of employment are contingent upon Board approval. No employee may start work before Board approval.

A. *Certificated Staff*

An available position will be advertised and/or posted as appropriate and feasible. The position may be advertised in local newspapers, on the PCS website or EdJoin website, in relevant academic departments at nearby universities, through relevant professional organizations, or through other means of publicizing the position as needed.

Interested applicants will be asked to submit a resume, cover letter, transcript, and two to three letters of recommendation. The Principal, Faculty Dean, and/or Department Chairs will review the resumes and applications. The top applicants will be asked to have a personal interview.

The top applicants will be interviewed by a committee consisting of the Faculty Dean,

department chair(s), department colleagues as appropriate, a PCS parent(s), and a student(s). The committee may also include a Board member. If appropriate, the interview committee may also include a person who is an expert in the academic field of the applicants. The interview committee will determine questions for all applicants, conduct the interviews, and then will rank the applicants. The Principal need not participate in every interview, but must interview candidates recommended for hire by the interview committee.

Considerations in ranking applicants may include academic training and credentials, experience, level of knowledge of the subject to be taught, and results of the interview. Among other considerations, preference will be given to applicants willing to work full time, if a full-time position is available. The Principal will approve the final determination regarding rank order of the applicants.

References will be checked and credentials verified before an offer is made to the top applicant. If that applicant doesn't accept, then the position may be offered to the other applicants in rank order. If no applicant deemed acceptable by the interview committee accepts the position, the process will be repeated with a new group of applicants.

The Principal's decision to hire an applicant must be ratified by the Board.

B. Other Staff (except Principal)

The procedure outlined above will generally be followed for other staff as well, with the following exceptions:

1. For professional/administrative staff, it is not necessary that the interview committee include faculty members, and the interview committee may include appropriate administrative staff. Applicants will be rated on qualifications specific to the open position.
2. For clerical/support staff, the Principal may choose to interview candidates him/herself with at least one other appropriate staff member.

C. Principal

Recruitment and hiring of the Principal is the responsibility of the Board. The Board may establish specific procedures at the time of recruitment.

Generally, however, the Board will establish a search committee, which may include representatives from various school constituencies (Board, faculty, parents, and other staff members as appropriate). The search committee will have responsibility to advertise and seek applicants, choose the top candidates for interviews, conduct the interviews, rank the applicants, check credentials and references, and make a recommendation to the Board. The Board will make the final decision regarding which applicant to hire.

Attachment 3

PACIFIC COLLEGIATE SCHOOL POLICY AND PROCEDURE

EMPLOYMENT RECORDS POLICY

POLICY

It is the policy of PCS to appropriately collect and maintain all employee information in a confidential manner.

PROCEDURE

A. *Location and Custody of Personnel Files*

The Business Manager is the custodian of all personnel files. Personnel files will be maintained in the Business Manager's office in a secure location. The Principal's personnel file shall be maintained in a secure location approved by the Board President, with a copy in the Business Manager's office. The Principal, or designee, shall also maintain a separate confidential personnel file for each employee, to the extent required by law. All information in personnel files and confidential personnel files is strictly confidential, as is all payroll information.

B. *Information Maintained in Employee Files*

Employee personnel files may contain the following information as applicable: employment application and resume, offer letter, Employment Agreement, credentials, results of all evaluations, commendations, disciplinary actions such as oral or written warnings, resignation letter, and other information related to school business. Separate confidential files will be maintained by PCS, as mandated by state or federal law (i.e., medical information as required by law).

C. *Monitoring Contents and File Maintenance*

The Principal must ensure employees are aware of the information that is collected and retained in their personnel files. Employees may provide additional information to clarify, amend, or correct information in their personnel file, by inserting a separate document. Only the Principal may remove a document from an employee's personnel file, and only if the document contains information that is clearly inaccurate or inappropriate.

D. *Ensuring File Contents are Current*

Employees are responsible for updating personal information for their files, including, but not limited to, address, telephone number, emergency contact information, and information for the W4 form on an annual basis. PCS may rely on the information supplied by the employee in the file.

E. Access to Employee Files

Access to the employee's personnel file is limited to the Principal, or other individuals with a legitimate need to know, as designated by the Principal, or as required by law. The Principal may provide information contained in the employee's personnel file to the Board if necessary for review of evaluations or for disciplinary or termination proceedings, or as otherwise required for the conduct of Board affairs.

F. Employee Review of File Contents

An employee has the right to inspect the contents of his or her personnel file. All requests to inspect one's personnel file must be in writing and will be honored within a reasonable time after the Principal receives the request. The Principal, or designee, must be present when the file is reviewed. Personnel files will not be made available for inspection during hours within which the employee must be working. Employees may receive copies of information contained in their file upon written request. A reasonable fee per page may be charged for requests over ten (10) pages.

G. Employment Verification

The Principal or Business Manager may provide employment verification (e.g. for loan or job applications) with written permission of the employee. Responses to such inquiries will be limited to factual information that can be substantiated by PCS's written records. Except as required by law, no other employment data, including wage information, will be released without written authorization and release signed by the employee who is the subject of the inquiry.

H. Record Retention

Information in an employee's personnel file will be maintained by PCS as required by law and in accordance with PCS's policy on the Retention of Personnel Records.

Attachment 4

PACIFIC COLLEGIATE SCHOOL POLICY AND PROCEDURE

EVALUATION BASED COMPENSATION PLAN

- A. This plan measures teacher performance using a weighted average of
- a. 67% rubric-based evaluation:
 - i. 20% based on formal classroom observations;
 - ii. 22% based on successful completion of three year-long case studies and other evidence of supporting all students;
 - iii. 25% based on successful completion of departmental and individual goals, as defined by the employee's evaluation rubric.
 - b. 16.5% peer observation
 - i. Number of periods in reciprocal observations, up to 2.
 - c. 16.5% student and parent evaluation:
 - i. Combination of student (15.35%) and parent (1.15%) results
 - ii. # of items with negative < 20% / total items on evaluation x 16.5
- B. Based on this hundred point total, performance incentives are awarded based on the percentage of earned points between 70 and 100 overall. Performance incentives are awarded on a scale from 0% to 3%. For instance, a teacher earning 85 of 100 possible points would earn a 1.5% bonus, as 85 is 15 greater than 70, and the score represents half of the total margin between 70 and 100 (and, thus, half of the total possible bonus). See examples below for greater detail.

PERFORMANCE INCENTIVE PLAN - CALCULATION METHOD

		Performance points	Total possible
Evaluation Rubric		Based on progress towards specified, individual goals and administrative requirements, observations	67
Peer	n=# of hours spent in reciprocal observations, with documentation (max: 2)	$n * 16.5 / 2$	16.5
Student	n=total of S1 and S2 answers with <20% negs	$n / 40 * 15.35$	15.35
Parent	n= total answers with <20% negs	$n / 3 * 1.15$	1.15
			100

	Teacher 1	Teacher 2	Teacher 3	Teacher 4	Teacher 5
Evaluation Rubric	50	55	60	65	67
Number of hours in peer reciprocal observations	0	1	1	2	2
Student evaluations with <20% negs	25	30	35	40	40
Parent evaluations with <20% negs	2	2	3	3	3
Evaluation Rubric	50	55	60	65	67
Peer	0	8.25	8.25	16.5	16.5
Student	9.59	11.51	13.43	15.35	15.35
Parent	.77	.77	1.15	1.15	1.15
Total	60.36 0%	75.53 .55%	82.83 1.3%	98 2.8%	100% 3%

(Attachment 4 amended March 2010)

Attachment 5

PACIFIC COLLEGIATE SCHOOL POLICY AND PROCEDURE

HOLIDAYS AND LEAVES

The purpose of this policy is to provide for paid sick leave and personal leave time, as accrued, for PCS employees. It is also to provide for unpaid leave time as appropriate and/or as required by law.

A. *Holidays*

School holidays and breaks are set forth in the PCS school year calendar adopted by the Board for each academic year. Non-exempt employees do not receive pay on school holidays and breaks unless they are specifically required to work on such days.

B. *Sick Leave*

Sick leave is a form of insurance that employees accumulate in order to provide a cushion for incapacitation due to illness or injury. It is intended to be used only when actually required to recover from illness or injury. Sick leave is not for vacation or other voluntary absences. Sick leave is limited to a paid absence for the following reasons:

1. Because of the employee's personal illness;
2. To care for a sick child, spouse, registered domestic partner, parent, or child of a registered domestic partner; or
3. To attend a doctor, dentist or other health care provider appointment for the employee or for a child, spouse, registered domestic partner, parent, or child of a registered domestic partner.

C. *Personal Necessity Leave*

Personal necessity leave falls under the category of sick leave. It is intended to allow employees to attend to personal necessities, and is not intended for use for vacation or other voluntary absences that are not of a pressing nature.

1. *Designation of Sick Leave as Personal Necessity Leave.*

Employees may designate up to five (5) days of their accrued sick leave each year (or a proportional amount for part-time employees) to be taken as personal necessity leave. The employee may make the designation when the need for personal necessity leave arises.

2. *Personal Necessity Leave Defined.*

Personal leave is defined as an absence for one of the following reasons:

- a. In an emergency situation such as a natural disaster or similar type of

- emergency which prevents the employee from traveling to work;
- b. Because of the employee's disability that is not otherwise covered in another PCS Policy;
- c. For bereavement after the death of a child, parent, spouse, registered domestic partner, grandparent, or other close friend or family member;
- d. To celebrate a specified event such as a birthday, wedding, anniversary, of an employee or a member of the employee's immediate family;
- e. Any absence required or protected by law, as set forth in Section D of this Policy, which the employee wishes to have designated as personal necessity leave; or
- f. Other absences to attend to personal necessities, if approved by the Principal in his/her sole discretion.

Personal leave does not include the following:

- a. Vacation; or
- b. Any absence for a purpose that is not listed above.

D. Legally Required or Protected Absences

Employees will be granted leave as required or protected by law for the purposes and on the conditions set forth below. Employees must provide reasonable advance notice of any need for such leave. Employees must return to work each day or portion of the day that they are not selected for jury duty, called as a witness, or otherwise legally required or authorized to be absent from work.

For non-exempt employees, unless specifically identified below as paid leave, or as required by law, leave for any of the purposes set forth below shall be unpaid, except to the extent the employee uses earned sick leave that the employee designates as personal necessity leave. For exempt employees, salary during leave where a partial week is worked will be offset by any amounts received by the employee (for example, as jury or witness fees or military pay), and no salary will be paid for workweeks in which no school-related work is performed.

1. Voting Time Off.

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off must be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off must be combined with the voting time available outside of working hours to a maximum of two (2) hours combined. Under these circumstances, an employee will be allowed a maximum of two (2) hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote must give the Principal at least two (2) days notice.

2. Leave to Attend Child's Suspension Meeting.

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee must alert his or her supervisor and the Principal as soon as possible before leaving work. As required by California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

3. Military Leave.

PCS will comply with all requirements of the Uniformed Services Employment and Re-Employment Rights Act of 1994 ("USERRA"). Employees who wish to serve in the military or take military leave must contact the Principal for information regarding employee rights before and after such leave.

4. Jury Duty or Witness Leave.

Employees will be granted leave to satisfy jury or witness duty. If an employee must take leave in excess of three days for jury or witness duty, such leave will be paid for the period after the first three days. Non-exempt employees may apply earned personal necessity leave to the first three days of such service. Exempt employees shall receive pay for the first three days of jury duty if the employee performs any work during the work week(s) in which those three days occur.

An employee must report promptly the receipt of a jury summons to his/her supervisor. The Principal may require an employee to provide written verification from the court clerk of performance of jury or witness duty. If work time remains after any day of jury selection or jury or witness duty, employees must return to work for the remainder of the work schedule. Employees must report to the Principal any jury or witness fees received, which shall be offset against any paid leave provided by PCS for this purpose.

5. Religious Holidays.

An employee whose religion requires observance of a particular day may take off recognized religious holidays. Employees must request the day off in advance in writing to the Principal.

6. Leave to Attend Child's School Activities.

Employees may participate in the school activities of their child(ren), pursuant to California Labor Code Section 230.8. The absence is subject to all of the following conditions:

- a) Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades 1-12 may take time off for a school activity;

- b) The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of forty (40) hours each school year;
- c) Employees planning to take time off for school visitations must provide as much advance notice as possible to their supervisor;
- d) If both parents are employed by PCS, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by the Principal;
- e) Employees must use personal necessity leave for this time off;
- f) Employees who do not have paid time off available will take the time off without pay; and
- g) Upon request, employees must provide their supervisors with documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.

7. Volunteer Firefighter and Other Leave Required by Law.

Employees will be granted leave as necessary to perform emergency duty as volunteer firefighters, or as otherwise required by law.

E. Earning, Accrual and Use of Sick Leave

1. Earning of Sick Leave.

Regular full time employees earn one (1) sick day per month for a total of no more than ten (10) sick days per ten-month school year. Regular part-time employees working less than full time earn sick leave on a pro rata basis. Sick leave is figured on a school year basis beginning with the opening of school, rather than on a fiscal year basis.

2. Accrual.

Employees may accrue up to twenty (20) sick days, or the equivalent pro rata amount for eligible part time employees, of which the employee may designate up to ten (10) personal necessity days, to be used in a manner consistent with this policy. No employee will receive pay in lieu of sick or personal leave under any circumstances, and employees will not be paid for any accrued but unused sick leave days upon termination of employment.

3. Exception to Accrual.

Employees do not earn or accrue sick leave during unpaid leave of absence.

4. Usage Increments for Exempt and Non-Exempt Employees.

Unless specifically stated elsewhere, exempt employees must take and report sick or personal necessity leave in increments of four (4) hours or more. If an outside substitute is needed, a teacher must take leave in either four (4) or eight (8) hour increments. Non-exempt employees may take sick or personal necessity leave in time increments as needed.

5. Compensation.

Eligible employees will receive pay at their normal base rate for any sick or personal necessity leave taken. For any leave taken prior to obtaining eligibility for leave, or after all leave has been exhausted, non-exempt employee pay will be reduced accordingly for that pay. PCS will deduct accrued leave (sick or personal necessity), not compensation, from exempt employees for partial day absences of four hours or more. For full day absences prior to accruing paid leave time, or after all leave has been exhausted, exempt employee pay will be reduced accordingly for that pay period.

6. Approval.

Whenever possible, employees must seek the approval of the Principal or Principal's designee at least two days prior to taking any sick or personal necessity leave. If the absence was not anticipated, the employee must seek the approval of the Principal or Principal's designee as soon as practicable and, in no event, later than the employee's scheduled starting time. The Principal or Principal's designee may approve or disapprove the absence in his/her sole judgment as to whether the proposed absence meets the definitions in this policy.

Any personal necessity leave taken during the school year or otherwise must be coordinated and cleared by the Principal to the extent possible, subject to scheduling and seniority. Except as required by law, no personal necessity leave may be taken by clerical staff during the last two weeks of August unless specifically authorized by the Principal.

7. Coordination of Sick Leave Benefits.

PCS will pay sick leave and benefits to an eligible employee during the normal three-day waiting period before the employee is paid worker's compensation benefits pursuant to the applicable state or federal law governing the industrial injury or illness. PCS will pay earned sick leave benefits during the normal seven-day waiting period before the eligible employee is paid benefits from state disability insurance or other employment disability insurance plan, if any.

8. Reporting to STRS.

PCS will account to STRS or PERS for any excess accrued sick leave at the end of each school year for pension purposes, and for any exiting certificated staff.

9. Sanctions for Misuse.

PCS will not tolerate abuse or misuse of sick or personal necessity leave. If an employee takes more than five consecutive days of sick leave, the employee must provide the Principal with satisfactory medical documentation that such extended sick leave is necessary and/or medical certification of fitness to return to work. Additionally, the Principal, in the Principal's sole discretion, may require documentation for any sick or

personal necessity leave taken. PCS may withhold sick pay if it suspects that sick leave has been misused. Any employee who misuses sick or personal leave by presenting a pattern of abuse and/or misrepresenting the reason for the sick or personal necessity leave may be disciplined for misconduct and dishonesty under PCS's Policy and Procedure on Discipline and Rules of Conduct.

F. General Provisions Regarding Unpaid Leave of Absence

PCS recognizes that special situations may arise where an employee must leave his or her job temporarily. Once an employee has exhausted sick leave or that portion of the sick leave that the employee may designate as personal necessity leave, the Principal, in his/her sole discretion, may allow the employee to continue on an unpaid leave depending upon the facts and circumstances of the employee's basis for leave beyond accrued leave. Any unpaid leave of absence must be approved in advance by the Principal.

The granting of a leave of absence always presumes the employee will return to active work by a designated date or within a specific period.

Certificated staff may request differential pay during a leave of absence for which the employee has no accrued leave bank, subject to the sole discretion of the Principal.

If an employee is currently covered, medical and dental coverage will remain in force during an approved unpaid leave of absence, provided the employee continues to pay at least the employee's share of the premiums. After one month of unpaid leave, whether the employee must pay the entire premium will depend upon the length of the leave of absence. When a request for leave is granted, PCS will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

No personal leave or sick time is accrued during any type of unpaid leave of absence.

G. Family and Medical Leave Act and California Family Rights Act

Attachment 5, Addendum A, sets for PCS's policy for compliance with the federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA").

H. Industrial Injury Leave (Workers' Compensation)

In accordance with State law, PCS provides insurance coverage for employees in case of work-related injuries. The workers' compensation benefits provided to injured employees may include:

1. Medical care;
2. Cash benefits, tax-free to replace lost wages; and
3. Vocational rehabilitation to help qualified injured employees return to suitable employment.

To ensure employees receive any workers' compensation benefits to which they may be entitled, they must:

1. Immediately report any work-related injury to the Principal;

2. Seek medical treatment and follow-up care if required;
3. Complete a written Employee's Claim Form (DWC Form 1) and return it to the Principal; and
4. Provide PCS with a certification from a health care provider regarding the need for worker's compensation disability leave as well as the eventual ability to return to work from the leave.

It is PCS's policy that when there is a job-related injury, the first priority is to ensure that the injured employee receives appropriate medical attention. PCS, with the help of its insurance carrier, has selected medical centers to meet this need. Each medical center was selected for its ability to meet anticipated needs with high quality medical service and a location that is convenient to PCS's operation.

If an employee is injured on the job, he/she must go or be taken to the approved medical center for treatment. If injuries are such that they require the use of emergency medical systems (EMS) such as an ambulance, the choice by the EMS personnel for the most appropriate medical center or hospital for treatment will be recognized as an approved center.

All accidents and injuries must be reported to the Principal and to the individual responsible for reporting to PCS's insurance carrier. Failure by an employee to report a work-related injury by the end of his/her shift could result in loss of Workers' Compensation insurance coverage for the employee. An employee may choose to be treated by his/her personal physician at his/her own expense, but he/she is still required to go to PCS approved medical center for evaluation. All job-related injuries must be reported to the appropriate State Workers' Compensation Bureau and the insurance carrier.

When there is a job-related injury that results in lost time, the employee must have a medical release from PCS's approved medical facility before returning to work.

Any time there is a job-related injury, PCS's policy allows for drug/alcohol testing along with any medical treatment provided to the employee, in the discretion of the Principal.

I. Pregnancy Disability Leave

This policy explains how PCS complies with the California Pregnancy Disability Act, which requires PCS to give each female employee an unpaid leave of absence of up to four (4) months, as needed, for the period(s) of time she is actually disabled by pregnancy, childbirth, or related medical conditions.

1. Employee Eligibility Criteria

To be eligible for pregnancy disability leave, the employee must be disabled by pregnancy, childbirth, or a related medical condition and must provide appropriate medical certification concerning the disability.

2. Events That May Entitle an Employee to Pregnancy Disability Leave

The four-month pregnancy disability leave allowance includes any time taken (with or without pay) for any of the following reasons:

- a) The employee is unable to work at all or is unable to perform any one or more of the essential functions of her job without undue risk to herself, the successful completion of her pregnancy, or to other persons because of pregnancy or childbirth, or because of any medically recognized physical or mental condition that is related to pregnancy or childbirth (including severe morning sickness); or
- b) The employee needs to take time off for prenatal care.

3. Duration of Pregnancy Disability Leave

Pregnancy disability leave may be taken in one or more periods, but not to exceed four months total. "Four months" means the number of days the employee would normally work within four months. For a full-time employee who works five eight hour days per week, four months means 88 working and/or paid eight hour days of leave entitlement based on an average of 22 working days per month for four months.

Pregnancy disability leave does not count against the leave which may be available as Family Care and Medical Leave or California Family Rights Act leave.

4. Pay During Pregnancy Disability Leave

- a) An employee on pregnancy disability leave must use all accrued paid sick leave at the beginning of any otherwise unpaid leave period.
- b) The receipt of personal necessity leave pay, sick leave pay, or state disability insurance benefits will not extend the length of pregnancy disability leave beyond four months.
- c) Sick leave accrues during any period of unpaid pregnancy disability leave only until the end of the month in which the unpaid leave began.

5. Health Benefits

The provisions of PCS's various employee benefit plans govern continued eligibility during pregnancy disability leave and these provisions may change from time to time. When a request for pregnancy disability leave is granted, PCS will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

6. Seniority

An employee on pregnancy disability leave remains an employee of PCS and a leave will not constitute a break in service. When an employee returns from pregnancy disability

leave, she will return with the same seniority she had when the leave commenced.

7. Medical Certifications

- a) An employee requesting a pregnancy disability leave must provide medical certification from her healthcare provider on a form supplied by PCS. Failure to provide the required certification in a timely manner (within fifteen (15) days of the leave request) may result in a denial of the leave request until such certification is provided.
- b) Recertifications are required if leave is sought after expiration of the time estimated by the healthcare provider. Failure to submit required recertifications may result in termination of the leave.

8. Requesting and Scheduling Pregnancy Disability Leave

- a) An employee must request pregnancy disability leave by completing a Request for Leave form and submitting it to the Principal. An employee asking for a Request for Leave form for a pregnancy-related reason will be referred to PCS's then current pregnancy disability leave policy.
- b) An employee must provide not less than thirty (30) days or as short of notice as is practicable, if the need for the leave is foreseeable. Failure to provide such notice is grounds for denial of the leave request, except if the need for pregnancy disability leave was an emergency and was otherwise unforeseeable.
- c) Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt PCS's operations.
- d) Pregnancy disability leave may be taken intermittently or on a reduced leave schedule when medically advisable, as determined by the employee's healthcare provider.
- e) If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the employee may be transferred temporarily to an available alternative position for which she is qualified that has equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position.
- f) In most cases, PCS will respond to a pregnancy disability leave request within two (2) days of acquiring knowledge that the leave qualifies as pregnancy disability and, in any event, within ten (10) days of receiving the request. If a pregnancy disability leave request is granted, PCS will notify the employee in writing and leave will be counted against the employee's pregnancy disability leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

9. Return To Work

- a) Upon timely return at the expiration of the pregnancy disability leave period, an employee is entitled to the same position unless the employee would not otherwise have

been employed in the same position (at the time reinstatement is requested). If the employee is not reinstated to the same position, she must be reinstated to a comparable position unless there is no comparable position available, or if preserving a position for the employee out on pregnancy disability leave would substantially harm PCS's ability to operate the School safely and efficiently. A "comparable" position is a position that involves the same or similar duties and responsibilities and is virtually identical to the employee's original position in terms of pay, benefits, and working conditions.

b) When a request for pregnancy disability leave is granted to an employee, PCS will give the employee a written guarantee of reinstatement at the end of the leave (with the limitations explained above).

c) Before an employee will be permitted to return from a pregnancy disability leave of three days or more, the employee must obtain a certification from her healthcare provider that she is able to resume work.

d) If the employee can return to work with limitations, PCS will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, employment will be terminated in accordance with law.

10. Employment During Leave

An employee on pregnancy disability leave may not accept employment with any other employer without the Principal's written permission. An employee who accepts such employment will be deemed to have resigned from employment with PCS.

J. *Returning From Leave of Absence*

An employee cannot return from a medical leave of absence without first providing a sufficient doctor's return to work authorization.

When business considerations require, the job of an employee on leave may be filled by a temporary or regular replacement. An employee must give the Principal at least ten business days notice before returning from leave. Whenever PCS is notified of an employee's intention to return from a leave, PCS will attempt to place the employee in his or her former position or in a comparable position with regard to salary and other terms and conditions for which the employee is qualified. However, re-employment cannot always be guaranteed except to the extent required by law.

Attachment 5

PACIFIC COLLEGIATE SCHOOL POLICY AND PROCEDURE

Addendum A

FAMILY AND MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT

This policy explains how PCS complies with the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). Both of these laws require PCS to permit each eligible employee to take up to 12 workweeks of FMLA leave in any 12-month period for the birth/adoption of a child, the employee's own serious illness or to care for certain family members who have a serious illness. For purposes of this policy, all leave taken under FMLA or CFRA will be referred to as "FMLA leave."

A. Employee Eligibility Criteria

To be eligible for FMLA leave, the employee must have been employed by PCS for the last 12 months and must have worked at least 1,250 hours during the 12-month period immediately preceding commencement of the FMLA leave.

B. Events That May Entitle an Employee to FMLA Leave

The 12-week FMLA allowance includes any time taken (with or without pay) for any of the following reasons:

1. To care for the employee's newborn child or a child placed with the employee for adoption or foster care. Leaves for this purpose must conclude 12 months after the birth, adoption, or placement. If both parents are employed by PCS, they will be entitled to a combined total of 12 weeks of leave for this purpose.
2. Because of the employee's own serious health condition (including a serious health condition resulting from an on-the-job illness or injury) that makes the employee unable to perform any one or more of the essential functions of his or her job (other than a disability caused by pregnancy, childbirth, or related medical conditions, which is covered by PCS's separate pregnancy disability policy).
3. To care for a spouse, domestic partner, child, or parent with a serious health condition.
4. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or (b) continuing treatment by a health care provider.

C. Amount of FMLA Leave Which May Be Taken

1. FMLA leave can be taken in one or more periods, but may not exceed 12 workweeks total for any purpose in any 12-month period, as described below, for any one, or combination of the above-described situations. “Twelve workweeks” means the equivalent of twelve of the employee’s normally scheduled workweeks. For a full-time employee who works five eight-hour days per week, “twelve workweeks” means 60 working and/or paid eight-hour days.

2. The “12 month period” in which 12 weeks of FMLA leave may be taken is the 12-month period immediately following the commencement of any FMLA Leave.

D. Pay During FMLA Leave

1. An employee on FMLA leave because of his or her own serious health condition must use all accrued paid sick leave at the beginning of any otherwise unpaid FMLA leave period.

2. An employee on FMLA leave for child care or to care for a spouse, domestic partner, parent, or child with a serious health condition may use any or all accrued sick leave at the beginning of any otherwise unpaid FMLA leave.

3. All other FMLA leaves are unpaid leaves.

4. The receipt of sick leave pay, or State Disability Insurance benefits will not extend the length of the FMLA leave. Sick leave accrues during any period of unpaid FMLA leave only until the end of the month in which unpaid leave began.

E. Health Benefits

The provisions of PCS’s various employee benefit plans govern continuing eligibility during FMLA leave, and these provisions may change from time to time. The health benefits of employees on FMLA leave will be paid by PCS during the leave at the same level and under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period. When a request for FMLA leave is granted, PCS will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

F. Seniority

An employee on FMLA leave remains an employee and the leave will not constitute a break in service. An employee who returns from FMLA leave will return with the same seniority (s)he had when the leave commenced.

G. Medical Certifications

1. An employee requesting FMLA leave because of his or her own or a relative’s

serious health condition must provide medical certification from the appropriate health care provider on a form supplied by PCS. Failure to provide the required certification in a timely manner (within 15 days of the leave request) may result in denial of the leave request until such certification is provided.

2. If PCS has reason to doubt the medical certification supporting a leave because of the employee's own serious health condition, PCS may request a second opinion by a health care provider of its choice (paid for by PCS). If the second opinion differs from the first one, PCS will pay for a third, mutually agreeable, health care provider to provide a final and binding opinion.

3. Recertification is required if leave is sought after expiration of the time estimated by the health care provider. Failure to submit required recertification can result in termination of the leave.

H. Procedures for Requesting and Scheduling FMLA Leave

1. An employee must request FMLA leave by completing a Request for Leave form and submitting it to the Principal. An employee asking for a Request for Leave form for any potentially FMLA-covered leave will be given a copy of PCS's then-current FMLA leave policy.

2. Employees must provide not less than 30 days' notice or such shorter notice as is practicable, for foreseeable childbirth, placement, or any planned medical treatment for the employee or his/her spouse, domestic partner, child, or parent. Failure to provide such notice is grounds for denial of a leave request, except if the need for FMLA leave was an emergency or was otherwise unforeseeable.

3. Where possible, employees must make reasonable efforts to schedule foreseeable planned medical treatments so as not to unduly disrupt PCS's operations.

4. If FMLA leave is taken because of the employee's own serious health condition or the serious health condition of the employee's spouse, domestic partner, parent or child, the leave may be taken intermittently or on a reduced leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition.

5. If FMLA leave is taken because of the birth of the employee's child or the placement of a child with the employee for adoption or foster care, the minimum duration of leave is two weeks, except that PCS will grant a request for FMLA leave for this purpose of at least one day but less than two weeks' duration on any two occasions.

6. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, the employee may be transferred temporarily to an available alternative position for which he or she is qualified that has equivalent pay and benefits and that better accommodates recurring periods of leave than the employee's regular position.

7. In most cases, PCS will respond to an FMLA leave request within two days of acquiring knowledge that the leave is being taken for an FMLA-qualifying reason and, in any event, within 10 days of receiving the request. If an FMLA leave request is granted, PCS will notify the employee in writing that the leave will be counted against the employee's FMLA leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

I. Return to Work

1. Upon timely return at the expiration of the FMLA leave period, an employee (other than a "key" employee whose reinstatement would cause serious and grievous injury to PCS's operations) is entitled to the same or a comparable position with the same or similar duties and virtually identical pay, benefits, and other terms and conditions of employment unless the same position and any comparable position(s) have ceased to exist because of legitimate business reasons unrelated to the employee's FMLA leave.

2. When a request for FMLA leave is granted to an employee (other than a "key" employee), PCS will give the employee a written guarantee of reinstatement at the termination of the leave (with the limitations explained above).

3. Before an employee will be permitted to return from FMLA leave taken because of his or her own serious health condition, the employee must obtain a certification from his or her health care provider that he or she is able to resume work.

4. If an employee can return to work with limitations, PCS will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, employment will be terminated in accordance with law.

J. Limitations on Reinstatement

1. PCS may refuse to reinstate a "key" employee if the refusal is necessary to prevent substantial and grievous injury to PCS's operations. A "key" employee is an exempt salaried employee who is among the highest paid 10% of PCS's employees within 75 miles of the employee's worksite.

2. A "key" employee will be advised in writing at the time of a request for, or if earlier, at the time of commencement of, FMLA leave, that he/she qualifies as a "key" employee and the potential consequences with respect to reinstatement and maintenance of health benefits if PCS determines that substantial and grievous injury to PCS's operations will result if the employee is reinstated from FMLA leave. At the time it determines that refusal is necessary, PCS will notify the "key" employee in writing (by certified mail) of its intent to refuse reinstatement and will explain the basis for finding that the employee's reinstatement would cause PCS to suffer substantial and grievous injury. If PCS realizes after the leave has commenced that refusal of reinstatement is necessary, it will give the employee at least ten (10) days to return to work following the notice of its intent to refuse reinstatement.

K. Employment During Leave

An employee on FMLA leave may not accept employment with any other employer without PCS's written permission. An employee who accepts such employment will be deemed to have resigned from employment at PCS.

Attachment 6

PACIFIC COLLEGIATE SCHOOL POLICY AND PROCEDURE

PERSONNEL EVALUATIONS

POLICY

It is the policy of PCS to conduct regular evaluations of job performance for all employees, including the Principal, teachers, and administrative staff.

PROCEDURE

PCS maintains a personnel file for each employee. The personnel file contains evaluation documents, as well as other employment-related documents or correspondence. All documents placed in the personnel file must be signed by the employee and a school representative.

All employees have the right to make written objections to observations or evaluations within two weeks of receipt of the observation or evaluation, by stating areas of disagreement. The objections are attached to the observation or evaluation and placed in the employee's personnel file.

A. *Principal*

The Executive Committee of the Board or its designee(s) will meet with the Principal at the beginning of each year to discuss and approve the Principal's individual professional goals for the year, and a plan for meeting those goals.

At least annually, the Executive Committee or its designee(s) will conduct a formal evaluation of the Principal. The evaluation may include the Principal's self evaluation and assessment of progress toward professional goals, review of school satisfaction surveys, review of course surveys, and criteria as determined by job responsibilities. There may be a written evaluation which surveys job performance through assessment by Board members, teachers, and parents, as deemed appropriate by the Board.

The Executive Committee or its designee(s) will review the results with the Principal. A summary of this evaluation will then be reviewed with the Board. A written summary is placed in the Principal's personnel file.

B. *Certificated Staff*

At the beginning of each school year, every certificated staff member designates departmental and individual goals to be used for the purposes of evaluation and meets with his/her evaluator to review these goals. . The Principal, Faculty Dean or Dean of Students reviews and approves goals and objectives. An individualized rubric based on these goals and objectives is then placed in the employee's personnel file.

During the observation cycle, the Principal, Faculty Dean or Dean of Students conducts

formal and informal observations of the employee's performance. Formal observations reflect established school-wide standards, including, but not limited to, instructional methods, evaluation and assessment of students, student engagement, classroom management, and general professional responsibilities. Formal evaluation is also based upon the assessment of progress toward self-identified professional goals and objectives. Peer observation and student/parent evaluations must also be included in the overall evaluation. Once the observation cycle evaluations are completed, the Principal, Faculty Dean or Dean of Students will meet with the employee to provide feedback and support as needed. The Faculty Dean also meets with new employees on a regular basis to provide feedback during the observation cycle.

At the beginning of the second semester, the Principal, Faculty Dean or Dean of Students will meet with all certificated employees to perform a mid-year review and check in on progress towards goals. In mid-April of each school year, employees will assemble all their evaluation and observation materials into a portfolio and meet with the Principal, Faculty Dean or Dean of Students to review progress toward the stated goals. Then, a final summative evaluation report will be completed by the Principal, Faculty Dean or Dean of Students, which must be completed by May 1.

Informal observations and evaluations may be conducted by the Principal, Faculty Dean or Dean of Students at any time, as appropriate. If problems or opportunities for improvement are identified during an informal evaluation, the Principal, Faculty Dean or Dean of Students discusses the issues with the employee. A written summary may be placed in the personnel file. Problems identified during formal or informal evaluations may be the basis for actions outlined in the Policy and Procedure for Discipline and Rules of Conduct.

At least annually, the Principal or designee must meet with the Executive Committee or its designee(s) to review final evaluations of all employees (observation cycle results or progress toward personal goals). Other information, such as school course surveys or student performance, may also be reviewed. The Principal must then provide a summary of the results of the evaluations to the Board. This review provides the basis for recommendations by the Principal to the Board regarding employee retention or advancement.

C. *Non-Certificated Staff*

At least annually, the Principal, Assistant Principal and Business Manager (Evaluators) will conduct a formal evaluation for non-certificated staff. Evaluations may not be needed for intermittent, part-time employees. Each employee is evaluated based on fulfillment of his/her goals and job functions in that employee's job description. The Evaluators discuss results of the evaluation with the employee, and a written summary is placed in the employee's personnel file by the end of the school year.

As with certificated staff, informal evaluations may be conducted by the Evaluators at any time, as deemed necessary. If problems or opportunities for improvement are identified, the Evaluators discuss the issues with the employee. A written summary may be placed in the personnel file. Problems identified during formal or informal evaluations may be the basis for actions outlined in the Policy and Procedure for Discipline and Rules of Conduct.

At least annually, the Principal must meet with the Executive Committee or its designee(s) to review the employee evaluations and provide a summary of the results of the

evaluations to the Board. This review provides the basis for recommendations by the Principal to the Board regarding employee retention or advancement.

Attachment 7

PACIFIC COLLEGIATE SCHOOL POLICY AND PROCEDURE

DISCIPLINE AND RULES OF CONDUCT

POLICY

It is the policy of PCS that all employees must maintain appropriate standards of professional job performance and good conduct at all times. Employees who fail to meet this standard may be subject to discipline, including oral or written warnings, reprimands, suspension, or termination, with respect to their job performance and/or misconduct. The provisions of this policy do not affect or diminish the at-will status of employees.

Employees may be disciplined for failure to meet the requirements of their positions, including but not limited to the following:

1. Insubordination or poor attitude - refusing to perform a task or duty assigned, refusing to act in accordance with instructions provided by an employee's manager or proper authority, rudeness or lack of cooperation.
2. Inefficiency - including carelessness or unnecessary waste of time or material, neglect of job, duties or responsibilities.
3. Unauthorized soliciting, collecting of contributions, distribution or posting of literature, written or printed matter is prohibited on PCS property by non-employees and by employees. This rule does not cover periods of time when employees are off their jobs, such as lunch periods and break times. However, employees properly off their jobs are prohibited from such activity with other employees who are performing their work tasks.
4. Damaging, defacing, unauthorized removal, destruction or theft of another employee's property or of PCS property.
5. Fighting or instigating a fight on PCS premises.
6. Violations of the drug and alcohol policy.
7. Using or possessing firearms, weapons or explosives of any kind on PCS premises.
8. Gambling on PCS premises.
9. Tampering with or falsifying any report or record including, but not limited to, personnel, absentee or sickness reports or records, applications for employment and time records.

10. Recording the time record, when applicable, of another employee or permitting or arranging for another employee to record the employee's time record.
11. Use of profane, abusive or threatening language in conversations with other employees and/or intimidating or interfering with other employees.
12. Conducting significant personal business during business hours and/or unauthorized use of PCS materials and equipment for personal business.
13. Excessive absenteeism or tardiness, excused or unexcused.
14. Posting any notices on PCS premises without prior written approval of management, unless posting is on a PCS bulletin board designated for employee postings.
15. Immoral or indecent conduct.
16. Conviction of a criminal act.
17. Unsatisfactory teaching performance.
18. Violation of the policy against sexual harassment and discrimination.
19. Failure to report a job-related accident to the employee's manager or failure to take or follow prescribed tests, procedures or treatment.
20. Sleeping during work hours.
21. Release of confidential information without authorization.
22. Any other conduct detrimental to other employees, students, or PCS's interests or its efficient operations.
23. Refusal to speak to supervisors or other employees.
24. Dishonesty.
25. Poor judgment.
26. Failure to follow instructions, school procedures, established safety rules and regulations, or applicable laws and regulations.

PROCEDURE

When performance or conduct does not meet school standards, PCS will endeavor, when it deems appropriate, to provide the employee a reasonable opportunity to correct the deficiency. Any such opportunity provided to an employee is in no way intended to alter the at-will

employment relationship. PCS may, at its sole discretion, take corrective or disciplinary measures such as oral and written warnings, suspensions, terminations, or any other appropriate measure. PCS reserves the right to proceed directly to any measure, without resort to prior corrective or disciplinary steps, as PCS deems appropriate. No employee shall have a reasonable expectation that PCS will take corrective or disciplinary measures short of termination at any time. The Principal has the authority to remove immediately any employee from the classroom or campus if there is immediate threat of harm to students or others.

The Principal has final responsibility for the corrective action and discipline of subordinate staff, except that any suspension without pay or termination must be ratified by the Board. The Board has final responsibility for corrective action and discipline of the Principal.

An oral warning may be given first. If the deficiency is not corrected, the employee may be given a written warning. The intent of oral and written warnings is to inform the employee of: (1) The nature of the poor performance in question; (2) What is required to correct the poor performance; (3) How long the employee has to correct the poor performance; and (4) The consequences of failure to correct the poor performance.

A written summary of any oral warning will be placed in the employee's personnel file, and will include the date, the name of the employee, the subject discussed and a summary of the discussion. A copy of any written warning will also be placed in the employee's personnel file. Oral and written reprimands are similar to warnings, but indicate a more severe or persistent pattern of unsatisfactory conduct. Other corrective action and discipline shall be subject to procedures that are appropriate in the sole discretion of PCS.

All employees have the right to make written objections to corrective action or discipline within two (2) weeks of receipt of notice of such corrective action or discipline. The objections will be attached to the record of corrective action or discipline and placed in the employee's personnel file. All documents placed in the personnel file must be signed by the employee (unless the employee refuses to sign) and a school representative. The Principal will make a report to the Executive Committee with respect to any written reprimands or more serious corrective action or discipline placed in an employee's personnel file.

Attachment 8

PACIFIC COLLEGIATE SCHOOL POLICY AND PROCEDURE

COMPLAINT POLICY AND PROCEDURE

POLICY

This Complaint Policy and Procedure is designed to provide a fair and efficient forum for employees to air and resolve concerns in the workplace.

PROCEDURE

A. Informal Procedure

1. **Speak Directly:** The person with the concern will speak directly with the other person(s) involved. If the parties involved reach resolution, the process ends here. If they do not agree, they may proceed to the next step in the informal procedure, Conflict Resolution, or proceed with the formal procedure set forth below.

2. **Conflict Resolution:** The parties will meet together with a neutral third party. Either person may choose to speak with or write to the neutral third party. This neutral party may be the Principal, another mutually agreed neutral third party who volunteers to undertake the task, or a member of the Board.

B. Formal Procedure

The complaining person must submit a letter to the Principal, with a copy to the Board President, and to all others who have been involved in the informal procedure. The letter must state the following: 1) the specific event(s) that is/are of concern, and why; 2) what has been done to try to resolve the concern, 3) the desired outcome requested, and 4) why this seems to be the best solution. The letter must be as specific as possible. If the concern involves the Principal or a Board member directly, the letter must be addressed to the Board President (or the Vice President if the President is the accused party). The letter must be submitted as soon as possible after the event complained about, but in no case later than one year after such incident.

The recipient of the letter may do one of the following:

1. Address the matter directly, through discussions, information gathering or other means. The final response must be presented to the complaining person in writing within a reasonable amount of time, with copies to the Board President and recipients of the original complaint. If the complaining person does not consider the response acceptable, the formal procedure will move to the next step below.

2. Refer the matter to an ad hoc Complaint Review Committee established by the Board. All correspondence will be passed on to the chair of that committee. The Complaint Review Committee will investigate the matter and make written recommendations to the Board. Following Board review and action (for example, further

investigation, approval, disapproval or modification of the Committee's recommendation), a copy of a written response will be given to the person(s) involved. The Complaint Review Committee and Board will conduct their meetings in public to the extent required by applicable public meeting laws, and all involved parties may address the Committee and Board as provided in applicable public meeting laws. The parties may request additional presentation time, at the Committee and Board's discretion. The Board will note the final action or resolution in the official Board minutes.

COMPLAINT FORM

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you have a complaint against: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

What have you done to date to try to resolve this situation?

I hereby authorize PCS to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand that purposefully providing false information in this regard could result in disciplinary action up to and including termination of my at-will employment.

Signature of Complainant

Date: _____

Print Name

Received by: _____

Date: _____

Attachment 9

PACIFIC COLLEGIATE SCHOOL POLICY AND PROCEDURE

POLICY AGAINST SEXUAL HARASSMENT AND DISCRIMINATION

It is the policy of PCS to provide all members of the school community with an environment that is free of unlawful discrimination and harassment. Harassment of or discrimination against any member of the school community by any other member of the school community will not be permitted. Reprisals for reporting harassment or discrimination are also prohibited. Harassment and discrimination, and reprisals for reporting harassment or discrimination, are serious offenses and are subject to discipline up to and including termination (employees) or expulsion (students). The following policy outlines PCS's compliance with federal and state laws and regulations prohibiting unlawful sexual harassment and discrimination in the workplace. The intent of this policy is also to be compliant with AB 537, also known as the California Student Safety and Violence Act of 2000.

A. *Harassment*

PCS will not condone or tolerate harassment of any type by any employee or other member of the PCS community. PCS will promptly and thoroughly investigate any complaint of sexual or other harassment and take appropriate corrective action, if warranted.

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile environment or that interferes with work or school performance. Such conduct constitutes harassment when: (1) submission to the conduct is made either an explicit or implicit condition of employment or school/class standing; (2) submission or rejection of the conduct is used as the basis for an employment decision (for example, evaluations, promotion, salary increases, or termination) or school/class standing; or (3) the harassment interferes with an employee's or student's performance or creates an intimidating, hostile, or offensive work or school environment.

Harassing conduct can take many forms. It includes, but is not limited to, the following: slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or physically interfering with normal work or school attendance, pictures, drawings, or cartoons based upon an employee's or student's sex, race, color, national origin, religion, age, physical disability, mental disability, medical condition, ancestry, marital status, sexual orientation, gender identity, family care or medical leave status, or veteran status.

Sexually harassing conduct in particular includes all of these prohibited actions as well as other unwelcome conduct such as requests for sexual favors, conversation containing sexual comments, and unwelcome sexual advances. Sexually harassing conduct can be by a person of either the same or opposite sex.

While in most situations a personal relationship is a private matter, these relationships may be inappropriate in a professional and school setting, particularly where one of the parties

has management or supervisory responsibilities over the other.

B. Discrimination

PCS is an equal opportunity employer and agrees to abide by all applicable state and federal employment laws. It is the policy of PCS to afford equal employment and advancement opportunity to all qualified individuals without regard to race, creed, color, religion, national origin, ancestry, sex (including pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity, age, physical or mental disability, marital status, citizenship status, medical condition, veteran status, or any other legally protected status.

This policy extends to all employees and to all aspects of the employment relationship, including the hiring of new employees, compensation, assignments, classifications of employees, transfers, promotions, layoffs, testing procedures, use of facilities, training programs, retirement plans and disability leave. Disparate treatment regarding the aforementioned aspects of the employment relationship with PCS on any ground protected by law may amount to discrimination.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with disabilities, PCS will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant for employment or an employee, unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job must contact the Principal and request such an accommodation. The individual with the disability must specify what accommodation he or she needs to perform the job. PCS then will conduct an investigation to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform his or her job. PCS will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, PCS will make the accommodation.

C. Complaint Procedure

Any person who believes he/she is the victim of harassment or discrimination must submit a complaint as soon as possible, but in no case later than one year after the alleged incident of harassment or discrimination. Any employee who is aware of a situation that is believed to be sexually harassing or discriminatory must report the situation immediately to the Principal.

The complaint should be specific and include the names of the individuals involved and the names of any witnesses. If a person requires assistance with his or her complaint, or prefers to make the complaint in person, the person may contact his/her supervisor or the Principal. If an employee has a complaint regarding the Principal, the complaint may be directed to the Board President. If the alleged harassment or discrimination involves a Board member, the person must bring the matter to the attention of the Board President or Vice President.

A Sexual Harassment/Discrimination Complaint Form may be obtained from a supervisor or from the Principal. PCS will conduct an investigation into the allegation(s) contained within the complaint and determine whether the allegations have merit. A written report, including findings related to the allegations, will be completed. If harassment or discrimination is

established, PCS will take appropriate remedial action. Disciplinary action for a violation of this policy can range from verbal or written warning up to and including termination (employees) or expulsion proceedings (students), depending on the circumstances.

All complaints of harassment or discrimination will be investigated promptly, thoroughly, objectively and as confidentially as possible. Employees must cooperate in any investigation. Retaliation against any person for filing a complaint or participating in an investigation is strictly prohibited and may lead to disciplinary action, up to and including termination of at-will employment. All matters regarding this policy will be treated with confidentiality and on a need-to-know basis.

If a person who reports harassment or discrimination is not satisfied with the resolution of the complaint, that individual may submit a letter to the Principal, with a copy to the Board President, and to all others who have been involved in the informal procedure. The Board will then follow the procedures for formal complaints set forth in Attachment 8 of the PCS Employee Handbook (Complaint Policy and Procedure).

In addition to notifying PCS about harassment, discrimination or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing (DFEH) and/or the Federal Equal Employment Opportunity Commission (EEOC), which have authority to conduct investigations of the complaint and take appropriate administrative or legal action. Employees can contact the nearest DFEH or EEOC office at the locations listed on the PCS poster (on the employee bulletin board) or by checking the state and federal government listings in the local telephone directory.

SEXUAL HARASSMENT/HARASSMENT/DISCRIMINATION COMPLAINT FORM

It is the policy of PCS that all of its programs be free from sexual harassment, harassment and discrimination. This form is provided for you to report what you believe to be sexual harassment or discrimination, so that PCS may investigate and take appropriate disciplinary or other action when the facts support your complaint.

If you are an employee of PCS, you may file this form with your supervisor, the Principal or Board President.

Please review PCS's policies concerning sexual harassment, harassment and discrimination for a definition of sexual harassment and discrimination and a description of the types of conduct that may amount to sexual harassment or discrimination.

PCS will undertake every effort to handle the investigation of your complaint in a confidential manner. In that regard, PCS will disclose the contents of your complaint only to those persons with a need to know. For example, to conduct its investigation, PCS will need to disclose portions of your factual allegations to potential witnesses, including anyone you have identified as having knowledge of the facts on which you are basing your complaint, as well as the accused.

In signing this form below, you authorize PCS to disclose to others the information you have provided herein, and information you may provide in the future. Please note that the more detailed information you provide, the more likely it is that PCS will be able to address your complaint to your satisfaction.

These charges are taken very seriously by PCS both because of the harm caused to the person victimized, and because of the potential sanctions that may be taken against the perpetrator. It is therefore very important that you report the facts as accurately and completely as possible and that you cooperate fully with the person or persons designated to investigate your complaint.

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you believe sexually harassed, harassed, or discriminated against you or someone else: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

What have you done to date to try to resolve this situation?

I acknowledge that I have read and that I understand the above statements. I hereby authorize PCS to disclose the information I have provided as it finds necessary in pursuing its investigation.

I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand that purposefully providing false information in this regard could result in disciplinary action.

_____ Date: _____

Signature of Complainant

Print Name

Received by: _____ Date: _____