



1460 S. Horne • Mesa, AZ 85204 • SequoiaSchools.org • Phone: 480-461-3200 • Fax: 480-649-0747

# **EMPLOYEE POLICIES AND PROCEDURES**



Edkey, Inc.  
EMPLOYEE HANDBOOK

This employee handbook is provided to help you understand the policies and procedures of Edkey, Inc. (Edkey). Inside, you will find Edkey's Core Values, Employee Policies, Holiday Calendars, and more in one easy to use booklet.

Because understanding and complying with School policies, procedures, and rules are so important, you will be asked to sign an Employee Acknowledgment that states that you have received a copy and understand you are responsible to read it and ask questions if you don't understand the any policy. By signing the Acknowledgment and continuing to work for Edkey after receiving this Handbook, you are signaling your acceptance of all policies, procedures, rules, and other provisions contained in this handbook. A copy of the Acknowledgment is in this handbook for your reference.

THIS HANDBOOK DOES NOT ALTER THE "AT-WILL" NATURE OF YOUR EMPLOYMENT. YOU HAVE THE RIGHT TO TERMINATE YOUR EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE OR NOTICE, AND EDKEY HAS THE SAME RIGHT. YOU SHOULD UNDERSTAND THAT EDKEY HAS THE RIGHT TO CHANGE THE COMPENSATION, DUTIES, ASSIGNMENTS, RESPONSIBILITIES, OR GEOGRAPHIC LOCATION OF YOUR JOB AT ANY TIME, WITH OR WITHOUT CAUSE. WHILE EDKEY BELIEVES IN THE PROCEDURES AND POLICIES CONTAINED IN THIS HANDBOOK, THEY ARE FOR INFORMATIONAL PURPOSES, AND THEY DO NOT CONSTITUTE AN EXPRESS OR IMPLIED EMPLOYMENT CONTRACT. FURTHERMORE, YOUR STATUS AS AN "AT-WILL" EMPLOYEE MAY NOT BE CHANGED, EXCEPT IN WRITING SIGNED BY THE EMPLOYEE AND THE CEO OF EDKEY.

If you have any questions about your employment obligations, rights or benefits, speak to your supervisor.

**Welcome to Edkey!**

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## About Edkey

# *Executive Summary*

Edkey, Inc. is an educational operations organization that supports the most unique and versatile group of charter schools in the world. We take pride in the fact that each of our schools is distinctive in its own way. Parting ways from a traditional “School District” structure, Edkey, Inc. is a “Community of Schools” where all stakeholders take particular interest in the wellbeing and personal success of each student within their exceptional school venue.

## *Mission*

Edkey, Inc. is a non-profit organization that provides high quality management and educational services to a variety of institutions, empowering fulfillment of their individual missions. Our services promote the improved quality of individual and family life.

### **Core Values**

Edkey was founded on these simple core values:

We know every child and we exist to meet their needs.

We respect and we are kind and courteous to all people, at all times and in all communications.

We lead by agreement.

We continually strive for excellence.

### **Locations**

The Administrative office is located at 1460 South Horne Street, Mesa, Arizona 85204.

### **Schools:**

American Heritage Academy

Arizona Conservatory for Arts and Academics

Children First Leadership Academy

George Washington Academy

Pathfinder Academy

Sequoia Charter School Elementary

Sequoia Charter School Secondary

Sequoia Choice Schools Arizona Distance Learning

Sequoia Choice Precision

Sequoia Choice Village School

Sequoia Lehi

Sequoia Pathfinder Academy at Eastmark

Sequoia Pathway Academy

Sequoia School for Deaf

Sequoia Village School

## **The Employment Relationship**

### **At-Will Employees**

Employment with Edkey is terminable at will. This means that you or Edkey may terminate the employment relationship for any reason, or no reason, at any time and without notice. Any modification with respect to the term of an individual's employment must be in writing and approved by the CEO.

This Employee Handbook is not a contract and does not create any rights for employees or obligations for Edkey. Edkey reserves the unconditional right to modify, delete, or make any changes or exceptions to anything contained in the Employee Handbook without notice. Oral statements and representations or promises that contradict this Employee Handbook, including promises of employment for any specified period of time, are not binding on Edkey.

### **Fingerprinting Requirement**

All instructional employees, including all individuals engaged in instruction as classroom and laboratory teachers, supervisory teachers, speech therapists, and principals, must obtain a State of Arizona Department of Public Safety Identity Verified Prints (IVP) Fingerprint Clearance Card. All contractors, subcontractors, vendors, or their employees who provide services to Edkey on a regular basis must also obtain an IVP Fingerprint Clearance Card.

Instructional employees are not permitted to continue to engage in instructional activities after the expiration of their IVP Fingerprint Clearance Card. Therefore, all instructional employees must renew their IVP fingerprint cards in a timely manner. It is the responsibility of the employee to track their expiration date and apply for renewal in a timely manner.

All non-certificated personnel and volunteers who provide services directly to pupils without the supervision of a certificated employee and who are not the parent or guardian of a student who attends Edkey shall be fingerprinted as a condition of employment. Personnel required to be fingerprinted must complete a notarized form indicating whether they are awaiting trial on, have been convicted of, admitted in open court, or pursuant to a plea agreement have committed any of the following crimes:

Sexual abuse of a minor.

Incest.

First or second degree murder.

Kidnapping.

Arson.

Sexual assault.

Sexual exploitation of a minor.

Felony offenses involving contributing to the delinquency of a minor.

Commercial sexual exploitation of a minor.

Felony offenses involving sale, distribution or transportation of, offer to sell, transport, or distribute or conspiracy to sell, transport or distribute marijuana or dangerous or narcotic drugs.

Felony offenses involving the possession or use of marijuana, dangerous drugs or narcotic drugs.

Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs.

Burglary in the first degree.

Burglary in the second or third degree.  
Aggravated or armed robbery.  
Robbery.  
A dangerous crime against children as defined in section 13-705.  
Child abuse.  
Sexual conduct with a minor.  
Molestation of a child.  
Manslaughter.  
Aggravated assault.  
Assault.  
Exploitation of minors involving drug offenses.

#### Bus Drivers

Bus drivers are required to submit fingerprints at the time of their processing for a CDL License. Fingerprinting is handled by the Transportation Department prior to allowing the individual to drive a bus. Other members of the Transportation Department, who do not have direct contact with students or who do not hold an instructional position, will have fingerprints processed by the Department of Public Safety and the FBI but are not required to have a fingerprint clearance card.

#### Temporary Employees

Employees whose term of employment is less than one week – who will not have contact with students are not required to submit fingerprints for processing.

Any Edkey employee who is arrested or charged with any of the above crimes must report such arrest or charge to the CEO or to HR Director. Failure to report will result in discipline, up to and including termination of employment.

#### **Your Job Classification**

It is the intent of Edkey to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and Edkey.

Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under specific provisions of federal and state wage and hour laws. An employee's nonexempt or exempt classification will be determined based on the guidelines established by the Fair Labor Standards Act (FLSA). As a result, the method of base pay received (hourly or salary) will not necessarily determine the employee's nonexempt or exempt status. An employee's nonexempt or exempt classification may be changed only upon written notification by Edkey.

Employees are classified based upon whether they are salaried (S) or hourly (H) employees. See Table 2.1 below for a description of each classification:

Table 2.1 – Employee Classifications

Classification	Description
H20N	Hourly employee working less than 20 hours per week; no vacation.
H29N	Hourly employee working less than 29 hours per week; no vacation.
H33N	Hourly employee working less than 33 hours per week; no vacation.
H40N	Hourly employee working 40 hours per week; no vacation. (10 month employees only)
H40V	Hourly employee working 40 hours per week; vacation.
S10N	Salaried employee working 10 months; no vacation. Teachers only
S12V	Salaried employee working 12 months; vacation.

**Equal Employment Opportunity**

Edkey will recruit, hire, train, and promote persons in all job titles without regard to race, color, national origin or ancestry, religion, sex (including pregnancy), age (40 and over), disability, genetic information, veteran status or any other legally protected status under local, state, or federal law. Edkey will make employment decisions that further the principle of equal employment opportunity. Edkey will ensure promotion decisions are in accord with principles of equal employment opportunity by imposing valid and nondiscriminatory requirements for promotional opportunities, including factors such as skill, knowledge, experience, attitude, work quality, and performance.

Edkey will also ensure that all personnel decisions and actions, including but not limited to compensation, benefits, transfers, promotions, layoffs, returns from layoff, discipline, terminations, School-sponsored training, education, and social and recreational programs will be administered without regard to race, color, national origin or ancestry, religion, sex (including pregnancy), age (40 and over), disability, genetic information, veteran status, or any other legally protected status under local, state, or federal law.

All employees are expected to comply with this EEO Policy. Supervisors who are responsible for meeting business objectives are expected to cooperate fully in meeting our equal employment opportunity objectives and their overall performance will be evaluated accordingly.

**Discrimination**

Edkey makes a commitment to establish a workplace free from discrimination and is an equal opportunity employer. This is a commitment that must be shared by all individuals associated with Edkey. All employees are expected to conduct themselves at all times so as to provide an atmosphere free from unlawful discrimination. Pursuant to state and federal law, discrimination against any individual by reason of race, color, national origin or ancestry, religion, sex (including pregnancy), age (40 and over), disability, genetic information, veteran status, or any other legally protected status under local, state, or federal law is prohibited. Edkey strives to ensure equal opportunity for all qualified persons.

Complaints or charges of violations are to be reported immediately to your supervisor or Human Resources Director in written form and will be promptly investigated. If the complaint involves someone in the employee’s direct line of supervision, or the employee feels uncomfortable reporting the discrimination to his/her supervisor or the Human Resources Director, the employee may inform Mark Plitzuweit, CEO at the Administrative Office, and the complaint of discrimination will be promptly investigated. Edkey will investigate the allegation and take any appropriate action deemed necessary, up to and including termination of the offending individual.

Please be advised that Edkey is required by law to conduct a thorough investigation, and absolute confidentiality is not always possible. Adverse action will not be taken against an employee who reports or participates in the investigation of a violation of this policy on the basis that the employee made such a report or participated in the investigation process. Edkey will take prompt and appropriate remedial and/or disciplinary action to address any violations of this policy. All employees must cooperate fully with any internal investigation.

### **Americans with Disabilities Act Policy**

Edkey is committed to providing reasonable accommodations for qualified individuals with disabilities to assist them in performing the essential functions of their employment positions. A disability is a physical or mental impairment that substantially limits a major life activity.

Do not assume that Edkey is aware of an employee's need for a reasonable accommodation. To request a reasonable accommodation, please contact the Human Resources Director at 480-461-3200, ext. 10613

Not all qualified individuals with disabilities or even all qualified individuals with the same disability will require the same accommodation. Once a request for a reasonable accommodation is made, the Human Resources Director will engage in an interactive process with the employee to discuss his or her needs and to consider an appropriate reasonable accommodation. Edkey may ask for documentation regarding the type of impairment and how the impairment impacts an employee's ability to perform the essential functions of his or her job. Edkey may request information about how an accommodation will enable the employee to perform job-related tasks. Employees will be asked to provide such information and to participate in the interactive process.

The medical records and genetic information of applicants and employees are confidential and are kept in separate medical files. The results of all medical examinations or information from inquiries about a disability are also kept confidential, and maintained in separate medical files. Disclosure of medical records and/or genetic information will only be made in limited circumstances in compliance with all applicable federal, state, and local laws, such as:

Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment and if the individual might require some other assistance (such as help during an emergency evacuation) because of a medical condition;

Government officials investigating compliance with the Americans with Disabilities Act, the Genetic Non-Discrimination Act, and with other similar federal, state, and local laws; and

In addition, Edkey may be required to disclose medical information pursuant to workers' compensation laws or for insurance purposes.

If you have any questions regarding reasonable accommodation, please contact the Human Resources Director, at 480-461-3200, ext. 10613.

### **Harassment**

Harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of race, color, religion, sex, national origin, age, disability, or pregnancy.

Harassment may include various conducts relating to an individual's protected class such as: epithets, slurs, negative stereotyping, threats, intimidation, hostile acts, unwelcome jokes, or hostile written or graphic material in the workplace.

### Sexual Harassment

Sexual harassment is defined as follows: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, such as uninvited touching or sexually-related comments, when (1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the person involved; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that are inappropriate and meet the definition of sexual harassment or contribute to a hostile work environment and are prohibited:

Sexual pranks, or repeated sexual teasing, jokes, or innuendo, delivered in person, via e-mail, text messaging, or any other method of communication.

Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;

Displaying sexually suggestive objects, pictures, cartoons;

Touching or grabbing of a sexual nature;

Unwelcome leering, whistling, brushing against the body, blocking entry or exit, sexual gestures, suggestive or insulting comments; and,  
Inquiries into one's sexual experiences.

No employee may be required to submit to sexual advances in order to retain or improve his or her job. No one has the right to make the work environment intolerable because of unwanted touching, insults, unwelcome jokes, etc. No employee may discuss sexual conduct and/or sexual jokes while at work. No sexually-oriented materials or objects may be brought onto or accessed from Edkey. Any physical contact between employees at work that may be construed as sexual is strictly prohibited.

A victim of sexual harassment can be a man or a woman. The victim can be of the same or different sex as the harasser. The harasser may be anyone, including a supervisor, a co-worker, or a non-employee, such as a vendor, supplier, or anyone who has a business relationship with Edkey.

### Disability Harassment

It is the policy of Edkey to maintain a workplace environment free of harassment based on disability. It is a violation of policy and unlawful for any staff member or outside service provider to engage in harassment based on disability of a student or staff member, or, for a student to harass another student or staff member.

Definition: Disability Harassment occurs when an employee, who is a qualified individual with a disability (“QID”), is subjected to unwelcomed harassment based on the employee’s disability, and the harassment is sufficiently severe or pervasive to alter a term, condition, or privilege of employment. It is a violation of this policy and unlawful for anyone to retaliate against a person who has filed a complaint of harassment, or for cooperating in an investigation of a complaint for disability harassment. Staff members who violate this policy are subject to disciplinary action, including a verbal reprimand, suspension, or termination.

All new supervisory personnel shall receive training on this policy and their responsibilities to take immediate and appropriate corrective actions in addressing disability harassment complaints.

Employees may file a written or oral complaint under this policy with the principal of the school or their supervisor.

All new staff members shall receive a written copy of this policy as part of their orientation.

### Harassment Complaints

If you feel you or another employee is being subjected to harassment by any employee, customer, vendor, or supplier, you must report it at once to your supervisor and/or HR Director. If the complaint involves someone in the employee’s direct line of supervision, then the employee must immediately inform another supervisor or the HR Director of the complaint. Edkey will promptly and appropriately, in a fair and reasoned manner, respond to complaints of harassment and/or retaliation through the use of appropriate investigators. The response to a complaint will include interviews of all potential victims and witnesses identified by the complainant and detailed notes of the investigation. The response will include a credibility assessment and a finding of whether harassment and/or retaliation occurred.

Should the investigator find that harassment and/or retaliation occurred, Edkey will take the appropriate corrective action to ensure that harassment and retaliation do not occur.

To the extent possible, investigations will be conducted in confidence; however, please be advised that Edkey is required by law to conduct a thorough investigation, and absolute confidentiality is not always possible. An employee found to have harassed another individual will be subject to discipline, up to and including termination.

No employee who in good faith reports harassment or participates in an investigation of such a report will be subjected to any discipline or retaliation for lodging the report or participating in the investigation of harassment or discrimination. Any act of reprisal against any person who opposes a practice forbidden under this policy, or has filed a charge, is prohibited and therefore subject to disciplinary action. Likewise, reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this policy is prohibited.

### **Employment Policies**

#### **Employment of Close Relatives**

No person employed by Edkey may be directly supervised by a close relative (father, mother, sister, brother, son, daughter, spouse, grandparent, first cousin, grandchild, or spouse of the preceding), unless approved in writing by the CEO. This policy applies to all positions: summer and/or part-time work, as well as for full-time employment.

#### **Attendance**

Individuals are employed because Edkey is in need of the services they provide. Excessive absenteeism hurts the mission of Edkey and places burdens on colleagues. “An absence will be considered as any instance of missed work time, full or partial days, including tardiness and early departures, because of: (1) a reason that conforms to a policy currently in effect but the maximum days provided for in that policy will be exceeded; (2) a reason that does not conform to any policy currently in effect; or (3) failure to report to work without prior notification\* to the Supervisor. In no case shall an employee be compensated for time lost due to being absent without prior approval or notice (for example, not reporting your absence correctly will disallow you to use your personal days or vacation days unless there are extenuating circumstances.)

An employee who cannot obtain prior approval for an absence due to illness or emergency must request approval as soon as possible. An employee who is absent from work without prior approval or who does not qualify for delayed approval i.e. an emergency, is subject to disciplinary action, up to and including termination.

\*\*Definition of prior notification is reporting absence at least 1 hour prior to start of shift.

### Employee Classification and Paid Time Off

Paid time off varies according to the employee classification you are assigned. Table 7.1 below outlines the holidays, personal days, and vacation time available for each classification. Further discussion of holidays observed, as well as the availability of personal and vacation days are in Sections D and E below.

Table 7.1 – Classification and Benefits

Classification	School Holidays Paid	Federal Holidays Paid	Personal Days Available	Vacation
H20N(Less than 20 hrs. per week)	None	None	None	None
H29N (20 to 27 hrs. per week)	4 hrs. per holiday	4 hrs. per holiday	1 hr. per pay period	None
H33N(28-32 Hrs. per week)	6 hrs. per holiday	6 hrs. per holiday	1.5 hrs. per pay period	None
H40N(33-40 hrs. per week) 10 month employees only	8hrs. per holiday	8 hrs. per holiday	2 hrs. per pay period	None
H40V(40 hrs. per week gets vacation)	None	8 hrs. per holiday	2 hrs. per pay period	0-4 years = 2 weeks 5-9 years = 3 weeks 10+ years = 4 weeks
S10N (Teachers only)	8hrs. per holiday	8 hrs. per holiday	6 days	None
S12V	None	8 hrs. per holiday	6 days	0-4 years = 2 weeks 5-9 years = 3 weeks 10+ years = 4 weeks

## **Holidays**

Edkey observes the following paid Federal holidays every year:

Labor Day  
Veteran's Day  
Thanksgiving and the day after  
Christmas Day  
New Year's Day  
Martin Luther King Day  
Presidents Day  
Memorial Day  
4<sup>th</sup> of July

Additionally, school holidays (i.e. days, other than Federal holidays, when school is not in session) are paid for those employees whose classification does not require them to work days when school is not in session. School holidays will be paid only if they are scheduled as paid days by Edkey and approved by the Governing Board prior to the start of the school year. Payment for both Federal and school holidays depends upon the employee classification, as described in Table 2.1.

Each school determines which school holidays are observed, as indicated by the schedule attached to this handbook. The school holidays change every school year; therefore, please refer to this attachment to determine the school holidays your assigned campus observes.

If you are being paid for a School Holiday, you cannot receive pay for both hours worked and the School Holiday pay unless the following exception occurs:

If the location where you are employed is observing a school holiday, you may be asked by a Department Manager to work at a location that is not on School Holiday. In this situation, you will be paid for both the School Holiday and the hours worked. School Holiday hours will not qualify for overtime pay. Hours paid for time not worked, such as vacation pay or holiday pay, do not count as hours worked for purposes of computing overtime pay. Only hours actually worked will count toward computing overtime.

## **Employee Absences**

### **Vacation**

Employees whose job responsibilities require them to work during school holidays (i.e. Fall Break, Winter Break and Spring Break) will be given vacation time. Examples of these employees included are (without limitation), Assistant Superintendents, Principals, Assistant Principals, Dean of Students, Counselors, Secretaries, and Registrars. Approval of vacation days for these employees must be obtained from those employees' supervisors prior to the date of the time off request. Any such vacation request will be complied with to the best of the ability without disrupting operational needs. The table above shows your class and all employees in this class are H40V or S12V in the table. Vacation time is granted on July 1<sup>st</sup> for the current fiscal year, i.e. if you are entitled to 80 hours and you are employed on July 1<sup>st</sup> you will receive 80 hours for use in the current fiscal year. Employees hired after July 1<sup>st</sup> that are entitled to vacation earn at a rate of 1/24 of the 80 hours each payday. (This accumulation only applies during the first year of employment, vacation will always be front loaded each July 1 after hire date) Vacation days not used during the current fiscal year will be forfeited and are not cumulative from one fiscal year to the

next. The amount of vacation provided is commensurate with the number of years of service to Edkey. Years of services are determined as of July 1<sup>st</sup> of the current fiscal year. As described in Table 7.1 above, the corresponding service years and vacation time available is as follows:

<u>Years of Service</u>	<u>Vacation time</u>
0-4	2 weeks
5-9	3 weeks
10+	4 weeks

The above Table 7.1 does not apply to year round teacher that work for Sequoia Choice Arizona Distance Learning. Please see your principal for your vacation policy.

If an employee position changes from one that is eligible for vacation time to one that is not eligible for vacation he/she will retain his/her available hours until June 30, of that fiscal year at which time if they have not been used they will be forfeited.

### **Personal/Sick Time**

Definitions:

The term Personal/Sick Time is a generic term that includes both Personal Days and Sick Time. Sick Time is a benefit that is available when an illness or injury requires an employee to miss work. Personal Days are a benefit that is available for personal issues that require an employee to miss work.

Policy:

Personal/Sick Time is assigned to salaried employees at the beginning of each school year. Personal/Sick time for those hourly employees in the H29N, H33N, H40N and H40V classifications will accrue their personal time as indicated in Table 7.1.

Employees will be paid for accrued Personal/Sick time upon separation up to the maximum number of hours in the current fiscal year between the date of separation and the last day of the fiscal year.

If an employee's position changes from one that is eligible for personal/sick time to one that is not eligible for personal/sick time he/she will retain his/her available hours until June 30 of the fiscal year during which they transition to a non-eligible position, at which time if the personal/sick time has not been used, it will be forfeited.

Personal/Sick time can be accrued to a maximum of 48 hours and is cumulative from one school year to another. All employees, regardless of their classification, cease to accrue Personal/Sick time when the maximum amount of personal/sick time has been reached (maximum amount of hours in personal sick time can never exceed 96 hours, 48 from previous year plus up to 48 accumulated for current year)

Use of Personal/Sick Time:

Whenever possible, the employee is expected to notify his/her Supervisor prior to requesting Personal/Sick time. The Supervisor has the right to require from the employee a physician's statement verifying the existence of a medical issue.

Prior to using personal/sick time, all Teachers are required to have an emergency portfolio for use by a substitute; including lesson plans as required by the school operating manual.

Personal/Sick time may be used for illness of immediate family (Spouse, children, stepchildren, parents, and the grandparents of the employee) and/or for other personal reasons.

Personal/Sick time may be used for routine medical appointments.

If an employee requests a personal leave greater than the employee's accrued Personal/Sick time, the employee may request an unpaid leave of absence.

Personal/Sick time must be exhausted as part of FMLA leave for eligible employees. For example, an FMLA eligible employee who requests leave for 20 days and has accrued 6 days of Personal/Sick leave must take 6 days of paid leave and 14 days of unpaid leave. See FMLA Policy. Additionally, if an employee takes an alternate Edkey leave, all personal/sick time must be exhausted as well.

#### Donation of Personal/Sick Days:

An employee may request from Human Resources the donation of personal/sick days from other employees for his/her use, subject to the following:

An employee request for a donation of personal days will be reviewed for approval by a committee consisting of the Human Resources Director, an administrator from the requesting employee's work site, and one additional individual appointed by the CEO of the company.

All employee requests shall be completed by the Human Resources department, upon approval by the review committee.

The requesting employee must have exhausted all of his/her accumulated personal/sick days and vacation days, if applicable.

The requesting employee must present satisfactory medical evidence of a disability or illness (excluding work-connected accidents) to Human Resources for review.

The requesting employee shall have been employed by the company for at least 120 days at the time of the request.

A requesting employee may receive up to sixty (60) donated days in any twelve (12) month period.

Employees wishing to donate personal/sick days may only donate one (1) day per fiscal year and must do so in writing (emails are an acceptable form of writing).

### **Other Leaves**

#### **Jury Duty**

Edkey encourages employees to fulfill their legal and civic responsibility, which includes jury duty and court appearances. Employees must provide documentation of the court appearance or jury duty to their supervisor as soon as possible. Non-exempt employees will be paid for a maximum of five (5) days for jury duty. Exempt salaried employees who are absent from work for part of a week for jury duty will be paid their regular salary for the week. When serving judicial duty, employees must notify their supervisor daily if they are expected to be absent from work. Employees are required to return to work as soon as the duty is completed. Employees must provide their supervisor with a certification of services, provided by the Jury Commissioner, when jury duty is completed. Employees must reimburse Edkey for jury duty pay received within the granted leave time when such payment is made directly to the employee.

#### **Death in the Family/Funeral Leave**

If an eligible employee should suffer the death of an immediate family member, the employee will be entitled to two (2) days with the approval of a supervisor to make funeral arrangements and attend services. For this purpose, "immediate family members" are defined as mother; father, brother, sister, spouse, child, grandparent, and the same relatives of the employee's spouse. Requests for time off related to the death of any individual other than an immediate family member may be granted without pay. Your supervisor may request supporting documentation of the death. Payment for bereavement will not be counted as hours worked for overtime purposes.

## **Family and Medical Leave Act of 1993 (FMLA)**

### **Purpose**

To describe Edkey's family and medical leave policies.

### **Policy**

Edkey allows employees to take up to 12 weeks of leave, paid (only by voluntary short term disability, if purchased and for employees own serious health condition, and by vacation and personal/sick time) and unpaid, in a 12- month period. The leave is available to care for a child after birth or adoption or due to a serious health condition of the employee and his or her parent, spouse or child. This policy is intended to comply with the requirements of federal law.

### **Procedure**

Eligibility – Edkey will allow you to take up to 12 weeks of leave from your job in a 12-month period if you are an “eligible employee.”

Leave is available for the following events:

Birth of a child, and to care for the child (must be taken within one year of the birth).

Placement of a child for adoption or foster care.

To care for a seriously ill spouse, child or parent as defined by the applicable FMLA Regulations.

Because of your own serious health condition that makes you unable to perform the essential functions of your job.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who as a serious injury or illness incurred in the line of duty, on active duty, that may render the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list.

To be an “eligible employee,” you must satisfy the following conditions:

You must have worked for Edkey for at least 12 months (need not be consecutive).

You must have worked at least 1,250 hours during the 12 consecutive months preceding the start of your requested leave.

You must work at an eligible worksite.

You work at an “eligible worksite” if at least 50 employees, including part-time employees, work within a 75-mile radius of you.

The 12-month period (during which up to 12 weeks of leave is available) is a rolling 12-month period measured backward from the date leave is requested or taken.

Application for Leave – To qualify for a leave, you must apply using the “[Application for Family or Medical Leave of Absence](#).” The completed application must state the reason for leave, the duration of the leave, and the starting and ending dates of the leave. All applications are kept confidential and separate from your personnel file. In the event of a foreseeable leave of absence, you must apply 30 days

prior to the day you want to start your leave. If you fail to do so, your leave starting date may be delayed for up to 30 days after you do apply. In the case of a leave that is not foreseeable, you must notify Edkey as soon as possible, generally within one or two days. After you submit your application for leave, the employer will determine whether you need to provide additional information.

Edkey also will ask you to submit an application for leave after you have missed five (5) consecutive days of work, or if you request days off or time off in advance, other than for vacation.

Edkey will determine whether or not you meet the eligibility requirements at the time you apply for the leave.

Approval of Leave – Edkey will approve or disapprove of the leave as qualifying under this policy as soon as practical after all required information is received from you.

In no event will Edkey tolerate outside employment in any capacity. Any outside employment or work for compensation on any basis by an employee on a leave under this policy will result in immediate dismissal and forfeiture of all rights under this policy.

Medical Certificates – You will be required to provide a certification of a health care provider if you request a leave to care for a seriously ill family member or if you request a leave because you are unable to perform your job due to a serious health condition. The certification must state the date on which the health conditions commenced, the probable duration of the conditions, and the appropriate medical facts regarding the condition. You must use the form, “Certification of Physician or Practitioner,” available from the human resources office. You must give your physician or practitioner a copy of your most recent job description. A similar certification will be required for a reduced hours or intermittent leave due to your health condition or that of your family member. In that case, the certification must be completed to state that such a leave is medically necessary, the expected duration, and a schedule of your leave.

Edkey may require a second certification at its own expense if it wants to confirm the first opinion. Edkey designates or selects this physician or practitioner for the second certification. Edkey may require a third certification, again at Edkey’s expense, if the first two opinions conflict, by a physician or practitioner jointly approved by you and Edkey. This third opinion is binding on everyone.

Intermittent or Reduced Hour Leaves – You may be able to work reduced hours or take an intermittent leave (in other words, you can take hours or days off, rather than leaving work altogether for 12 weeks). The total leave is still limited to 12 weeks per year. The leave must be medically necessary to care for a seriously ill family member or due to your own illness, provided the physician or practitioner certifies it as medically necessary.

This type of leave schedule will need to be pre-approved by Edkey, if it is requested for the care of a son or daughter following birth or preceding adoption or foster care placement, and approval is at Edkey’s sole discretion for these events. Edkey may require you to have a schedule that does not disrupt its business operations.

If you must take leave on such a schedule due to the need to care for your ill family member or due to your own poor health, Edkey may transfer you to a position for which you are qualified (without your approval) that better accommodates your new schedule, while still providing you with equivalent pay and benefits.

**Substitution of Paid Leave** – You generally must use up your accrued paid vacation, personal, sick and other paid days off as part of your 12 weeks of leave. If you are taking paid time off when you have an event qualifying for a leave under this policy, your 12 weeks will be measured from the date of the event.

**Health Benefits During Leave** – Edkey will continue to provide you with coverage under our health plans under the same conditions as when you were not on leave. You also will be eligible for and subject to any new health plans or changes to the existing health plan that take effect while you are on your leave. Your regular health benefits will end when you indicate that you will not be returning to work, but you may choose to elect continued medical coverage under our plan at your expense at that time.

If you are receiving a paycheck due to using paid days off, the premiums may be deducted pre-tax, provided you designate that you agree to this treatment when you apply for the leave. Otherwise, you must pay the premiums on an after-tax basis at two week intervals. You must pay your premium contributions toward health care benefits by sending them to the address below:

Edkey, Inc.  
1460 S. Horne St.  
Mesa, Arizona 85204

Edkey will continue to pay its share of the health premiums, if any. Your health coverage will be terminated following a 30-day grace period if you fail to pay your required premiums.

Edkey may collect its premiums relating to the unpaid portion of your leave (and any paid on your behalf, should you fail to pay them) from you if you fail to return to work. The only exceptions to Edkey's reimbursement rights are if (1) the event that prevents you from returning to work is a serious health condition of you or your family member or (2) is beyond your control (as determined by Edkey in its sole discretion). Edkey will require you to provide a certification of the serious health condition within 30 days of Edkey's request, if the event preventing your return to work is a serious health condition. If you fail to provide the certification, s can recover the premiums paid on your behalf during the leave period. An employee is not entitled to the accrual of any seniority or employment benefits that would have occurred if not for the taking of the leave. An employee who takes family or medical leave will not lose any employment benefits that accrued before the date leave began.

**Return to Work and Restoration of Job** – Prior to returning from a leave, you must obtain a return to work release from your medical provider. Upon returning from a leave under this FMLA policy, you will be entitled to be restored to the same position you held when your leave started, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Edkey cannot guarantee that an employee will be returned to his or her original job. If you cannot be returned to your original job, you will be assigned to an equivalent position with equivalent pay and benefits. The equivalent position will be determined by Edkey, in its sole discretion, under federal guidelines.

Some key employees (those in the top 10% of the workforce in terms of compensation for a 75-mile radius) may not be eligible for reinstatement. If the return of a key employee would cause substantial and grievous economic injury to the employer, based on factors such as workplace disruption, Edkey can deny his or her reinstatement. If you desire more information about the rules relating to key employees, please ask your benefits manager for details. You will be notified after you apply for a leave whether or not you are a "key employee," and that if you are, you may not be eligible for reinstatement.

**Instructional Employees** – If the intermittent or reduced time-off leave is for an instructional employee, one whose principal responsibility is to instruct students in the classroom, small setting or individually, Edkey can require the employee to take the leave for a specific duration not greater than the planned duration of treatment, or Edkey can temporarily transfer an employee to an alternate position or worksite with comparable pay and benefits, which better accommodates the recurring periods of leave. However,

the leave must be requested to care for a qualifying family member or as a result of the employee's serious health condition; must be based upon planned, foreseeable medical treatment; and must be for more than twenty percent of the working days in the leave period.

If an instructional employee needs to take family and medical leave near the end of the semester, the instructional employee might be required to continue leave through the end of the semester under the following circumstances:

If the employee leave begins more than five weeks before the end of the semester, the leave is scheduled to last longer than three weeks, and the employee will return during the last three weeks of the semester. If the employee leave begins less than five weeks before the end of the semester, the leave is scheduled to last longer than two weeks, and the employee will return during the last two weeks of the semester. If the employee leave begins less than three weeks before the end of the semester and the scheduled leave is longer than five days.

Upon your return, you will also be entitled to participate in all of the employee welfare benefit plans you participated in prior to your leave, without meeting any otherwise applicable qualification requirements (such as satisfying a waiting period or pre-existing condition waiting period, waiting for open enrollment, or passing a medical examination). Any increases in benefits that do not depend on seniority or accrual during the leave period will be provided upon your return.

Additional Information – You may obtain additional explanation by contacting our FMLA Coordinator/HR Director at the address below:

Laurie Ainge  
1460 S. Horne St.  
Mesa, Arizona 85204  
480-461-3200 EXT 10613

### **Edkey Medical Leaves**

Purpose: to allow employees an option for Leaves of Absence when not eligible for FMLA. These are offered as a consideration for employees and are not Federally protected Leaves of Absence. These need to be approved by Human Resources in advance barring extenuating circumstances. There is no guarantee of approval of these leaves nor are there any real or implied protections.

### **Medical Emergency Leave—400**

Eligibility—400 hours, employment must be less than 1250 service hours in the 12 months prior to leave and/or less than 12 months of service.

This leave is to be used only for employees that are not eligible for Family Medical Leave or work at a site where they are not eligible for FMLA leave and have less than 1250 service hours in the 12 months prior to leave and/or less than 12 months of service. Medical Emergency Leave—400 leave is not to be used for an employee who has exhausted the 12 weeks of FML in the past 12 months.

Cannot exceed 6 weeks.

Cannot be stacked with Family Medical Leave, Medical Leave—1000, or Medical Leave—1250 (Non-Work Related or Occupational).

Leave is for employee's own medical condition or that of a spouse, parent, or child. Requests for leave must be supported by certification provided by a qualified health care provider within 15 days of the

beginning of the leave. Failure to provide proper documentation may result in denial of the leave and the days absent will be regarded as unexcused absences and will be considered leave without pay. Medical Emergency Leave cannot be used intermittently.

Medical, Dental, and Vision insurance coverage will be handled through COBRA. Coverage will be reinstated the 1<sup>st</sup> of the month following return to work. Life Insurance, Short Term Disability, Accident, Critical Illness, and any other insurance premiums must be paid by the employee during the Medical Emergency Leave. Any payments that are not made during the period of leave will be added in arrears upon return to work. Edkey, Inc. reserves the right to terminate benefits if payments are not made. All employees must use any remaining personal/sick and vacation days during period of Medical Emergency Leave.

Employee may be terminated if he or she does not return to work within the approved leave period. Medical Emergency Leave can only be used once in a 12 month period from the beginning of the Medical Emergency Leave.

Position and pay will not be guaranteed upon return.

Prior to taking Medical Emergency Leave—400 the employee's supervisor, Human Resources, and President of Edkey, Inc. must approve Medical Emergency—400.

Flexible Spending Account deductions will stop during the period of leave and will restart automatically upon return to work. Company Funded FSA and HRA contributions will stop during the period of leave and resume upon return to work.

### **Medical Emergency Leave—1000**

Eligibility—1,000 hours, employment must be less than 1250 service hours in the 12 months prior to leave and/or less than 12 months of service.

This leave is to be used only for employees that are not eligible for Family Medical Leave or work at a site where they are not eligible for FMLA leave and have less than 1250 service hours in the 12 months prior to leave and/or less than 12 months of service. Medical Emergency Leave—1000 leave is not to be used for an employee who has exhausted the 12 weeks of FML in the past 12 months.

Cannot exceed 6 weeks.

Cannot be stacked with Family Medical Leave, Medical Leave—400, or Medical Leave--1250 (Non-Work Related or Occupational).

Leave is for employee's own medical condition or that of a spouse, parent, or child. Requests for leave must be supported by certification provided by a qualified health care provider within 15 days of the beginning of the leave. Failure to provide proper documentation may result in denial of the leave and the days absent will be regarded as unexcused absences and will be considered leave without pay.

Medical Emergency Leave cannot be used intermittently.

Employees on Medical Emergency Leave—1000 will contact the Human Resources Department to make arrangements to continue to make their share of the premium payments on their health insurance and

other benefits while on leave. They will have a minimum of 30-day grace period in which to make premium payments. If the payment is not made timely, employee's group insurance products may be cancelled, provided Edkey notifies the employee in writing at least 15 days before the date that health coverage will lapse, or at Edkey's option, we may pay your share of the premiums during your leave and recover these payments from you upon your return to work.

All employees must use any remaining personal/sick and vacation days during period of Medical Emergency Leave.

Employee may be terminated if he or she does not return to work within the approved leave period. Medical Emergency Leave—1000 can only be used once in a 12 month period from the beginning of the Medical Emergency Leave.

Position and pay will not be guaranteed upon return.

Prior to taking Medical Emergency Leave—1000 the employee's supervisor, Human Resources, and President of Edkey, Inc. must approve Medical Emergency Leave—1000.

Flexible Spending Account deductions will stop during the period of leave and will restart automatically upon return to work. Company Funded FSA and HRA contributions will stop during the period of leave and resume upon return to work.

### **Medical Emergency Leave—1250**

Eligibility—Employment must be more than 1250 service hours in the 12 months prior to leave and a minimum of 12 months of service.

This leave is to be used only for employees that are not eligible for Family Medical Leave only because they work at a site where they are not eligible for FMLA leave.

Cannot exceed 12 weeks.

Cannot be stacked with Family Medical Leave or Extended Medical Leave (Non-Work Related or Occupational).

Leave is for employee's own medical condition or that of a spouse, parent, or child. Requests for leave must be supported by certification provided by a qualified health care provider within 15 days of the beginning of the leave. Failure to provide proper documentation may result in denial of the leave and the days absent will be regarded as unexcused absences and will be considered leave without pay.

Medical Emergency Leave cannot be used intermittently.

Employees on Medical Emergency Leave—1250 will contact the Human Resources Department to make arrangements to continue to make their share of the premium payments on their health insurance and other benefits while on leave. They will have a minimum of 30-day grace period in which to make premium payments. If the payment is not made timely, employee's group insurance products may be cancelled, provided Edkey notifies the employee in writing at least 15 days before the date that health coverage will lapse, or at Edkey's option, we may pay your share of the premiums during your leave and recover these payments from you upon your return to work.

All employees must use any remaining personal/sick and vacation days during period of Medical Emergency Leave.

Employee may be terminated if he or she does not return to work within the approved leave period. Medical Emergency Leave can only be used once in a 12 month period from the beginning of the Medical Emergency Leave.

Position and pay will not be guaranteed upon return.

Prior to taking Medical Emergency Leave—1250 the employee's supervisor, Human Resources, and President of Edkey, Inc. must approve Medical Emergency Leave—1250.

Flexible Spending Account deductions will stop during the period of leave and will restart automatically upon return to work. Company Funded FSA and HRA contributions will stop during the period of leave and resume upon return to work.

### **Military Service**

An employee who is called to temporary active duty or required to participate in training as a member of a military reserve organization will be granted a leave of absence in accordance with applicable state and federal laws. The Uniformed Services Employment and Reemployment Rights Act (USERRA) also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

### **Reemployment Rights**

An employee is entitled to be restored to the job and benefits he/she would have attained if he/she had not been absent due to military service if:

Edkey received advance written or verbal notice of the service;

The employee has five years or less of cumulative service in the uniformed services while with Edkey;

The employee returns to work or applies for reemployment in a timely manner after the conclusion of the service; and

The employee had not been separated from service with a disqualifying discharge or under other than honorable conditions.

### **Health Insurance Coverage**

If an employee leaves Edkey to perform military service, the employee has the right to elect to continue the existing employer-based health plan coverage for up to twenty-four months. If the employee elects to not continue coverage, the employee is entitled to be reinstated to Edkey's health plan upon reemployment without waiting periods or exclusions.

### **Conduct**

#### **Staff Conduct**

All staff members on school property or using school property for any purpose shall refrain from engaging in:

- Any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions, or any activity sponsored or approved by the Board.
- Physical or verbal abuse of, or threat of harm to, anyone on property owned or controlled by Edkey or at functions sponsored or supervised by the school.
- Damage or threat of damage, to property of the school, regardless of location, or property of a member of the community or a visitor to the school, when the property is located on premises controlled by the school.
- Forceful or unauthorized entry to or occupation of the school's facilities, including buildings and grounds.
- Use, possession, distribution or sale of tobacco, drugs, alcohol, imitation drugs, or drug paraphernalia or other illegal contraband on school property or at school-sponsored functions.
- Conduct or speech that violates commonly accepted standards of the school and that, under present circumstances, has no redeeming social value.
- Failure to comply with lawful direction of the school officials, security officers, or any other law-enforcement officers acting in performance of their duties, or failure to identify oneself to such officials or officers when lawfully requested to do so.
- The carrying or possession of a weapon on school grounds, unless they are peace officers or have obtained specific authorization from the appropriate school administrator.
- A knowing violation of Edkey's policies and regulations.
- Any conduct violating any federal, state, or city law or regulation.

At a minimum, all staff members will:

- Thoroughly acquaint themselves with the provisions, rules, regulations, and applicable information contained within the policies adopted by the Board.
- Conduct themselves in a manner consistent with effective and orderly education and protect the students and school property.
- Maintain order and carry out all orders given by the Superintendent concerning maintenance of order.
- Dress and maintain a general appearance to reflect their position and so as not to be detrimental to the educational program of the school.
- Immediately report to the Superintendent or to a principal who is their immediate supervisor, a violation of A.R.S. § 13-3411 when they observe a person present in a drug-free school zone who:  
Possesses or uses marijuana, peyote, dangerous drugs, or narcotic drugs; or  
Is intentionally present in a drug free zone for the purpose of selling marijuana, peyote, dangerous drugs, prescription only drugs or narcotic drugs.

Employees of Edkey who violate these rules may be subject to disciplinary action up to and including termination.

### **Staff Conduct with Students**

Employees are expected to exercise general supervision over the conduct of students, not only while in the classroom, but also before and after school and during recess. At all times teachers and other staff members will accord students the dignity and respect that they deserve, and avoid embarrassing any student unnecessarily.

All personnel employed by Edkey are expected to relate to students in a manner that maintains social and moral patterns of behavior consistent with community standards and acceptable professional conduct.

Relationships between staff members and students that include “dating,” “courtship” or “romantic involvement” are prohibited. These behaviors deviate from ethical or professional standards and shall be deemed unacceptable and contrary to the expectations of Edkey governance. Staff/student relationships shall reflect mutual respect between staff members and students and shall support the dignity of the entire profession and educational process. At no time should employees allow themselves to be in a situation where this policy appears in violation.

Violations of the above shall be considered serious and may result in severe disciplinary action, up to and including termination and/or notification to appropriate law enforcement.

### **Drug-Free Workplace**

Edkey is dedicated to maintaining a safe educational environment. Thus, Edkey has implemented a drug and alcohol free work environment policy.

No employee shall report to work while under the influence of drugs and/or alcohol. The use, sale, distribution, manufacture, or possession of alcohol, illegal drugs, hallucinogens, stimulants, sedatives, controlled substances, imitation drugs, or drug paraphernalia on Edkey property is prohibited. School property includes any school building or premises, and any school-owned vehicle or any school-owned vehicles used to transport staff members or students to and from school, school activities, or on school business. This includes the misuse of prescription drugs or any mood-altering substances while on Edkey property, Edkey paid time (i.e., conferences, training sessions), school-sponsored or school-approved activity or event, or in circumstances the school believes will adversely affect Edkey’s operations or safety.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment and/or notification of law enforcement authorities. The transferring, manufacturing, offering, selling or arranging for sale of any alcohol, narcotic, hallucinogen, stimulant, sedative, drug, imitation drugs, or any other mood altering substance while on Edkey property or Edkey’s time will lead to immediate termination.

Employees of Edkey shall not be under the influence of prescription or non-prescription drugs during the school day or at other times when acting as a representative of Edkey, if such medication impairs the employee’s ability to perform his or her job.

Any employee who has been charged or arrested under any criminal drug statute shall notify his or her supervisor immediately.

As a condition of employment, each employee shall abide by the terms of the school policy respecting a drug-free workplace.

### **Weapons**

Weapons are prohibited on school grounds, except for firearms in a program approved by a school and when carried by any peace officer while performing official duties.

Any employee who is aware that a student is carrying a weapon must report it immediately.

## **Recording**

Any and all secret recording by employees in the workplace or at school-sponsored events is strictly prohibited. Violation of this rule may lead to disciplinary action, up to and including termination.

## **Progressive Discipline Policy**

### **Purpose**

To establish rules pertaining to employee conduct, performance, and responsibilities so that all personnel can conduct themselves according to certain rules of good behavior and good conduct.

The purpose of these rules is not to restrict the rights of anyone, but rather to help people work together harmoniously according to the standards we have established for efficient and courteous service for our customers.

Reasonable rules concerning personal conduct of employees are necessary if Edkey is to function safely and effectively.

### **Policy**

Degrees of discipline are generally progressive and are used to ensure that the employee has the opportunity to correct his or her performance. There is no set standard of how many oral warnings must be given prior to a written warning or how many written warnings must precede termination. Factors to be considered are:

How many different offenses are involved

The seriousness of the offense

The time interval and employee response to prior disciplinary action(s)

Previous work history of the employee

For serious offenses, such as fighting, theft, insubordination, threats of violence, the sale or possession of drugs or alcohol on school grounds, etc., termination may be the first and only disciplinary step taken. Any step or steps of the disciplinary process may be skipped at Edkey's discretion after investigation and analysis of the total situation, past practice, and circumstances. In general, oral warnings should, at the next infraction, be followed by a written warning, followed at the next infraction by suspension and/or termination. This is especially true in those cases where the time interval between offenses is short, and the employee demonstrates a poor desire to improve his or her performance.

### **Disciplinary Steps**

The employee will generally be given three opportunities to change the unwanted behavior:

The employee will be given a verbal explanation of the errant behavior, including identifying for the employee Edkey's policy governing the behavior. In addition, the employee will be advised of the consequences of further infractions of the policy in question. If no further problems occur with regard to the issue raised at the verbal warning stage, no further disciplinary action will be taken. However, the supervisor must document the verbal warning in the employee's personnel file.

If the problem persists, the employee will be given a written explanation of the errant behavior, including a reiteration of Edkey's policy regarding the behavior. In addition, the employee will be advised that

continuation of the problem may lead to suspension without pay for a stated period of time or termination of employment. As before, the employee will be given an opportunity to change the unwanted behavior and, if the behavior does not recur, no further disciplinary action will be taken.

If verbal and written warnings fail to bring about a change in the undesired conduct, the employee may be suspended and will be informed that further occurrences of the conduct will lead to the employee's immediate termination without warning or will lead to termination.

Edkey reserves the right to bypass the disciplinary steps and Progressive Discipline Policy and base its disciplinary action on the severity, frequency, or combination of infractions when circumstances warrant immediate action.

#### Documentation

Edkey will document a disciplinary process beginning with the first verbal warning. A report of the disciplinary action will be retained in the employee's personnel file; however, if no further disciplinary action is required after two (2) years, the report will remain as part of the employee's personnel file but will no longer be considered part of the employee's record.

#### **Child Abuse Reporting**

Arizona law requires school personnel, in addition to parents and a number of other professionals, to report suspected child abuse to law enforcement or to Child Protective Services whenever there is a reasonable belief that a child has been abused, regardless of who the perpetrator is. This law applies to any individual who works for Edkey. A "reasonable belief" is when there are facts that cause an employee to form the suspicion that a child is or has been the victim of abuse or neglect.

Employees are required to make a report "immediately" once it is believed that a child has been the victim of abuse. Employees must inform a supervisor of suspected abuse; however, this does not relieve the employee of the duty to report the abuse to the appropriate authorities. Failure to report suspected child abuse can result in criminal and civil penalties.

Abuse can be inflicted on a child by a parent, a relative, another adult, a school employee, and even another child. If an employee believes the perpetrator is the child's parent or guardian, the report of suspected child abuse should be made to Child Protective Services (1-888-SOS-CHILD). All other reports should be made to law enforcement. If school personnel suspect that an adult is being abused (e.g., an 18 year old student or an adult student on an IEP), the report of the suspected abuse should be made to Adult Protective Services (1-877-SOS-ADULT). A written report with the following information must be sent within seventy-two (72) hours of the initial report:

The names and addresses of the minor and the minor's parents or person or persons having custody of such minor, if known.

The minor's age and the nature and extent of the injuries or physical neglect, including any evidence of previous injuries or physical neglect.

Any other information that such person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury, or neglect.

A person furnishing a report, information, or records required or authorized under Arizona Revised Statutes or a person participating in a judicial or administrative proceeding or investigation resulting from

a report, information, or records, required or authorized under Arizona Revised Statutes shall be immune from any civil or criminal liability by reason of such action, unless such person has acted with malice or unless such person has been charged with or is suspected of abusing or neglecting the child or children in question.

## **REPORTING OF ILLEGAL PRACTICES OR VIOLATIONS OF ADOPTED POLICES OF THE ORGANIZATION POLICY for Edkey, Inc.**

EDKEY, INC. (Edkey) is committed to operating in furtherance of its tax-exempt purposes and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its board members, officers, employees, or volunteers. This policy outlines a procedure for employees to report actions that an employee reasonably believes violate a law, or regulation or that constitutes fraudulent accounting or other practices. This policy applies to any matter which is related to Edkey's business and does not relate to private acts of an individual not connected to the business of Edkey.

If an employee has a reasonable belief that an employee or Edkey has engaged in any action that violates any applicable law, or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information to CEO. If the employee does not feel comfortable reporting the information to the CEO, he or she is expected to report the information to the Chairman of the Board of Directors.

All reports will be followed up promptly, and an investigation conducted. In conducting its investigations, Edkey will strive to keep the identity of the complaining individual as confidential as possible, while conducting an adequate review and investigation.

Edkey will not retaliate against an employee in the terms and conditions of employment because that employee: (a) reports to a supervisor, to the executive director, the Board of Directors or to a federal, state or local agency what the employee believes in good faith to be a violation of the law; or (b) participates in good faith in any resulting investigation or proceeding, or (c) exercises his or her rights under any state or federal law(s) or regulation(s) to pursue a claim or take legal action to protect the employee's rights.

Edkey may take disciplinary action (up to and including termination) against an employee who in management's assessment has engaged in retaliatory conduct in violation of this policy.

[In addition, Edkey will not, with the intent to retaliate, take any action harmful to any employee who has provided to law enforcement personnel or court truthful information relating to the commission or possible commission by Edkey or any of its employees of a violation of any applicable law or regulation.]

Employees will be trained on this policy and Edkey's prohibition against retaliation in accordance with this policy.

### **Facilities**

#### **Telephone Use**

Personal telephone calls may be made and received during break times. However, personal calls must be held to a maximum of no more than three (3) calls of five (5) minutes in length per day. This includes both incoming and outgoing calls. In addition, limit the use of a cell phone for personal matters to break times. If a supervisor feels that phone use interferes with an employee's duties, the supervisor will

discuss it with the employee. Continued abuse of the telephone may result in disciplinary actions, up to and including termination.

### **School Property**

All communications media, including computer passwords, are school property. No computer, copier, fax, or other school equipment may be used for personal business. Employees are required to take due care and consideration of such equipment. Willful damage may result in termination.

Depending on job assignment, employees may receive school vehicles or equipment for use on the job. School property and equipment, including School vehicles, are not to be taken off School premises, except where authorized by your supervisor. Employees are prohibited from undertaking any unauthorized modifications to school vehicles or equipment.

### **School Vehicles**

Only authorized employees and school volunteers may use school vehicles. Employees and school volunteers will be responsible for reporting to their supervisor any damage to a school vehicle or damage to another vehicle while using a school vehicle. Any citations received while operating a school vehicle must be reported to a supervisor within five (5) days. Only authorized persons can be passengers in school vehicles and violation of this policy may lead to disciplinary action, up to and including termination.

### **Computer and Internet Usage Policy**

Edkey has established a policy relating to access of the Internet and Edkey's private Intranet.

Certain employees may be provided with access to the Internet to assist them in performing their jobs. The Internet can be a valuable source of information and research. Use of the Internet, however, must be tempered with common sense and good judgment. Edkey's Intranet is a private information system of the School and its intended use is strictly for business purposes.

Any individuals using either system expressly consent to monitoring of their activities. Anyone using either system in violation of Edkey's Internet usage policy may be subject to disciplinary action, including termination. Furthermore, employees could be exposed to civil and criminal liability. Edkey reserves the right to amend or modify this policy at any time as may be required.

Edkey is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. Even innocuous search requests may lead to sites with highly offensive content.

Employees must not deliberately perform acts unrelated to legitimate business interests that waste computer resources. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet unrelated to business, playing games, engaging in online chat groups, listening to streaming audio (radio, music, etc.) or streaming video (Newscasts, TV, Movie Trailers, etc.), or otherwise creating unnecessary network traffic. Because audio, video, and picture files require significant storage space, files of this, or any other sort, shall not be downloaded, unless they are business-related.

The computers and computer accounts provided to employees are to assist them in the performance of their jobs. Employees should not have an expectation of privacy or ownership in anything they create,

store, send, or receive on the computer system. The computer system belongs to Edkey, and may only be used for business purposes. Edkey has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, but not limited to: monitoring sites visited by employees on the Internet, email traffic, any document created or stored on the computer system, and installed software applications.

Edkey may use software to identify inappropriate Internet sites, including but not limited to sexually explicit sites. Such sites may be blocked from access by Edkey's network. In the event you nonetheless encounter inappropriate material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site is subject to Edkey's blocking software.

Material that is unlawful (including, but not limited to, illegal copies of software, music files, movie files or malware, malicious software, such as computer virus, Trojan horse, spyware, key loggers, etc.), harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise offensive, including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristics protected by law, or in violation of Edkey's equal employment opportunity policy and its policies against sexual or other harassment, may not be loaded, downloaded from the Internet, displayed, or stored on Edkey's computers. Employees encountering or receiving this kind of material should immediately report the incident to their administrator. Edkey's equal employment opportunity policy and its policies against sexual or other harassment apply fully to the use of the Internet and any violation of those policies is grounds for discipline, up to and including termination.

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. Employees are responsible for complying with copyright law and applicable licenses that may apply to software, music files (.mp3, .wma, .rm, .ra, etc.), movie files (ripped copies of movies/videos to .avi, .mpg, .wmv, .mov, etc.), graphics, documents, messages and other material you wish to download or copy. Employees may not agree to a license or download any material for which a registration fee is charged, without first obtaining the express written permission of Edkey.

To ensure security and to avoid the spread of viruses, employees connecting to our network from a computer not supplied by Edkey, must have up-to-date virus protection, a secure VPN connection, and use a hardware-based router or software firewall. Edkey will provide, upon request, VPN (Virtual Private Network) client software for installation on your personal computer. However, all other security software is the responsibility of the end user.

Files obtained from sources outside Edkey, including disks brought from home; files downloaded from the Internet, bulletin boards, or other online services; files attached to e-mail, and files provided by clients or vendors may contain dangerous computer viruses that may damage Edkey's computer network. If you suspect that a virus has been introduced into Edkey's network, notify the IT Department immediately.

Information posted on Edkey's Intranet is the property of Edkey. Any copying or unauthorized use of such information is strictly prohibited, without express written consent of Edkey.

### **Electronic Mail Policy**

Edkey has established a policy relative to access and disclosure of electronic mail messages created, sent, or received by School employees using Edkey's e-mail system.

Edkey reserves the right to amend or modify this policy at any time as may be required.

Edkey's e-mail network, both network-based and internet-based, is a private information system of Edkey. Individuals using this system expressly consent to monitoring of their activities. Any employee

who violates this policy or uses the electronic mail system for improper purposes may be subject to disciplinary action, up to and including termination.

- 1) Edkey maintains an email system, which includes both network-based programs and web-based e-mail programs accessed via Edkey's computer network, and all e-mail messages, together with attachments, sent or received via, or created or stored on, Edkey's e-mail system. Edkey provides this system to assist in conducting School business.
- 2) The e-mail system is the property of Edkey. Additionally, all messages composed, sent, or received on the e-mail system are and remain the property of Edkey. They are not the private property of any employee.
- 3) The use of the e-mail system is reserved solely for the conduct of School business. The email system shall not be used for personal business, except for those necessary, occasional communications with family or friends that do not interfere with School business operations and do not involve inappropriate content or materials as described, but not limited to those, in paragraphs 4, 5, and 6. Further, the use of passwords for security does not guarantee confidentiality of the e-mail.
- 4) Employees may not use the e-mail system to solicit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
- 5) The e-mail system shall not be used to create any offensive or disruptive messages. Among those that are considered offensive are any messages that contain profanity, sexual implications, racial slurs, gender-specific slurs, or any other comment that offensively addresses someone's age, gender, religious or political beliefs, national origin, color, or disability, or any other characteristic protected by law.
- 6) The e-mail system shall not be used to send (upload) or receive (download) unauthorized or illegal copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
- 7) Edkey reserves and intends to exercise the right to review, audit, intercept, access, and disclose all messages created, received, or sent over the e-mail system for any purpose. There should be no expectation of personal privacy or ownership of any e-mail, including attachments, created, sent, or received via, or stored on, Edkey's e-mail system.
- 8) Users of the e-mail system should routinely delete outdated or otherwise unnecessary e-mails and attachments, being careful to not delete messages that are considered public records and that must be stored according to School guidelines.
- 9) Employees shall not retrieve or read any e-mail messages that are not sent to them. Notwithstanding Edkey's right to retrieve and read any e-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees shall not send e-mails from another employee's account without permission, and identification of the intended true sender. All business-related e-mail should be stored in Edkey's document management system within the respective case or department collection.
- 10) Edkey will attempt to block/delete with security software any potentially dangerous emails, such as those that are infected with a computer virus or that might have embedded links to corrupt Internet sites. However, there may be some email messages that "slip past" such software. It is important that users NOT open any email from unrecognized senders or if the email looks suspicious. Edkey's network security requires everyone's participation and diligence.

- 11) Any employee who discovers a violation of this policy shall notify Administration.

### **Personal Laptop Use Policy**

Edkey (designated as School) has established a policy relative to access of Edkey's Internet and private Intranet via a Personal Laptop.

The purpose of this policy is to protect the School's network and technical resources. Edkey provides its network in support of its educational mission. Use of the network is a privilege. As such, it is the responsibility of each patron to use these services appropriately and in compliance with all School, City, County, State, and Federal regulations. These policies are in addition to School Computer and Internet Usage Policy, are not all-inclusive, and may be modified at any time. Any employee who violates this policy may be subject to disciplinary action, up to and including termination.

- 1) Personal laptops may be used by staff members only and must meet the minimal technical specifications listed below. Students will not be allowed to connect their personal laptops to the network.

PC system requirements: Windows XP Professional or later

Microsoft Internet Explorer Version 6.0 or later/Mozilla Firefox 2

Hardware Requirements: 1.6 GHz processor, 2Gb RAMM

40 Gb available on hard drive, CD/DVD player

Network connectivity: Ethernet connector

All software drivers for the machine must be installed properly before joining the network, as well as the software patches for the Operating system and Office

The machine must be free of any virus or other harmful items

All software must be appropriately licensed

Mac system requirements:

Mac OS X (10.3 Panther) or later

Safari / Firefox

Hardware Requirements: 800 MHz G3 processor, 512 Mb RAMM, 40Gb available on hard drive, CD or DVD player

Network connectivity: Ethernet connector

- 2) All software drivers for the machine must be installed properly before joining the network, as well as the software patches for the Operating system and Office.
- 3) The staff member assumes all liability for damage, theft, or loss of the laptop.
- 4) Use of personal laptops must be tied to academic endeavors.
- 5) Playing of games is not allowed at any time on school premises-except for educational purposes (for instance -for previewing an educational game).
- 6) Personal laptops may not be used for assessment purposes.

- 7) The staff member is responsible for the secure storage of a personal laptop at all times, as the school does not accept liability for equipment owned by staff members.
- 8) Digital reproduction and distribution of copyrighted materials is against federal law. Anyone found distributing (sharing) such material, including copyrighted music, digitized video from copyrighted motion pictures, copyrighted software, etc., while on the School's network is subject to termination of network services.
- 9) Attempts to circumvent or defeat any mechanism put in place by the School's IT department to manage the network or filter Internet access will result in the immediate termination of the network services provided to any such individual.
- 10) The network may not be used for any commercial purposes or used to provide Internet or network access to anyone outside of the school community for any purpose.
- 11) The forgery or other misrepresentation of the identity via email or any other form of communication is a violation of School Policy. This includes forging of IP addresses or Ethernet adapter addresses to conceal your computer's identity.
- 12) Any unauthorized attempt to access another computer (on or off campus) is prohibited. Any attempt to access other computers will result in the immediate disconnection of the suspected network connection until the matter has been resolved.
- 13) The staff member will keep the computer's operating system fully updated with all critical and security updates.
- 14) The staff member will be required to maintain antivirus/malware programs. The software must be installed, running, and up to date at all times. As of the publication of this policy, there are no known viruses for OSX; therefore antivirus software will not be required for Apple laptops running OSX.
- 15) School-owned licensed software shall not be installed on staff member's personal laptops.
- 16) Edkey and its IT department are not responsible for any support of an individual's personal laptop or any possible damage the connection to the network may cause. Edkey assumes NO responsibility for costs associated with loss or damage to an individual's personal laptop computer and its associated peripheral equipment.
- 17) All staff members will provide Edkey's IT department the following information about their personal laptop before connecting it to the network:  
  
Name and Brand of laptop  
Current Computer Name  
Network Interface Card (NIC) MAC address  
Wireless MAC address
- 18) Staff members will notify the School's IT department of any changes made to their personal laptop (i.e., Computer name).
- 19) Edkey's IT department may examine a staff member's personal laptop at any time for the purpose of verifying that it is in compliance with this policy.
- 20) All communication on an employee's personal laptop that is considered School public records must be stored in the School's document management system.

## **Safety and Health**

It is the policy of Edkey to provide safe working conditions for all employees and to establish the safety regulations necessary to ensure that safe working conditions are maintained. It is also Edkey's policy to comply with all federal, state, and local regulations. Some of the best safety improvement ideas come from employees. Individuals with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to address them with their supervisor.

Each employee is expected to obey all safety rules, and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report them or remedy such situations may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees must immediately notify their supervisor and complete an incident report. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures. Supervisors will immediately send all documentation of injury to HR Director.

## **Security**

Surveillance cameras may be installed in situations where the security of either property or people would be enhanced, including, but not limited to, inside and outside of buildings and on school buses. Surveillance cameras will not be used in locations where there is a reasonable expectation of privacy, as defined by law.

Video and/or audio recordings may be used as evidence in any disciplinary action, administrative or criminal proceeding, and may become a part of an employee's personnel file. All recordings of illegal activities of employees, will be forwarded to the appropriate law enforcement authority.

Edkey will comply with all requirements of the Family Educational Rights and Privacy Act (FERPA) prior to releasing any recordings to parents or guardians of students involved in disciplinary matters.

Surveillance camera video recordings will be kept for a limited period of time, to be determined by record retention policy.

## **Staff Participation in Political Activities**

An employee acting on behalf of Edkey may not use Edkey personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcome of an election. Further, Edkey employees are prohibited from using their authority to influence the outcome of an election.

An employee acting on behalf of Edkey may not provide pupils written materials to influence the outcome of an election.

## **Smoking**

In keeping with Edkey's intent to provide a safe and healthful work environment and in compliance with federal, state, and local laws, smoking and the use of tobacco products is prohibited on any Edkey

property and while working in any capacity for the school or with any student. This policy applies equally to all employees and visitors.

A.R.S. § 36-798.03: Tobacco products prohibition at schools and school-related areas; exception; violation; classification.

Tobacco products are prohibited on school grounds, inside school buildings, in school parking lots or playing fields, in school buses or vehicles or at off-campus school sponsored events. For purposes of this subsection, "school" means any public, charter or private school where children attend classes in kindergarten programs or grades one through twelve.

Subsection A of this section does not apply to an adult who employs tobacco products as necessary component of a school sanctioned tobacco prevention or cessation program established pursuant to section 15-712.

A person who violates this section is guilty of a petty offense.

### **Dress Code**

Employees are expected to dress in professional attire while in the workplace and when attending school sponsored events. School Principals will be responsible for monitoring and enforcing this policy. The policy will be administered according to the following action steps:

If questionable attire is worn in the workplace, the respective school Principal will hold a personal, private discussion with the employee to advise and counsel the employee regarding the inappropriateness of the attire.

If an obvious policy violation occurs, the school Principal will hold a private discussion with the employee and ask the employee to go home and change his/her attire immediately.

Repeated policy violations may result in disciplinary action, up to and including termination.

### **Constructive Discharge**

Any employee that feels that the work environment is so difficult or unpleasant that the employee feels that he or she must resign must notify his or her immediate supervisor in writing of these unpleasant working conditions. Edkey will respond within fifteen days and investigate the conditions brought forth in the employee's complaint. Edkey will inform the employee, in writing, of the response taken to the employee's complaint. If the employee believes that he or she cannot continue to work for Edkey during the fifteen day response period, the employee has the right to take unpaid leave up to the time Edkey provides a written response.

### **Confidentiality/Non-Disclosure**

The protection of confidential business information and trade secrets is vital to the interests and success of Edkey. Such confidential information includes, but is not limited to, the following:

- Student Records or Information
- Family Information
- Computer Processes
- Computer Programs and Codes

Financial Information regarding Edkey  
Marketing Strategies

### **Educational Strategies**

Employees who improperly use or disclose trade secrets or confidential business information will be terminated and may be subject to legal action, even if they do not actually benefit from the disclosed information.

### **FERPA**

The Family Educational Rights and Privacy Act (FERPA) was enacted to protect the privacy interests of student records. All employees must fulfill the requirements set forth in FERPA. FERPA establishes:

- The right for parents to access and review the education records of their children, and the right for eligible students to inspect and review their own records;
- The right for parents and eligible students to challenge any records that they feel are inaccurate, misleading, or in violation of their privacy rights;
- The rights for parents and eligible students to give prior consent before a third party can have access to any education records; and
- The right to be informed of the rights granted by FERPA and the procedures for exercising those rights.

Pursuant to FERPA, personally identifiable information generally cannot be disclosed to others without the prior consent of the parent. Consent must be obtained in writing and should be signed and dated, specify the records to be disclosed, state the purpose of the disclosure, and identify the parties to whom the disclosure is to be made.

FERPA allows for the disclosure of student records without parental consent in the following circumstances:

- Directory information,
- Teachers or other school officials,
- Officials of another school system where the student seeks to enroll,
- State juvenile justice systems or their officials,
- State and federal educational authorities,
- In compliance with a judicial order or a lawfully issued subpoena,
- In connection with the receipt or application of financial aid,
- Organizations conducting educational studies,
- Accrediting organizations, or
- Health and safety emergency.

School officials must also maintain records of all requests for student information, except requests made by parent or school officials with a legitimate educational interest. Parents have the right to access and review these records to see who has had access to their child's records.

### **Public Records**

The public records of Edkey will be open to inspection as provided by law. Public records consist of any recorded information that is made or received by Edkey in the performance of Edkey's business. This includes much of the information contained in personnel files.

## **Personnel Records**

Edkey maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. Personnel records may be subject to public records requests.

It is very important for an employee to tell his/her supervisor about any changes in name, address, telephone number, number of dependents, etc. That way personal information will always be up-to-date, which helps Edkey properly handle benefits, pay, and other important matters. Name changes will only be done with a court order or the new social security card.

## **Compensation**

### **Furloughs**

Edkey reserves the right to decrease salaries by furloughing personnel for up to three (3) days. Personnel will not be required to perform any duties on any days of furlough and will receive no compensation for such days. Personnel may not use paid sick leave or other paid leave time on such furlough days. Dates of furlough days, if any, shall be designated by Edkey.

### **Payday**

Paydays will occur twice monthly on the 5<sup>th</sup> and the 20<sup>th</sup> of the month. Work completed from the 16<sup>th</sup> through the last day of the prior month will be paid on the 5<sup>th</sup>; while work completed from the 1<sup>st</sup> through the 15<sup>th</sup> of the month is paid on the 20<sup>th</sup> of that same month. If a payday falls on a weekend, it will be completed on the closest business day. All paystub information will be available by logging into the Paychex Portal; no paper statements will be distributed.

Employees will be required to set up a direct deposit account at their financial institution into which their wages will be paid. If an employee does not have an account to which direct deposits can be made, he/she will be issued a Debit Card. The Debit Card can be used at all point-of-sale locations where debit cards are accepted and at ATM locations. Some transactions may incur fees; please refer to the Fee Schedule that is included in the enrollment kit to understand when fees will be incurred.

### **Overtime**

Non-exempt employees may not work over 40 hours per week, without the prior approval from their supervisor. The overtime calculation is based on weekly hours. Work week begins on Sunday at 12 a.m. and ends on Saturday at 11:59 p.m. In the event an employee fails to comply with this policy they may be disciplined up to and including termination, however any hours worked will be included in their paycheck.

### **Time Cards**

Hourly employees are required to enter their hours into the Paychex payroll system through web punch or with a time clock for each and every shift. Punching in and out is required at the beginning and ending of shifts as well as for lunch period.

Employees can web punch at any Edkey location, regardless of where they are assigned.

No employee can punch in or out for any other employee.  
Falsification of time recording is policy violation.

Hourly employees are expected to record all time worked. Working off the clock is a policy violation. There is no “banking” of hours worked (also known as “comp time”) to use for time off at a later date. Hourly employees will be paid for all hours worked during the pay period in which they worked. Any violations of policies above may result in disciplinary action up to and including termination of employment.

## **Benefits**

See Human Resources Director for information on benefits.

## **Workers’ Compensation Insurance**

As an Edkey employee, you are covered under the State of Arizona Workers’ Compensation laws. Premiums paid by the Edkey on your behalf entitle you, if eligible, to receive payments if you miss work due to an on-the-job injury.

In order to ensure you are eligible for Workers’ Compensation coverage, you must report all on-the-job injuries to your supervisor. That should be done immediately following the injury.

## **COBRA**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides employees and their enrolled dependents an opportunity to continue health care coverage in a school-sponsored plan after their coverage normally would have ended. The standard COBRA coverage term is 18 months. Certain qualifying events can extend coverage up to 36 months. Generally, you are required to pay the full premium for the coverage provided under COBRA. Please contact Human Resources for further information.

## **Performance Evaluations**

Teachers and Principals and para-professional staff are evaluated twice per year. All other employees should be evaluated annually.

## **Discipline**

Employees may be disciplined for violations of School policies and procedures. This discipline includes, but is not limited to, dismissal or suspension with or without pay.

## **Confidential Information - Work Products**

This policy relates to the disclosure of Confidential Information and assignment of Work Products created during your employment with Employer. In consideration of, and in connection with your employment with Edkey, all your Work Products created in connection with your employment with Employer are and shall remain the sole and exclusive property of the Employer.

All Confidential Information learned by employee while working for employer, whether Work Products or otherwise, to which you are exposed or which you generate during the normal course

of employment, must be used only as instructed, and returned to the Employer upon request or termination of your employment for any reason.

Confidential Information is information or Work Products disclosed to you, or generated by you as a consequence through your employment by the Employer, which information is not generally known to the public about the Employer, its operations, functions, academic programs, projects, administration, finances, writings, policies, procedures, human resources, products, processes and services, including information relating to methods, know-how, technology, ideas, research, development, manufacture. Patents, Trademarks, Service Marks, Copyrights, Trade Secrets, purchasing and engineering, notes, e-mail, electronic media, records, planners, information in journals and the like.

Intellectual Property is any and all Patents, Trade Secrets, know-how, technology, Confidential Information, ideas, Copyrights, trademarks, and Service Marks, and any and all rights applications, and registrations relating to them.

Work Products are all employee-generated materials, including, but not limited to, all Intellectual Property or part thereof conceived, developed, reduced to practice, produced or created by you or another person including, but not limited to, memos papers, letters, records, reports, summaries, recorded tapes, lesson plans, curricula, written materials, graphics, artistic or musical creations, theatrical scripts or productions, architectural designs or plans, computer programs or codes, or any other work, including all materials which are conceived developed, reduced to practice, produced or created:

within the scope of the Employee's employment as assigned or requested;

on the Employer's time; Or

with the aid, assistance, or use of any of the Employer's property, equipment, facilities, supplies, resources, or Intellectual Property;

the result of any work. services or duties performed by you for your Employer, the recording of instruction or meetings, or the notes from meeting experiences related to work or your working environment; or

related to the current or demonstrably anticipated operation, programs functions, organization, procedures, administration, academic activity or practice, business, research, development, industry, or trade of the Employer.

This is effect and therefore binding on you as of your commencement date as an employee. It may or may not be the same date that you acknowledge receipt the employment policies, and may or may not be the same date that you actually started work for the Employer. Supervisors, managers or directors are not authorized without the written authorization of the President of the Company if you are not aware of your effective date as an Employee, the Business Office can assist you.

## **Educational Assistance/Tuition Reimbursement Policy**

The purpose of the Educational Assistance Policy is to promote professional growth and assist employees in achieving a higher educational level in order to enhance their contribution to the organization.

Edkey supports an employee's desire for continuing education when the completion of the educational process can be expected to help the employee in the performance of his/her job.

Educational assistance is available to any full-time employee who has been employed by Edkey for 6 months prior to request for assistance.

Eligible employees desiring to attend employment related seminars and/or workshops shall submit a Request for Enrollment Approval to their supervisor prior to enrollment in the course or seminar. The request will be approved/denied based on the needs of the organization and budget availability. If the seminar/workshop is paid for in advance by Edkey, the employee is responsible for attending and must reimburse Edkey if he/she does not attend. For any seminars and/or workshops that are paid for by Edkey, the employee is required to provide and maintain a certificate of completion issued by the program or workshop administrator.

Eligible employees desiring to enroll in courses of study at local educational institutions and desiring tuition reimbursement must submit a Request for Enrollment Approval to their supervisor. This request will include the course title, purpose of taking this course, relevance to the job, cost, dates, times of classes and the name of the institution to be attended. Tuition reimbursement will be approved/denied based on the needs of the organization and budget availability.

Tuition reimbursement will be processed upon successful completion of the course work and presentation of a transcript, certificate of completion, or grades from the educational institution.

The maximum assistance to be provided to an eligible employee will be \$2,000 per calendar year (or less depending on budgetary constraints).

Before accepting educational reimbursement from Edkey, eligible employees will be required to sign a letter of intent stating that they agree to remain an employee for one year from the date of course completion and reimbursement. Employees who terminate employment earlier will be required to return the full amount reimbursement received during the preceding 12 months. This letter of intent will not change the at-will nature of the employee's employment.

If financial constraints arise which disallow funds to be available for this benefit, Edkey is not obligated in any way or form to continue the funding of this policy.

## **Conflict of Interest**

### **Purpose**

The purpose of the conflict of interest policy is to protect Edkey's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an employee of Edkey

or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

## **Definitions**

### 1. Interested Person

Any employee, who has a direct or indirect financial interest, as defined below, is an interested person.

### 2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a. An ownership or investment interest in any entity with which Edkey has a transaction or arrangement,
- b. A compensation arrangement with Edkey or with any entity or individual with which Edkey has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which Edkey is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

## **Procedures**

### 1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the officers of the corporation considering the proposed transaction or arrangement.

### 2. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave while the determination of a conflict of interest is discussed. The officers shall decide if a conflict of interest exists.

### 3. Procedures for Addressing the Conflict of Interest

- a. An interested person may make a presentation officers, but after the presentation, he/she shall not participate in the discussion of, and determination of, the transaction or arrangement involving the possible conflict of interest.
- b. The CEO shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

- c. After exercising due diligence, the governing board or committee shall determine whether Edkey can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in Edkey's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

#### 4. Violations of the Conflicts of Interest Policy

- a. If the officers or committee has reasonable cause to believe an employee has failed to disclose actual or possible conflicts of interest, it shall inform the employee of the basis for such belief and afford the employee an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the employee's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the employee has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

#### **Records of Proceedings**

The minutes of the governing board and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

#### **Periodic Reviews**

To ensure Edkey operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to Edkey's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction

### **Use of Outside Experts**

When conducting the periodic reviews as provided, Edkey may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the officers of their responsibility for ensuring periodic reviews are conducted.