

# DC Scholars Public Charter School Employee Handbook



“To be prepared is half the victory.”

– Cervantes

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## Section 1: Preface

Every single individual who works at DC Scholars Public Charter School ("School," "DC Scholars" or "DCSPCS") is driven to teach, to lead, to inspire, to achieve and to do so with a level of **passion and persistence** that demonstrates our belief in our scholars. When we set a **high bar** for scholars and work diligently to meet that bar, we demonstrate our belief that every child deserves a world-class education. When we teach, we lead and when we lead, we inspire. When we fuse strong leadership with **hope**, vision and data-driven action, we do the work that allows us to keep our promise to ourselves, our students, our parents, our community. We believe that dramatic **growth** for our scholars is possible, that we can and will achieve our goals.

This is not easy. This requires hard work. This requires strong relationships, **trust** and resiliency. We won't try to disguise the reality of the challenges that are in front of us as urban educators. As a result, we do not make excuses nor do we waste our time searching for shortcuts. We take personal responsibility for our outcomes, and we approach every day and each instructional minute with a contagious sense of urgency and enthusiasm. We believe that we are the solution and that with **humility**, coupled with a deep desire and commitment to our own professional growth, we will be able to get better faster for our scholars.

We approach our work with meticulous attention to detail and sweat the small stuff. We think through everything to maximize every second in our building and increase our chances at success. We commit to executing these policies and practices with precision. Most importantly, we commit to having fun. We love what we do, we take time to laugh, to support each other, to take care of ourselves and find balance to ensure we maintain the incredible energy necessary to achieve greatness. We are solution oriented, and never settle for less than our best. This is what our scholars deserve and we couldn't imagine any other line of work that is more meaningful. We are educators and we change lives.

## Section 2: Vision, Mission and Core Values

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### **A. Vision**

DC Scholars exists to close the achievement gap in Washington, DC and to contribute to national efforts to eradicate educational inequity.

DC Scholars provides traditionally underserved inner-city students with a meaningful, high-quality educational experience allowing them to:

- 1) achieve at the same level as their suburban student counterparts
- 2) attend and succeed in college
- 3) become lifelong learners and tomorrow's leaders.

### **B. Mission**

DC Scholars prepares students for the PATH to college and provides them with the foundation of life skills required to become productive members of their community.

### **C. Core Values**

DC Scholars' five core values were developed by identifying the traits of effective educators and administrators that lead to impressive results in student achievement. These core values reflect how we should operate individually and collectively to most efficiently and tenaciously meet and exceed our goals as an educational institution.

### **High Bar**

We are accountable to our students and their families. We want (and expect!) the best for them so we seek excellence and set a high bar in everything we do.

We live this by...

1. Planning and executing with attention to detail and a commitment to quality.

2. Devoting our time, energy and resources where it will have the greatest impact on student outcomes.
3. Celebrating our individual and collective successes.

### **Passion + Persistence**

We are driven by our passion to see our students succeed. Therefore, we forge ahead and persist through challenges knowing that our students are worth the hard work.

We live this by...

1. Facing challenges head on, seeing them as opportunities to stretch beyond our comfort zone.
2. Striving for innovative solutions in the face of unanticipated obstacles.
3. Investing in and focusing on the strengths and interests of our colleagues and school communities.

### **Hope**

We are unwavering in our optimism. We see realities for what they are while never doubting what can be achieved. Our hope enables us to overcome moments of apprehension and fear.

We live this by...

1. Approaching situations and people with positive attitude and energy.
2. Investing in and encouraging others.
3. Finding inspiration in our students.

### **Humility & Growth**

We do not have all the answers. We must operate with humility and a growth mindset to approach our work with confidence and improve continuously.

We live this by...

1. Asking ourselves and others if our work is producing the outcomes we desire.
2. Taking ownership when we are wrong and asking for help when we are unsure.
3. Using data to reflect on results and chart a course forward.

### **Trust**

We are a diverse and trusting team. We respect one another and push each other to be better. We believe in each other's unique potential and act in accordance with this conviction.

We live this by....

1. Recognizing and valuing the diverse perspectives and experiences of our colleagues and school communities.
2. Assuming best intent and giving one another the benefit of the doubt.
3. Engaging in complex dialogue, embracing conflict, and trusting enough to say what matters.

## Section 3: Purpose and Disclaimer

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### **A. Purpose**

This Employee Handbook (the "Handbook") sets forth certain policies affecting you as an employee of the DC Scholars Public Charter School ("DC Scholars," "DCSPCS" or the "School"). It also provides you with practical information and general guidelines as to our expectations of you as an employee. This Employee Handbook supersedes all previously issued Employee Handbooks and any inconsistent verbal or written policy statements made or issued before this Employee Handbook. DCSPCS reserves the right to revise, delete, and add to the provisions of this Employee Handbook. All such revisions, deletions, or additions must be in writing. No oral statements or representations can change the provisions of this Employee Handbook.

Please take the time to read this Handbook and become familiar with its contents. If you have any questions about any of these policies, please do not hesitate to contact your HR Specialist. We value your employment with us and count on your efforts and contributions to help ensure our future success.

Nothing in this Handbook or in any other document or policy is intended to violate any local, state or federal law. Nothing in this Handbook is intended to limit any concerted activities by the employees relating to their wages, hours or working conditions, or any other conduct protected by Section 7 of the National Labor Relations Act. Furthermore, nothing in this Handbook prohibits an employee from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or other information to or participating in an investigation or hearing conducted by the Equal Employment Opportunity Commission ("EEOC"), National Labor Relations Board (NLRB), or any other federal, state or local agency charged with the enforcement of any laws.

### **B. Disclaimer**

**This Handbook does not constitute a contract of employment.** The policies and benefits described herein are presented as a matter of information only and are not intended to confer (nor do they confer by reason of their publication) any specific or binding rights, benefits, privileges, or entitlement to employment or continued employment by DC Scholars. This Handbook's contents are subject to modification, amendment, or rescission at any time, with or without notice, at DC Scholars' sole discretion. All such revisions, deletions, or additions must be in writing. No oral statements or representations can change the provisions of this Employee Handbook.

**Employment with DC Scholars is "at-will." While we anticipate a long and mutually rewarding relationship, employment "at will" means that any employee is free to leave employment voluntarily, with or without cause or notice, and that by the same token DC Scholars retains the right to terminate the employment relationship at any time, with or without cause or notice.**

Please be advised that this employment "at-will" policy cannot be changed except by written agreement signed by the Board Chair of DC Scholars or authorized designee. In this regard, you should not construe any oral statement as guaranteeing you employment for a specific period of time.

Not all of the School's policies and procedures are set forth in this Employee Handbook. We have summarized only some of the more important ones. If an employee has any questions or concerns about this Employee Handbook or any other policy or procedure, please ask your supervisor, Human Resources, or another member of management. To ensure continued success, we feel it is important that all employees understand our policies and procedures. This Employee Handbook will familiarize you with the various aspects of working with us. We encourage all employees to use the Handbook as a valuable resource for understanding our School. If you have any questions regarding the contents of this Handbook or your benefits, please reach out to Human Resources by emailing [HR-DC@dcscholars.org](mailto:HR-DC@dcscholars.org).

## **Section 4: Commitment to Diversity & Inclusion**

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### **A. Equal Employment Opportunity**

DC Scholars is an equal opportunity employer. We are committed to providing equal opportunity in employment on the basis of individual merit and personal qualifications to employees and applicants for employment. Equal employment opportunity is provided to all employees and applicants for employment without regard to race, color, religion, ancestry, sex (including pregnancy, childbirth or related medical conditions, breastfeeding and reproductive health decisions), marital/domestic partnership/civil union status, familial status, family responsibilities, political affiliation, domestic/sexual violence victim status, national origin, nationality, age (18 and over), physical or mental disability, affectional or sexual orientation, veteran status, military service, genetic information, gender identity, gender expression, personal appearance, matriculation, credit information, lawful use of tobacco products, unemployment status and/or any other characteristic protected by federal, state or local law. This Equal Employment Opportunity Policy is an integral part of our generally applicable personnel practices and procedures and applies to all terms and conditions of employment including, but not limited to, hiring, promotion, compensation, termination, leaves of absence, training and the development and advancement of employees. Any employee of DC Scholars who violates this policy may be subject to disciplinary action, up to and including termination.

Also, and in accordance with the Genetic Information Nondiscrimination Act of 2008 (GINA), DC Scholars does not request or require from its employees genetic information of any individual or family member of the individual, except as may be specifically allowed by law. To comply with this law, DC Scholars asks that employees refrain from providing any genetic information when responding to any request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### **Manager's Responsibility**

All supervisors and managers are responsible for:

- Implementing this policy, which includes, but is not limited to, taking steps to prevent harassment and retaliation;
- Ensuring that all employees under their supervision have knowledge of and understand the policy;
- Promptly reporting any complaints to Human Resources so they may be investigated and resolved in a timely manner;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, at all times, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action, up to and including termination.

### **B. Disability and Accommodations**

To comply with applicable laws ensuring equal employment opportunities for individuals with disabilities, DC Scholars will make reasonable accommodation for the known physical and mental limitations of an otherwise qualified individual with a disability who is an employee, unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result. Any employee who believes he/she needs a reasonable accommodation to apply for a position or to perform the essential functions of his or her job should contact the DC Scholars Head of School.

DC Scholars will, in accordance with applicable law, initiate the interactive process to determine whether it has an obligation to make reasonable accommodations to qualified employees with known disabilities, religious beliefs and/or with needs related to pregnancy, childbirth, and lactation, or a related medical condition when: (1) accommodations are requested by the employee; and (2) the requested accommodations would not cause an undue hardship to DC Scholars. In the event that accommodations

are not requested by the employee, but DC Scholars believes that a known physical or mental impairment may be impacting the employee's ability to perform the essential functions of the job, DC Scholars will begin an interactive process to identify necessary accommodations.

Employees who believe they need an accommodation must specify, preferably in writing, what barriers or limitations prompted the request. All accommodation requests, along with any information provided by an employee's primary health care provider or another appropriate health care provider, will be evaluated by the DC Scholars leadership team who will then work with the employee to identify possible accommodations, if any, that will help to eliminate or otherwise address the barrier(s) or limitation(s). If an identified accommodation is reasonable and will not impose an undue hardship on the School and/or a direct threat to the health and/or safety of the individual or others, DC Scholars will generally make the accommodation, or it may propose another reasonable accommodation that will also be effective. Employees are required to cooperate with this process by providing all necessary documentation supporting the need for accommodation and being willing to consider alternative accommodations when applicable. DC Scholars leadership will take into account the nature and cost of the accommodation as well as the available resources of the school. A reasonable accommodation is an accommodation that can be made by DC Scholars in the workplace that will allow the employee to perform the essential functions of the job.

Reasonable accommodations may include, but are not limited to, making existing facilities readily accessible to and usable by individuals with disabilities without making structural changes to the facility, acquisition or modification of equipment or devices, provision of qualified readers or interpreters, appropriate adjustment or modification of examinations, training materials or policies, part-time or modified work schedules that do not interfere with essential job functions, job restructuring (reassignment of non-essential job functions) and reassignment to a vacant position. Reasonable accommodations related to pregnancy and/or childbirth may include, but are not limited to, restroom breaks, periodic rest for those who stand for long periods of time, assistance with manual labor, leave for a period of disability arising from childbirth, reassignment to a vacant position, and job restructuring.

Employees who wish to request unpaid time away from work because of a qualifying disability should speak to the DC Scholars Head of School regarding a proposed accommodation.

### **C. Religious Accommodation**

DC Scholars will provide reasonable accommodation(s) for employees' religious beliefs, observances, and practices when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to DC Scholars. Any employee who perceives a conflict between job requirements and religious belief, observance, or practice should bring the conflict and his or her request for accommodation to the attention of the Human Resources Department to initiate the accommodation process. DC Scholars requests that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

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## **D. Preventing Sexual and Other Unlawful Harassment of Employees**

### **Purpose**

It is the policy of DC Scholars to provide a work environment free from inappropriate behavior and unlawful employment discrimination, including sexual and other discriminatory harassment.

### **Application**

This policy applies to all harassment occurring in connection with your work for DC Scholars, whether on or off school property or informal business situations, including DCSPCS parties and business trips. This policy also applies to the use of school-provided business systems, such as electronic mail, voicemail, instant messages, social media and the Internet. This policy covers conduct of all DCSPCS employees, applicants for employment and third parties.

### **Definitions**

#### ***Sexual Harassment***

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

#### ***Discriminatory Harassment***

For purposes of this policy, discriminatory harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, ancestry, sex (including pregnancy, childbirth or related medical conditions, breastfeeding and reproductive health decisions), marital/domestic partnership/civil union status, familial status, family responsibilities, political affiliation, domestic/sexual violence victim status, national origin, nationality, age (18 and over), physical or mental disability, affectional or sexual orientation, veteran status, military service, genetic information, gender identity, gender expression, personal appearance, matriculation, credit information, lawful use of tobacco products, unemployment status and/or any other characteristic protected by federal, state or local law that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
- Has the purpose or effect of unreasonably interfering with an individual's work performance.

### **Examples of Prohibited Sexual Harassment**

The following are examples of acts which violate DCSPCS' Harassment Policy. These examples are not to be construed as an all-inclusive list of prohibited acts under the Policy.

#### ***i. Physical assaults of a sexual nature, such as:***

- a. Rape, sexual battery, molestation or attempts to commit those offenses, or committing an act with intent to cause fear in another of immediate bodily harm or death; and
- b. Intentional physical contact which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body, or touching of the clothing covering the immediate area of an employee's intimate body parts.

#### ***ii. Unwelcome sexual advances, propositions or other sexual comments, such as:***

- a. Sexually-oriented gestures, sounds, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee;
- b. Preferential treatment or promise of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and

- c. Subjecting, or threatening to subject, an employee to unwelcome sexual attention or conduct or intentionally making job performance more difficult because of the employee's gender.

**iii. Display of publications anywhere in the school's work place such as:**

- a. Displaying pictures, posters, cartoons, calendars, graffiti, objects, and promotional materials, reading materials, music or other materials that are sexually suggestive, sexually demeaning, or pornographic; *Exceptions will be considered in situations where nudity or sexually explicit language is necessary to convey a message important to public health and/or safety or is pedagogically appropriate. Subject to the foregoing exceptions, visual material will be presumed to be sexually suggestive if it depicts a person of either sex who is nude or seminude and/or who is posed for the obvious purposes of displaying or drawing attention to private portions of his or her body.*
- b. Displaying or publicizing, in the work environment, materials that are sexually revealing, sexually suggestive, sexually demeaning or pornographic;
- c. Displaying signs or other materials purporting to segregate an employee by gender in any area of the work place
- d. Possession of such material in a manner that it is reasonably foreseeable that they might be seen by others.

**iv. Sexual favoritism**

The granting or withholding of employment opportunities and benefits including, but not limited to, job assignments, discipline, promotion, evaluation and compensation constitute sexual harassment when it is based on sexual favoritism and is prohibited.

**v. Examples of Other Forms of Prohibited Harassment**

Other conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or working conditions may also constitute harassment where that conduct is based on or because of the employee's protected classification or status under the law. Such conduct is prohibited. Examples of such conduct include, but are not limited to:

- a. Assigning disagreeable or unsafe duties; or not making comparable assignments that would tend to disadvantage an employee's development or career;
- b. Withholding information, materials, equipment or supplies which are necessary for the efficient performance of a job;
- c. Unreasonably failing to cooperate or assist employees with work-related matters;
- d. Interfering with an employee's efforts to satisfactorily complete a job assignment;
- e. Maintaining unequal standards of performance;
- f. Ostracizing employees, or otherwise making it known to employees that they are not welcome in the work place;
- g. Mocking, ridiculing, or mimicking another culture, accent, appearance, or customs;
- h. Joking, pranking, sending emails, instant messages and voicemails, displaying and circulating written or graphic material that denigrates or shows hostility or aversion;
- i. Threatening, intimidating, or engaging in hostile or offensive acts; or
- j. Referring to employees by sexually denigrating or insulting names.

## **Section 5: Workplace Conduct**

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### **A. Reporting and Anti-Retaliation Policy**

DC Scholars is committed to resolving complaints of discrimination and/or harassment as quickly and efficiently as possible. If you believe that you have been harassed, or have knowledge that others have been harassed, you are encouraged to contact the Head of School or any other member of the administration with whom you feel comfortable. If the complaint is regarding the Head of School, please contact Human Resources. DCSPCS will make efforts, to the extent practicable, to protect the confidentiality of the individuals who are the alleged subjects of discrimination or harassment or who report the discrimination or harassment of other employees.

Employees may report discrimination and/or harassment informally or formally as follows:

#### **Informal**

Where behaviors may be offensive and the offended party has a desire to stop the behaviors without formal procedure, the employee may notify the offending party directly, but is not required to do so. The employee may also request a supervisor to intervene and notify the alleged offender that the specific offensive behavior(s) will not be tolerated in the work place. In such case the supervisor must discuss the matter with the alleged offender, and, if warranted require that he/she participate in professional development or behavioral coaching. The supervisor shall document actions taken and inform the Head of School writing.

#### **Formal**

An individual who believes that he/she has been harassed and/or otherwise discriminated against can file a complaint requesting an investigation into the allegation. Employees are encouraged, but not required, to initiate formal complaints in writing to Human Resources signed by the complainant. A thorough and prompt investigation shall be conducted, confidentiality shall be maintained to the extent practical and permitted by law. All parties will be treated with dignity and fairness.

If we determine that the policy against sexual and other harassment has been violated, remedial action will be taken, commensurate with the severity of the offense. Appropriate action will also be taken to deter any future harassment or discrimination prohibited by the policy against sexual and other harassment. If a complaint of prohibited harassment or discrimination is substantiated, appropriate disciplinary action, up to and including termination of employment will be taken.

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The Equal Employment Opportunity Commission ("EEOC") and the DC Office of Human Rights will accept and investigate charges of unlawful discrimination or harassment at no charge to the complaining party.

### **Conducting Investigations**

The Human Resources department receiving the complaint of harassment or discrimination shall take the details of the complaint in writing and have the complainant sign it. Copies of this document will be forwarded to the Head of School or designee. All complaints of harassment or discrimination against a DCSPCS employee shall be received, investigated and disposed of in accordance with the procedures set forth in this policy, and complainants shall be notified of the final disposition/action taken by DCSPCS.

If the complaint involves sexual assault, rape, or conduct of a criminal nature, the school may assist the employee in contacting the Metropolitan Police Department to make a report of the incident. If there is any question whether the conduct complained of constituted criminal activity, the Head of School or designee should be contacted and consulted.

The Human Resources Department shall attempt to secure statements from all participants in, and witnesses to the alleged incident.

Absent extenuating circumstances, the Head of School or designee shall work to complete all investigations within sixty (60) days from receipt of the complaint.

### **Resolving the Matter**

Upon completion of the investigation, DCSPCS will take appropriate remedial action, as deemed necessary by DCSPCS. Remedial action may include, but is not limited to, oral or written counseling, coaching, training, referral to formal counseling, disciplinary suspension or probation, or discharge from DCSPCS.

### **Protection Against Retaliation**

An individual who reports incidents of discrimination and/or harassment that the employee, in good faith, believes to be violations of DCSPCS policy, or who is involved in the investigation of discrimination or harassment, will not be subject to reprisal or retaliation. Retaliation is a serious violation of DCSPCS policy and should be reported immediately. The report and investigation of allegations of retaliation will follow the procedures set forth above for complaints of discrimination and harassment. Prohibited retaliation is any conduct intended to dissuade employees from complaining about discrimination/harassment, and includes, but is not limited to, termination, demotion, suspension, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit. Any person found to have retaliated against an individual for reporting discrimination or harassment or participating in an investigation of allegations of such conduct may be subject to appropriate disciplinary action, up to and including immediate termination.

### **Good Faith**

The initiation of a good faith complaint of harassment or retaliation will not be grounds for disciplinary action, even if the allegations cannot be substantiated. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination.

### **Support for Individuals Impacted by Harassment or Retaliation**

DCSPCS will strive to assist anyone who has been subjected to unwelcome harassment or retaliation to feel more comfortable in the work environment. Such assistance may, but does not necessarily include, transfer or reassignment. Any such assistance is at the School's sole discretion.

If you believe that you have, or some other employee has, been discriminated against, denied equal employment opportunity or subjected to harassment, you should follow the procedures for "Reporting Discrimination and Harassment" described above.

If you have any questions concerning our equal employment opportunity commitment, please feel free to discuss them with the Head of School.

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## **B. Whistleblower and Open Door Policies**

DC Scholars requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of DC Scholars must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

### **Reporting Responsibility**

It is the responsibility of all employees to report violations or suspected violations in accordance with this Whistleblower Policy. The types of events that should be reported under this policy, include, but are not limited to, when an employee of DC Scholars:

- a. becomes aware of a concern regarding the quality and integrity of DC Scholars' business operations;
- b. believes he/she has witnessed violations of any DC Scholars' policies; or
- c. has concerns regarding legal or regulatory compliance issues.

Any employee who submits information under this policy in good faith or who is involved in an investigation under this policy will not be subject to reprisal or retaliation.<sup>1</sup> Retaliation is a serious violation of DC Scholars' policies and should be reported immediately. Any person found to have retaliated against an individual for making a report under this policy or participating in an investigation of allegations of such conduct may be subject to appropriate disciplinary action, up to and including termination. Furthermore, any person who is found to have knowingly and intentionally made a false report under this policy will be subject to disciplinary action.

### **How to Submit a Report**

Employees are encouraged to raise any of the above listed concerns by submitting them in the form of a complaint to the Head of School or Human Resources who will promptly investigate any such complaints. An individual may also submit such complaints on a confidential, anonymous basis directly to the Head of School or Human Resources but should be aware that the anonymous nature of the complaint may hinder the ability to investigate the matter in a timely and effective manner.

All complaints, whether submitted to the Head of School or Human Resources, should be in writing and include a full statement of the acts or omissions, along with relevant dates, forming the basis of the complaint. In addition, the complaint should state that it is being made pursuant to this policy.

To facilitate the investigation of a complaint, the complaint should include contact information for the complainant. The receiver of the information will use its best efforts to maintain the confidentiality of the complainant but cannot guarantee it. An employee submitting a complaint on a confidential, anonymous basis is not required to include contact information, but should be aware that the nature of the concerns may lead to the identification of that person as the source of the complaint.

To submit a complaint to the Head of School, send it to the following address:

Head of School  
DC Scholars Public Charter School  
5601 E. Capitol Street, SE  
Washington, DC 20019  
Or emailed/scanned to: HR-DC@dcscholars.org

Every complaint submitted pursuant to this policy will be investigated and, if appropriate, DC Scholars PCS will take corrective and disciplinary actions. Additional employees or external consultants to DC Scholars PCS in areas such as legal, accounting or other advisors, as appropriate, may be retained to conduct any investigation of complaints submitted pursuant to this policy.

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<sup>1</sup> Nothing in this policy prevents the School from taking appropriate disciplinary or other legitimate employment action consistent with its usual disciplinary practices and the law.

### **C. Consensual Relationships Policy**

DC Scholars recognizes and appreciates that consensual romantic and/or sexual relationships may develop at work. We will not take any adverse employment action against any employee for engaging in romantic relationships during nonworking hours away from School premises. However, we will consider such relationships when they affect an employee's job performance, occur during working time or on School premises, or pose a danger of a conflict of interest.

While DCSPCS does not ban such relationships, employees should understand that they may compromise DCSPCS's ability to enforce its policy against sexual harassment. For that reason, DCSPCS encourages all employees involved in such a relationship to report the relationship to Human Resources, and requires supervisory employees to report such relationships that they are involved in to the Head of School, to determine whether appropriate action -- like a change in the responsibilities of the individuals involved to diminish or eliminate the supervisory relationship — may be appropriate.

A familial or intimate relationship among employees can create an actual or at least potential or perceived conflict of interest in the employment setting, especially where one relative, spouse, partner, or member of such a relationship supervises another relative, spouse, partner, or member. To avoid this problem, we may refuse to hire or place a relative or other intimately associated individual in a position where the potential for favoritism or a conflict exists.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. In other cases where a conflict or the danger of a conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment, at the discretion of DCSPCS.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage (e.g., domestic partnership or civil union status).

### **D. Conflict of Interest Policy**

DC Scholars ("DCSPCS") is a charitable and educationally oriented organization whose Trustees, and staff members ("Covered Persons") serve the public purposes to which it is dedicated. These persons have a duty to conduct the affairs of DCSPCS in a manner consistent with such purposes and not to advance their personal interests. This conflict of interest policy is intended to permit DCSPCS to identify, evaluate, and address any real, potential, or apparent conflicts of interest that might, in fact or in appearance, call into question each Covered Person's duty of undivided loyalty to DCSPCS. Failure to disclose the fact of a conflict or potential conflict may constitute grounds for disciplinary action.

#### **Definition of Conflict of Interest**

A conflict of interest exists whenever there is any proposed transaction of DCSPCS in which a Covered Person has any actual or potential involvement, interest or relationship, either directly or indirectly. A Covered Person shall have an indirect interest in a proposed transaction if:

- a. the other party to the transaction is a family member, including a spouse, parent, sibling, child, stepchild, grandparent, grandchild, great-grandchild, in-law, or domestic partner to such Covered Person;
- b. the other party is an entity in which the Covered Person has a material financial interest, including entities in which the Covered Person and all individuals or entities having significant relationships with the Covered Person own, in the aggregate, more than 15%; or
- c. the Covered Person is an officer, director, general partner, managing member, or employee of such other party.

A conflict of interest may also exist when the interests or concerns of any Covered Person, or such Covered Person's immediate family, or any party, group or organization to which such person has allegiance, may be seen as competing with the interests or concerns of DCSPCS.

### **Conflict of Interest by Staff**

- a. Each staff member has a duty to disclose to the Head of School the material facts of any proposed transaction of DCSPCS in which such person has any actual or potential conflict of interest. Such staff member shall, upon request, respond to questions regarding the matter at issue.
- b. The disclosure required must be made prior to any consideration of such proposed transaction by DCSPCS.
- c. A staff member having an actual or potential conflict of interest shall not participate in the deliberation or decision by DCSPCS regarding the matter under consideration.
- d. The Head of School shall take such additional action as may be required to ensure that the conflict of interest is resolved, and shall maintain a record of the existence and resolution of the conflict.
- e. When there is any doubt as to whether a conflict of interest exists, the matter shall be resolved by the Head of School.

Failure to disclose the fact of a conflict or potential conflict may constitute grounds for disciplinary action.

This policy in no way prohibits employee affiliations or activities that are protected under applicable state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act, which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

### **E. Business Relationships between Employees and Students and / or Families Policy**

Unless otherwise authorized by the DC Scholars Board of Trustees, employees should not enter in a business, commercial, financial or any other relationship with any student, parent, or guardian. Employees who violate this policy may be subject to disciplinary action, up to and including termination and, if appropriate, DCSPCS may contact law enforcement authorities.

### **F. Workplace Violence and Safety**

Any acts or threats of physical violence, including intimidation, harassment or coercion, that involve or affect DCSPCS or that occur on DCSPCS property or in the conduct of DCSPCS business off DCSPCS property will not be tolerated. This prohibition against threats and acts of violence applies to all persons involved in DCSPCS operations, including, but not limited to, DCSPCS personnel, contract workers, temporary employees, and anyone else on DCSPCS property or conducting DCSPCS business off DCSPCS property.

Any person who engages in workplace violence will be removed from the premises immediately and may be required, at DCSPCS' discretion, to remain off the premises pending the outcome of an investigation of an incident. DCSPCS will decide what disciplinary actions will apply, up to and including barring the individual, termination and/or legal action.

Employees should help maintain a violence-free workplace. To that end, employees are encouraged to immediately report any incident that violates this policy to a supervisor or manager.

DCSPCS also prohibits employees or any other person providing services to the School or located on the School's premises, from possessing weapons of any kind at the workplace. Specifically, DC Scholars prohibits all persons who enter our premises from carrying a handgun, firearm, knife, or other prohibited weapon of any kind regardless of whether the person is licensed to carry the weapon or not.

Unless this prohibition is contrary to state or local law, the workplace specifically includes School parking areas and School vehicles. Employees are not permitted to transport or store weapons in vehicles owned or leased by the School and used by the employee for work purposes. This policy prohibits the possession of concealed weapons as well as weapons carried openly. This prohibition specifically includes guns, rifles and firearms of any type, including those for which the holder has a legal permit. Other examples of prohibited

weapons include, but are not limited to, knives, ammunition, bombs, bows and arrows, clubs, slingshots, blackjacks, metal knuckles and similar devices that by their design or intended use are capable of inflicting serious bodily injury or lethal force.

The only exception to this policy will be police officers, security guards in the performance of their duties, or other persons who have been given written consent by DCSPCS to carry a weapon on the property in the performance of their duties. Any employee disregarding this policy will be subject to immediate termination.

### **G. Confidentiality of DC Scholars Property and School Records**

As a member of the DCSPCS team, you are committed to the success of our School and students. Our success depends upon the methods developed by the DCSPCS team and the commitment to executing those policies and practices. While we fully embrace the value of partnering with likeminded organizations, we consider these methods to be the exclusive property of DCSPCS and prohibit the sharing of School materials, handbooks, templates, documents, etc. as they relate to work at DCSPCS with outside individuals and organizations without first obtaining the approval of the Head of School. As a matter of course, if a situation arises involving any aspect of this policy, consult with your supervisor right away.

Confidentiality is especially important with respect to student education records, which are protected from disclosure by federal privacy laws. In accordance with the Family Educational Rights and Privacy Act (FERPA), DCSPCS employees are expected to keep student records – including, but not limited to, student registration forms, graded papers, and social security numbers – confidential at all times. In short, DCSPCS must have written permission from the parent or eligible student in order to release **any** information from a student's education record, except to the following parties or under the following conditions:

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

When in doubt, employees should consult with their supervisor before disclosing any student information.

### **H. Telephone Calls**

Personal use of the telephone, personal use of a school-issued cell phone or personal use of your personal cell phone should be limited to non-work time. Non-local calls or a pattern of calls that would result in supplemental charges to DC Scholars must be approved in advance by your manager. In the event it is necessary to make a personal long-distance call, employees may be asked to reimburse DCSPCS for the cost, when applicable. Telephone abuse could lead to disciplinary action up to and including termination.

### **I. Drug and Alcohol Policy**

DCSPCS is dedicated to providing a drug-free workplace and intends to comply with the Federal Drug-Free Workplace Act of 1988. The dangers of employee drug use and the consequent negative effects on the workplace are well known. Drugs and alcohol can impair the judgment, concentration and mental functions of a user and can cause short- and long-term health problems. Drug users and alcohol abusers have higher incidences of absenteeism and accidents, their health care costs are higher, and their presence in the workplace tends to reduce morale and undermine public confidence in the employer.

DCSPCS prohibits the use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession, cultivation and/or transfer of alcohol or illegal drugs, or any other controlled substances, as defined in the Drug-Free Workplace Act of 1988, while on duty, on the premises of DCSPCS, or on DCSPCS business. "Illegal drugs" means all drugs whose use or possession is regulated or prohibited by



federal, state or local law. These include prescription medication that is used in a manner inconsistent with the prescription or for which the individual does not have a valid prescription. DCSPCS also prohibits employees from having illegal drugs or controlled substances in their system when present on DCSPCS' premises or on DCSPCS business.

The use of alcohol or controlled substances while on school property or during the school day is strictly forbidden and is cause for immediate discharge. As a narrow exception to this general prohibition, an employee over age 21 may consume limited quantities of alcohol off school premises in connection with DCSPCS-sponsored activities, provided that the consumption is limited to amounts of alcohol which will not result in the employee's being legally under the influence of alcohol.

If there is reasonable suspicion that an employee is under the influence during the workday, they will be required to undergo an immediate drug test, at the expense of DC Scholars PCS. Failure to undergo the requested test will result in the employee being asked to leave DC Scholars for the day, and will not be allowed to return to work until the drug test is completed. A positive drug test or refusal to submit to a drug test is grounds for further disciplinary action, up to and including termination from DC Scholars Public Charter School.

An employee who believes that he or she may have a drug and/or alcohol problem is encouraged to contact Human Resources for assistance. Self-reporting does not excuse an employee from complying with the School's performance expectations or standards of conduct.

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#### **J. No-Smoking Policy**

DC Scholars is a non-smoking campus. This means that smoking and the use of all tobacco-related products, including but not limited to, smoking, the use of chewing tobacco and the use of e-cigarettes is prohibited inside the building and in the event that construction is being done on campus, smoking is prohibited on the worksite. Employees that observe other individuals smoking in the workplace have a right to object and should report the violation to their supervisor or to another member of management. Employees will not be disciplined or retaliated against for reporting smoking that violates this policy.

#### **K. Employment Reference Policy**

All requests for reference should be directed to Human Resources. DC Scholars does not respond to oral requests for a reference. Upon receipt of a request for an employment reference regarding a current or former employee, DCSPCS' policy is to release only dates of employment and job title with the employee's written permission, unless DCSPCS otherwise is required by federal or state law or court order to release additional information.

No other manager or supervisor is authorized to release references on the School's behalf for current or former employees. Under no circumstances should any additional employment reference be provided without approval from the Head of School. Any employment reference provided other than as set forth in this policy is grounds for discipline, up to and including termination.

#### **L. Resignation Policy**

Recognizing that any transition causes hardship for our scholars, employees are encouraged to provide 30 days' notice of resignation. Written notice of an employee's resignation should be provided to the employee's immediate supervisor, and copied to the HR Department. Paid time off of five (5) consecutive days or more do not count towards the 30 days' notice. Further, a resigning employee's last day of work should not occur during an extended school break of five (5) consecutive days or more or during the week immediately following such a break. DC Scholars reserves the right to make an employee's resignation date earlier.

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#### **M. Travel Reimbursements**

The School will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance. Once approved,

employees should make travel arrangements and seek reimbursement in accordance with the guidelines in this policy.

Employees should ask their supervisor or Human Resources for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses or any other business travel issues. Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee, may result in disciplinary action, up to and including termination of employment.

### **Car Travel Reimbursements**

1. Employees will not be reimbursed for travel to and from home and the employee's school of work.
2. For travel to meetings at schools or other locations more than 50 miles from DCSPCS campus, employees will be reimbursed at the IRS optional standard mileage rate (54.5 cents per mile as of the date of this printing, subject to change) [<https://www.irs.gov/newsroom/standard-mileage-rates-for-2018-up-from-rates-for-2017>]. Mileage is calculated from DCSPCS to the location of the meeting. *When requesting reimbursement for mileage, please include a copy of a map that indicates the distance.*

### **Meal Reimbursements**

1. For required overnight travel, employees are eligible for reimbursement of any meal that was not provided by DC Scholars Public Charter School or a hosting organization. Meals are reimbursed according to current federal guidelines, which can be referenced here: <http://www.gsa.gov/portal/content/104877> *When requesting reimbursement for meals, please include an itemized receipt.*  
Note: These rates are subject to change at the discretion of DCSPCS. Reasonable notice of any changes will be provided to employees.
2. For full day travel to a project worksite outside of the city in which the employee's school is located, defined as an employee leaving their home in the morning and returning to their home the same evening, employees are only eligible for reimbursement of lunch according to the federal guidelines above. Employees are not eligible for reimbursement of lunch when meals were provided by DC Scholars Public Charter School or a hosting organization. *When requesting reimbursement for meals, please include an itemized receipt.*
3. For part-day travel to a worksite within or outside of the District of Columbia, defined as an employee visiting the worksite and their school on the same day, employees are not eligible for any meal reimbursement.

### **Lodging Reimbursements**

For required overnight travel, employees are eligible for reimbursement of hotel or other lodging costs that are not covered directly by DC Scholars Public Charter School or a hosting organization. Lodging will be reimbursed at the federal *per diem* rate, which can be found on the GSA website: <http://www.gsa.gov/portal/content/104877>.

### **N. Confidential DCSPCS Information**

All Material (defined as writings, works of authorship, technology, inventions, discoveries, ideas and other work product of any nature whatsoever) and other Intellectual Property Rights (defined as all trade secrets, copyrights, trademarks, patents and other intellectual property recognized by the laws of any jurisdiction) written, created or developed by any employee within DCSPCS through the use of DCSPCS resources or facilities, or supported by funds administered by DCSPCS during the course of employment will be and remain the sole property of DCSPCS. Furthermore, it is vital to the continued success of the School that its proprietary information, intellectual property, and trade secrets are kept confidential. Both during and after their employment, employees may not directly or indirectly use or disclose DCSPCS' confidential information to co-workers, individuals, parents or guardians, or entities outside the School, except as authorized and necessary to the performance of their duties for the School.

Additionally, employees who by virtue of their performance of their job responsibilities have the following information, should not disclose such information for any reason, except as required to complete job duties, without the permission of the employee at issue: social security numbers, driver's license or resident

identification numbers, financial account, credit or debit card numbers, security and access codes or passwords that would permit access to medical, financial or other legally protected information.

Confidential Information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used by them for purposes protected by §7 of the National Labor Relations Act such as joining or forming a union, engaging in collective bargaining, or engaging in other concerted activity for their mutual aid or protection. Nothing in this Employee Handbook prohibits an employee from communicating with any governmental authority or making a report in good faith and with a reasonable belief of any violations of law or regulation to a governmental authority, or disclosing Confidential Information which the employee acquired through lawful means in the course of his or her employment to a governmental authority in connection with any communication or report, or from filing, testifying or participating in a legal proceeding relating to any violations, including making other disclosures protected or required by any whistleblower law, the Department of Labor, or any other appropriate government authority.

Further, employees are hereby notified that under the 2016 Defend Trade Secrets Act (DTSA): (1) no individual will be held criminally or civilly liable under Federal or State trade secret law for the disclosure of a trade secret (as defined in the Economic Espionage Act) that: (A) is made in confidence to a Federal, State, or local government official, either directly or indirectly, or to an attorney; and made solely for the purpose of reporting or investigating a suspected violation of law; or, (B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal so that it is not made public; and, (2) an individual who pursues a lawsuit for retaliation by an employer for reporting a suspected violation of the law may disclose the trade secret to the attorney of the individual and use the trade secret information in the proceeding, if the individual files any document containing the trade secret under seal, and does not disclose the trade secret, except as permitted by order in that proceeding. Please see section covering whistleblower info.

#### **O. Media Inquiries**

The Head of School is the authorized spokesperson for DCSPCS. No other faculty or staff member is authorized to engage in conversation or any other contact or communication with any media members or outlets as a representative, or speaking on behalf of the school without express written permission from the Head of School.

To ensure that the School communicates with the media in a consistent, timely and professional manner about matters related to the School, employees should notify The Head of School that they have been contacted by the media whenever they are asked to speak on behalf of DCSPCS so that DCSPCS knows that a media inquiry has been made. If an employee contacts or communicates with a media member or outlet in their personal capacity in connection with issues or activities relating to DCSPCS, they must make clear that they are speaking for themselves only, and not on behalf of DCSPCS.

***Any violation of this policy may result in discipline, up to and including termination.***

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## **Section 5: Professional Guidelines**

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Professionalism is a quality that we ask our students to exemplify as part of being on the PATH to college and success. DC Scholars staff must lead by example and demonstrate professionalism in all aspects. The following are guidelines on professional practices that are expected from all staff members.

### **A. Attendance and Punctuality**

DC Scholars plans its business activities with the expectation that employees will report to work as scheduled. All staff are expected to arrive to school no later than **7:45am** and remain until **4:15pm unless otherwise noted in their Employment Agreement Letter or otherwise specified by their supervisor**. All staff members are expected to clock in daily either via the front desk timeclock, or through the "Quick Punch" feature of the iSolved website or app by 7:45am. Non-exempt (hourly) employees are also expected to complete a bi-weekly timecard in iSolved. An employee's repeated pattern of absence, lateness or early departure places an unfair burden on others, impedes the employee's performance, and detracts from the quality of service provided by DC Scholars. Regular, prompt attendance is an essential requirement of all positions with DC Scholars. Repeated absence, lateness or early departures that are not excused or approved may result in disciplinary action, up to and including termination.

However, the School will not subject employees to disciplinary action or retaliation for an absence, tardiness or early departure for which discipline may not be imposed under applicable law. If the employee believes that his or her absence, tardiness or early departure is (or should be) excused pursuant to applicable law, the employee should notify his or her manager of this fact as soon as possible, but no later than at the time of the absence, tardiness or early departure. (For the required timing of an employee's notice of the need for a foreseeable leave of absence, see the applicable leave policy). If an employee believes he or she has been mistakenly subject to disciplinary action for an absence, tardiness or early departure that the employee believes is or should be excused/approved, the employee should promptly discuss the matter with his or her manager or Human Resources.

If an employee will be absent or late to work for any reason, they must follow the procedures outlined in the DC Scholars Operations Manual for calling out or notifying leadership about lateness.

Any employee who fails to report to work without notification to DC Scholars as to the need to be absent from work may be disciplined, up to and including termination.

### **B. Email Communication**

Emails sent to other staff members and anyone outside of the organization should be formatted professionally. DC Scholars' policy against sexual and other harassment applies to emails. Email backgrounds should not be used, and email signatures should be kept simple and concise. If you have any questions concerning appropriate email signatures, please contact the Director of Finance and Operations.

### **C. File Storage**

Files and documents should be saved on the shared drive in the appropriate folder. In order to ensure that other staff members can have access to documents that you create or are working on, make sure that documents are not saved locally to staff computers. If the material is of a confidential nature, DC Scholars staff may save this document to his or her own personal drive. Please reference the "Confidentiality of DC Scholars Property and School Records" section for further information concerning confidential materials.

Employee personnel files are considered confidential property of DCSPCS. Provided that prior arrangements are made with the Human Resources Department, current DCSPCS employees are permitted to view or make copies of any document signed by the employee within their personnel file. Employees are also permitted to submit a statement to accompany any document within their personnel file with which they may disagree. Previous employees of DCSPCS are not permitted to review the contents of their personnel file.

#### **D. Dress Code**

DC Scholars recognizes that teachers and other staff are role models for students. The way teachers and staff present themselves will be reflected in the conduct of the students and in the respect given teachers, staff, and the school system by the community.

All DC Scholars staff are expected to dress in an appropriate, professional manner. Clothing should be neat, clean, in good repair, and suitable for on-the-job appearances every day when students and/or parents are present at the school. Good grooming and personal cleanliness are also expected. Staff members should refrain from provocative clothing, including but not limited to shorts, mini-skirts, tank/halter tops, clothing displaying offensive words/pictures and worn, torn or disheveled clothing. Shoes should be practical, professional, and appropriate for day to day activities. Staff must wear attire that demonstrates a commitment to serving as a role model for our students. For a dress code specific to your roles and responsibilities within the school, please consult with your School Director or direct manager.

#### **E. Care of personal property**

DC Scholars is not responsible for any personal items that are lost or stolen on its premises, or at the sites of work-related meetings. Staff members are advised to properly secure personal items and place such items in secure locations such as the locked cabinets in each classroom. Do not leave personal items unattended on school premises. All personal items brought onto School property are subject to inspection.

#### **F. Background Investigations**

As per The National Child Protection Act of 1993, Pub. L. 103-209 -- Dec. 20, 1993, the Amendment of the National Child Protection Act, the DC Criminal Background Checks for the Protection of Children Act of 2004 and the DC School Safety Omnibus Amendment Act of 2018, all DCSPCS employees must submit to a criminal background check before the date of hire. The criminal background check will be conducted in accordance with the Fair Credit Reporting Act.

## **Section 6: Use of School Equipment and Technology**

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### **A. Computer Use Policy**

DC Scholars' investment in information technology is intended to facilitate learning and communication among and between DCSPCS personnel and other parties involved in the conduct of DCSPCS' business. This powerful technology creates both opportunities and risks. It is the responsibility of each employee to ensure that this technology is used prudently and properly, in a manner consistent with the following policies and procedures.

### **Email**

Email is a fast and efficient way for DCSPCS employees to communicate with each other, so long as it is used properly. Your DC Scholars email is designed for business purposes – please use your personal email account for all non-business-related issues. Any non-business uses should be kept to a minimum and not interfere with business activities. Please keep in mind that our policies on Equal Employment Opportunity and Preventing Harassment apply to email communications. In particular, and by way of example only, you should neither send nor forward any emails which are sexual or suggestive or which stereotype, disparage or otherwise make fun of any protected group. Any email sent on a DC Scholars computer or through school email account is subject to review and is the property of DC Scholars, to the extent possible under applicable law.

### **Internet**

Generally speaking, employees may access the Internet through DC Scholars' or using school-provided equipment solely for the purpose of teaching or conducting business for the school. However, the school's network and/or equipment may be used for non-business purposes if such non-business use is kept to a minimum (for example, quickly checking the weather, the news or the stock market) and such non-business use does not interfere in any way with school activities or otherwise violate this policy. The non-business use cannot be for political, romantic, for-profit, or other commercial purposes; however, none of the above prohibitions should be construed to interfere with any applicable rights under D.C. or federal law, including Section 7 of the National Labor Relations Act

Employees shall not view, download, copy, send, post or access information that is illegal, obscene or otherwise inconsistent with DCSPCS' policies on Equal Employment Opportunity and Preventing Harassment (e.g., sexual images, sexist comments, racist messages, ethnic slurs, religious slurs or any other comments that offensively address someone's color, pregnancy, age, sexual orientation, gender identity or expression, personal appearance, political beliefs, national origin, disability, veteran's status, marital status, family responsibility, domestic violence status or any legally protected category). At all times, employees must follow all applicable laws, regulations and policies when accessing the Internet, including copyright, trademark and other licensing and fair use restrictions.

### **Blogging**

Use of a blog, Twitter, or posting of content on Wikipedia or a social networking site (e.g. Facebook, etc.) for personal use should not occur during working hours, consistent with the Internet section above, while on DCSPCS premises or by using the DCSPCS network. If you choose to create or use a blog – regardless of whether it is on DCSPCS premises or by use of the DCSPCS network – you still need to be careful with what you say and ensure you do not violate FERPA. Specifically, you must avoid any blogging about students (which may also violate privacy laws, as provided in the Confidentiality section above) and any blogging which would violate DCSPCS' policies on Equal Employment Opportunity and Preventing Harassment. Also, to the extent that you discuss DCSPCS, you must make clear that you are not speaking on behalf of the School.

### **No Expectation of Privacy**

Employees have no right to privacy with respect to their use of DCSPCS computer systems, including use of the Internet and email communications involving the school's Internet server. Employees consent to DCSPCS' monitoring, accessing, searching, blocking, copying, deleting, reviewing and disclosing of their Internet searches and communications and emails, both in real time and after the fact.

## **Violations**

A violation of this Computer Use Policy is a breach of DCSPCS' standards of conduct. A person who acts inconsistently with this policy is subject to disciplinary action ranging from revocation of access to the Internet up to and including termination of employment. In some circumstances the person may also be subject to potential civil and/or criminal penalties.

Employees who believe that this policy has been or is being violated should immediately notify DCSPCS' Operations Manager.

## **B. Care of school property/technology**

DC Scholars Staff are responsible for:

- a. Using each piece of school issued technology equipment for the purposes for which it was provided and in a responsible manner.
- b. Providing care and security for school issued technology equipment, including computers, cell phones, air cards, tablets, projectors and any accessories to these devices, at all times in order to protect against damage, loss and theft. DC Scholars Staff should take particular care to secure any mobile equipment such as laptops, cell phones, air cards, tablets and accessories both at school and outside of school. Mobile equipment should be locked in a secure location or in the possession of the employee at all times and never be left unattended.
- c. Making arrangements for the return of equipment to the school at the end of the year, or when he/she resigns or is terminated from the school for any reason.

In the event that DC Scholars issued technology equipment is lost, stolen or damaged, the employee who was issued such technology equipment should immediately inform the Operations Manager and IT provider. The employee may be responsible for reimbursing DC Scholars for the cost of repair or replacement. If the staff member can provide adequate proof that the device was properly secured and cared for when it was damaged or stolen and that the damage or loss occurred on school property or while on official school business, the Operations Manager will investigate the matter. If it is determined that the Staff member did provide adequate care and security as outlined in this policy and that the incident occurred on school property or while on official school business, he or she may not be responsible for reimbursing the cost. Further, DC Scholars may deduct from any bonus, salary continuation or severance, the cost of replacement or repair of School technology equipment.

## **Keys and Key Cards**

You are responsible for carrying your key and key card with you or securing them in a safe place. If you lose either your key or your key card, report it to the Operations Manager immediately. You may be responsible for the cost of replacing the key and/or the key card (\$10).

## **Personal Devices**

Staff members are permitted to access school email and other school materials from a personal device. However, all personal devices used to access school email and materials must have a strong password. The employee must permit the IT Department to configure the device and implement security controls as DC Scholars deems necessary, in its discretion to protect the integrity of DC Scholars' and students' information. In the event that a personal device that was used to access school email is lost or stolen, the employee is required to immediately change his/her password to their school email as a security precaution. If the employee is unable to reset their school email password, they should contact the IT provider for assistance. Also, if you use a personal device to perform your job or otherwise conduct DC Scholars business, you agree to allow the School access to your personal device for legitimate business purposes, such as to investigate allegations of policy violations or to implement a litigation hold. All DC Scholars policies, including the policy against sexual and other harassment apply to employees when using a personal device (a) to access the School's information or information systems, (b) to conduct School business, and (c) while on School premises.

Non-exempt employees are permitted to use a personal device to conduct DC Scholars' business only during scheduled working time. If a non-exempt employee is required for any reason to use a personal device to

conduct School business outside of scheduled work time, the nonexempt employee must track and record the time spent and report it in accordance with the Attendance and Punctuality policy.

Personal devices are not supported by DC Scholars' IT Department. If you have problems with a personal phone or computer, you will need to seek outside support. DC Scholars may require an employee to install software on a personal device which permits it to be wiped remotely if lost or stolen. Use of a personal device while operating a vehicle or while in any situation that such use is prohibited by law, or could potentially endanger the safety of the employee or any other individual or entity is strictly forbidden while working for DC Scholars.

### **C. Return of DC Scholars Property**

Before or at the time of termination of the employment relationship, all departing employees must return to DCSPCS all DCSPCS property that they may have been issued. Special attention should be paid to ensuring that any student records in your possession are returned and safeguarded in a way to preserve the confidentiality of the information contained therein. DC Scholars may deduct from any bonus, salary continuation or severance, the cost of replacement or repair of School property.

### **D. Technology Donations**

DC Scholars appreciates the intent of donated technology equipment but also recognizes that donations can require additional costs on the part of DC Scholars. The following policy is intended to protect DC Scholars from incurring costs for maintenance and disposal of technology equipment that does not meet basic use requirements.

DC Scholars will only provide technical support and maintenance through its contracted IT provider for donated devices under the following conditions:

- a. The donation was pre-approved by the Head of School, and Director of Finance and Operations with input from our contracted IT Specialist. Please note that pre-approval will be based on the condition and specifications of the devices, the estimated cost to DC Scholars to provide technical support and maintenance and the need to purchase accessories (ex. mice, power cords) to use the equipment. AND
- b. The Head of School and employee who has secured the donation have signed an agreement outlining ownership of the devices if the employee leaves DC Scholars while equipment is still in circulation. If the employee will retain ownership they understand that, subject to any legal hold, the memory and history of the devices will be cleared prior to removing the equipment from the school. AND
- c. If the equipment is used, all history and memory on the device has been cleared.

All donations must be reported to the Business Manager so that the donation can be appropriately documented.

If a DC Scholars employee wishes to bring donated equipment to DC Scholars that does not meet the requirements outlined above, he/she is still required to notify the Head of School and the Director of Finance and Operations. The employee will be permitted to connect the equipment to the internet via wireless and/or Ethernet ports. However, DC Scholars nor its IT provider will provide any type of technical support or maintenance to the devices. All devices used at DC Scholars, including school issued, donated and personal, must be used appropriately and within the guidelines outlined in this handbook.

## **Section 7: Employee Classifications and Compensation**

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### **A. FLSA Classifications**

DC Scholars employees are classified as either "non-exempt" or "exempt" based on the Fair Labor Standards Act (FLSA) and applicable DC labor laws. The Fair Labor Standards Act (FLSA) (the federal wage and hour law that includes provisions for minimum wage, overtime pay, and restrictions on child labor) established a need for employers to classify employees as either non-exempt or exempt. The following information explains how DCSPCS manages non-exempt and exempt employees:



## **Exempt Employees**

Exempt employees are employees whose job assignments meet specific tests established by the FLSA and DC law who are exempt from minimum wage and overtime pay requirements. Exempt employees do not track, earn, or receive overtime compensation for extra hours worked, but they are required to clock in every morning via iSolved. These employees are paid a salary for performing the whole job and not for actual hours worked. The Head of School may, however, offer flexible working hours when exempt employees work an excessive number of hours.

## **Non-Exempt Employees**

Non-exempt employees are employees whose job positions do not meet FLSA and/or applicable DC exemption tests, and who are NOT exempt from minimum wage and overtime pay requirements. Non-exempt employees are paid on an hourly basis and must receive overtime compensation for hours worked in excess of 40 hours per work week. Every non-exempt employee is required to complete a Bi-Weekly Time Sheet in the iSolved system.

Non-exempt employees working 8-hour days may have two 15 minute paid breaks per day, one in the morning and one in the afternoon, and one unpaid 30-minute meal break per day. All breaks are not cumulative, and are forfeited if not taken.

## **Employment Categories**

In addition to federal labor classifications, employees will be assigned to one of the following internal employment categories:

- “Full-Time” employees are those who are regularly scheduled to work at DC Scholars Public Charter School for 30 hours per week or more.
- “Part-Time” employees are those who are regularly scheduled to work less than 29 hours per week.
- “Temporary” employees are those who are hired for a specific short-term project or temporary period of time that is less than a full school year. Temporary employees are not eligible for employee benefits, except as required by applicable law, and may be classified as exempt or nonexempt on the basis of job duties and compensation.

Employees will be informed of their status and category. Please contact the HR Team if you have any questions about your employment status or classification, or any specific rules or regulations related to them.

## **Overtime**

Non-exempt employees who work more than forty (40) hours during a standard work week will receive overtime pay for the additional hours worked in accordance with the FLSA. Any overtime work must be approved in writing in advance by the employee's supervisor. Employees working overtime without prior approval will be compensated, but are subject to disciplinary action. Paid time off such as sick pay, holiday pay, vacation pay, and jury duty pay will not count toward hours worked for the purposes of determining overtime pay.

## **B. Exempt Employees: No Pay Docking for Non-Instructional Staff**

DC Scholars Public Charter School is fully committed to complying with the FLSA, and any applicable state law, now and in the future. Therefore, it is the School's policy not to make deductions from the guaranteed salary of employees properly classified as “exempt” except for reasons permitted by law. DC Scholars Public Charter School may make deductions from an “exempt” non-instructional employee's salary for the following reasons only:

- a. if the employee is absent for one or more full days for personal reasons other than sickness or disability and does not have accrued paid time off;
- b. if the employee is absent for one or more full days due to sickness or disability, but has depleted all accrued sick leave as outlined by school policy and ASSLA (Accrued Sick and Safe Leave Act);
- c. as a penalty imposed in good faith for infractions of safety rules of major significance; or

- d. if the employee is suspended in good faith, for one or more full days, for infractions of DC Scholars Public Charter School written policy on workplace conduct, which is applicable to all employees;
- e. to offset amounts received by an employee as jury fees, witness fees or military pay received in a given week;
- f. in the initial or terminal week of employment (a proportionate part of the salary will be paid for time worked); or
- g. if the employee takes authorized leave under the federal or District of Columbia Family and Medical Leave Act and does not have and use available paid time off or sick leave for this purpose;
- h. to honor amounts ordered by a court to pay an employee's creditor, trustee, or other third party, under garnishment, wage attachment, trustee process, or bankruptcy proceedings;
- i. to cover deductions for certain types of benefit and tax deductions, such as the employee's portion of health, dental, vision or life insurance premiums; state, federal or local income taxes; and social security and Medicare taxes;
- j. Employees are subject to leave without pay for full day absences on Critical Attendance dates and/or absence may be reflected in employees yearly evaluation(unless there is a legitimate need for sick leave on those dates): this includes days prior to a paid holiday or the day after a paid holiday, or other days during the school year deemed crucial for staff attendance. (unless there is a legitimate need for sick leave on those dates): this includes days prior to a paid holiday or the day after a paid holiday, or other days during the school year deemed crucial for staff attendance.

If an "exempt" employee believes that an improper deduction has been made from his/her pay, the employee should immediately contact the HR Team, who will promptly and fully investigate the situation. If DC Scholars Public Charter School determines that the deduction was improper for any reason, DC Scholars Public Charter School will reimburse the employee and take steps to assure that such improper deductions do not reoccur.

### **C. Compensation & Compensation Supplements**

Compensation is set for Instructors in the Employment Agreement Letter and, in the case of Administrative staff members, either an Employment Agreement Letter or an updated letter from the Head of School.

### **D. Pay Periods**

DCSPCS employees are paid every other Friday on a biweekly pay period basis. If a payday falls on a holiday (when banks would be closed), employees will receive their paycheck on the day before. The pay period begins on Saturday and ends on the following second Friday. Overtime pay is calculated for each individual week within the pay period. Work done by non-exempt employees in excess of 40 hours in one Saturday midnight-Friday 11:59 pm time period will qualify for overtime pay.

### **E. Direct Deposit**

All employees are required to enroll in DCSPCS' direct deposit program for salary payments. Direct deposit is safe, secure, and convenient. Employees will have their paychecks deposited directly into checking and/or savings accounts electronically with the financial institution of their choice. Each payday, in lieu of a check, employees can access an electronic pay statement through their self-service Payroll Network/iSolved account. This statement itemizes earnings, taxes, deductions, and the amount(s) that have been deposited. Employees are responsible for reviewing their pay statements and bringing to the attention of the HR Team any errors or discrepancies they believe they have identified.

### **F. District of Columbia DOES (Department of Employment Services)**

As a worker in DC, you have the right to contact the Department of Employment Services, specifically the Office of Wage-Hour (OWH), if you have questions about your compensation, as that office is the designated enforcement agency for concerns about safety, wage and hour, or discrimination. The OWH can be contacted at 202-671-1880 or via email at [owh.ask@dc.gov](mailto:owh.ask@dc.gov). The office is located at 4058 Minnesota Avenue NE, Suite 4300 Washington DC 20019. The office is open Monday-Thursday 8:30-4:30, and Friday 9:30-4:30.

## **Section 8: Performance Evaluations**

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To achieve the results we seek, we believe that our students require extremely dedicated teachers and staff members who plan and deliver rigorous instruction and enforce a standardized set of school wide procedures, expectations and systems while also providing a safe and supportive environment. We believe that our students need a single set of expectations from every adult rather than a different set of expectations from each adult and we believe that every adult in the building needs to be held accountable to the highest of expectations and student achievement metrics. Together, we will close the achievement gap for our students and will support each other to do so through a cycle of ongoing feedback and evaluation.

For more information on the process of Performance Evaluations at DC Scholars, please refer to the Performance Evaluation Handbook that you will receive during evaluation training. Please refer any question concerning this policy to the Head of School.

### **A. Ongoing Evaluation and Feedback**

DC Scholars is a place where feedback occurs regularly so that we are consistent in our application of our school model. Evaluation is in place to ensure our students are receiving the quality education they deserve and teachers are rewarded for their hard work and talent.

### **B. Performance Evaluations**

Performance evaluations are generally scheduled two times per year [**if applicable: or upon a change in assignments,**] however, supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

A positive performance review does not guarantee a salary increase or a promotion. These decisions are made at the discretion of the School and depend on a number of factors in addition to an employee's individual performance.

We reserve the right to make any personnel changes (including termination) before or after performance evaluations.

## **Section 9: Discipline Rules**

Each employee has an obligation to observe and follow DC Scholars' policies and to maintain proper standards of conduct at all times, including compliance with all District of Columbia and federal laws and regulations. The severity of disciplinary action for failing to adhere to the above depends upon, among other things, the nature and gravity of the offense, the offense's impact on the organization, and the employee's work record.

In certain circumstances, DC Scholars may investigate employee conduct and initiate corrective and/or disciplinary action. DC Scholars reserves the right, at all times, to take whatever disciplinary action it deems appropriate, up to and including termination. Prior notification is not a prerequisite for termination or other disciplinary action.

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### **Performance Improvement Plan (PIP)**

DC Scholars works to provide a supportive environment in assisting employees to improve their performance and address performance discrepancies identified in the performance management process. The Performance Improvement Plan (PIP) is designed to facilitate constructive discussion between an employee and his/her manager about performance deficiencies and work expectations. Under most circumstances, when a staff member's performance, attendance, or behavior is unsatisfactory, his/her manager will advise the staff member of the issue(s) and give him/her an appropriate opportunity to improve to an acceptable level through the Performance Improvement Process, as explained below, subject to the other provisions of this Handbook.

When a manager determines there is an unacceptable performance, attendance, or behavior issue(s) with the staff member, the supervisor may document the issue(s) and require change(s) in a Performance Improvement Plan (PIP) and share the plan with the staff member in a face-to-face meeting. Should the staff member's performance, attendance, or behavior fail to improve as specified by the PIP, the staff member will be subject to further action, up to and including termination.

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## ***Section 10: School Calendar, Personal Days and Holidays***

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Regular attendance at DC Scholars is critical to the successful operation of the school. All employees are expected to work regularly and consistently and miss days as infrequently as possible.

### **A. School Calendar**

Paid holidays are provided pursuant to the policies of the Office of the State Superintendent of District of Columbia Public Schools and the District of Columbia Public Charter School Board.

DC Scholars will be closed in observance of the following holidays, which will be paid except as provided below:

**Martin Luther King Day**

**Mid-Winter Break (5 days)**

**President's Day**

**Spring Break (5 days)**

**Emancipation Day (when it falls on a school day)**

**Memorial Day**

**Independence Day (4<sup>th</sup> of July)**

**Labor Day**

**Columbus Day**

**Veterans Day**

**Thanksgiving Break (3 days)**

**Winter Break (includes New Year's Day & Christmas Day)**

In the event that one of the above holidays falls on a weekend, DC Scholars will observe the holiday on the Friday preceding or Monday following the actual holiday, depending on the circumstances. The school calendar, issued each year, gives the dates on which the paid holidays shall be observed, as well as any other paid non-working days. These are not automatically paid holidays for part time employees. Eligible part-time employees receive a paid holiday only if the holiday falls on a day they are normally scheduled to work. Employees on unpaid leave are not eligible for holiday pay.

Nonexempt employees who perform any work on paid holidays will be paid for all time worked in addition to any holiday pay. Holiday pay for nonexempt employees is calculated based on the employee's straight time pay rate (as of the date of the holiday) multiplied by the number of hours the employee would have otherwise worked on that day. Holiday pay is not counted for calculating an employee's overtime hours of work.

Critical Attendance Dates: Employees should refrain from requesting leave on Critical Attendance Dates whenever possible, unless there is an urgent, legitimate need for leave on those dates or required by law. This includes days prior and after a paid holiday, or other days during the school year deemed crucial for staff attendance. A list of holidays and Critical Attendance Dates can be obtained from Human Resources, and may be subject to change. If a team member is not present on Critical Attendance Dates, those days may be unpaid, as approval of paid leave on Critical Leave Dates is on a very limited basis, and is at the discretion of the employee's supervisor. Proof may be requested to verify the need for paid leave on a Critical Attendance Date.

### **B. Work Hours**

Work hours for staff are **7:45AM – 4:15PM**, unless otherwise specified by your EAL and/or supervisor.

### **C. Paid Time Off: 10 and 11 Month Employees**

All team members in 10-month, full-time positions are eligible for a maximum of five (5) paid personal days and five (5) paid sick days at the beginning of each school year. All team members in 11-month, full-time positions are eligible for a maximum of seven (7) paid personal days and five (5) paid sick days at the beginning of each school year. Team members in part-time positions are eligible for a maximum of one (1)

paid personal day and five (5) paid sick days during each school year. Team members hired after the beginning of the school year will be issued personal days calculated on a prorated basis from the date of hire. The paid sick days accrued by each employee in a calendar year will also be subject to the District of Columbia Accrued Safe and Sick Leave Act of 2008, as amended ("ASSLA"), which provides all DC employees with a minimum amount of paid leave for their own or family members' illnesses or medical appointments, and for absences associated with domestic violence or sexual abuse. Team members in temporary positions are eligible for paid time off solely in accordance with ASSLA.

#### **D. Paid Time Off: 12-month Employees**

DC Scholars administrative staff members who are 12-month employees are eligible for (5) paid sick days, and Personal time (in increments as indicated below) with pay in addition to the Holidays and Breaks outlined in Section 10. Unless otherwise specified in an Offer Letter, Employment Agreement Letter or letter from the Head of School, the amount of paid personal time (required to be taken in hourly increments) provided to administrative staff members is as follows:

- Year 1: 10 days (80 hours) (accrued at 1 day per month until 10 days is reached)
- Years 2-4: 10 days (80 hours)
- Years 5+: 20 days (160 hours)

Administrative staff members deemed to be highly essential to the academic day may not use personal time during the school year (defined as the time period for which instructors are contracted) without approval from the Head of School or appropriate School Director. Administrative staff members who are less essential to the academic day may not use more than five personal days during the school year (defined as the time period for which instructors are contracted) without approval of their School Director. School Directors may not take personal time without approval from the Head of School.

#### **E. Requesting Paid Time Off**

All requests for personal days should be made in iSolved at least two weeks prior to the start of the time off and approved by a school administrator.

Personal banks start and reset July 1 of each year.

Employees may carry over up to 5 unused personal days from year to year. Additional personal days cannot be carried over without the express written approval of the Head of School. Absent such approval, such unused personal time will be forfeited.

Unused personal time will not be paid at the end of the year or upon termination, whether the employment ended at DC Scholars' or the employee's discretion.

Personal time benefits will not accrue while an employee is on a leave of absence.

Temporary employees, whether full- or part-time, are not entitled to paid personal time.

Personal Days: Personal days may be taken at the employee's convenience, but should be requested in iSolved at least 2 weeks prior to the requested day of leave, and approved by the employee's supervisor. Additionally, an employee who resigns before a mandatory paid break will not receive compensation for the paid break period. Personal days do not count as hours worked for purposes of calculating overtime for team members in non-exempt positions. The existence of this personal day policy does not affect DC Scholars Public Charter School right to discipline employees for excessive absenteeism.

Employees are required to take paid personal days in hourly increments. All requests for personal days should be made in accordance with school procedures and must be approved by a school administrator.

DC Scholars Public Charter School also may annually provide a list of critical attendance days. Contact Human Resources to obtain a schedule of these Critical Attendance Dates.

Sick Days: When sickness causes an absence, the employee should use DSCPCS' procedures for calling out as outlined in the DC Scholars Operations Manual. Employees are also responsible for tracking their time off in iSolved once they return to work. For any absence of three or more consecutive sick days, a doctor's note is required, stating that the employee was under the provider's care or treatment for the days in question and that it was the provider's recommendation that the employee remain out of work. For any sick day absences that happen on a Critical Attendance Date, a doctor's note must be submitted to your supervisor.

Employees are required to take paid sick days in hourly increments. All requests for sick days should be made in accordance with school procedures and must be approved by a school administrator.

For team members in 12-month positions, the bank for available paid time off resets on July 1 of each year, except for paid leave accruals up to the annual ASSLA minimum, which carries over from year to year. For team members who begin work in 12-month positions after July 1 or in 10-month positions after the first day of work for 10-month staff, the total amount of paid time off will be calculated on a prorated basis from the month of hire (except for ASSLA leave, which is calculated on a calendar year basis). If team members in temporary positions receive full-time or part-time positions, Personal Leave will be calculated on a prorated basis from the original month of hire.

Sick balances can carry over from year to year. Unused sick days will not be paid out upon termination. Sick balances will be replenished on July 1 of each year. Sick days do not count as hours worked for purposes of calculating overtime for team members in non-exempt positions.

#### **F. Religious Holidays**

Employees who observe religious holidays on which DC Scholars is not closed as detailed in Part A of this Section should alert Human Resources prior to the start of the school year. Absence on these days may be allowed without having them counted as sick, or personal days, unless it would impose an undue hardship on the school. Notify your supervisor of the need for religious holiday leave no later than 2 weeks prior to the date requested.

## **Section 11: Absences and Leave**

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### **A. Family and Medical Leave Generally**

We recognize that an employee may need to be absent from work for an extended period of time for family and/or medical reasons. Accordingly, the School will grant time off to employees in accordance with the requirements of the federal Family and Medical Leave Act (Fed-FMLA) and the District of Columbia Family and Medical Leave Act (DC FMLA). Where both the Fed-FMLA and DC FMLA apply, the leave provided by each will count against the employee's entitlement under both laws and must be taken concurrently. An employee who is eligible for leave under only one of these laws will receive benefits in accordance with that law only.

Pursuant to the Universal Paid Leave Amendment Act of 2016 ("Paid Leave Act"), beginning July 1, 2019, DCSPCS will be required to contribute an amount equal to 0.62% of the wages of each of its covered employees to the Universal Paid Leave Implementation Fund. Contributions will be collected electronically by payroll tax from the Department of Employment Services (DOES), Office of Paid Family Leave (OPFL), on a quarterly basis.

On July 1, 2020, employees will be able to apply to OPFL for paid family leave. A covered employee is any DCSPCS worker who spends more than 50% of his or her work time for DCSPCS working in the District of Columbia; or whose employment for DCSPCS is based in the District and who regularly spends a substantial amount of his or her work time for DCSPCS in the District and not more than 50% of his or her work time for DCSPCS in another jurisdiction. A covered employee may include part-time employees, temporary workers and seasonal employees. The duration of benefits provided by the Paid Leave Act allows for 8 weeks of parental leave, 6 weeks of family leave, and 2 weeks of medical leave for every 52 weeks worked. The weekly maximum benefit amount is \$1,000 and is funded solely by employer contributions. DOES will determine an employee's entitlement to paid leave under the Paid Leave Act. DCSPCS will not interfere with, restrain or deny any employee the right to seek benefits under the Paid Leave Act. For more information regarding Paid Family Leave, you should visit [does.dc.gov](https://does.dc.gov).

### **B. District of Columbia Family and Medical Leave Act of 1990 (DC FMLA)**

#### **Eligibility**

To be eligible for family or medical leave under the DC FMLA, an employee must have worked for DC Scholars for at least twelve (12) consecutive months and must have worked at least 1,000 hours in the twelve (12) months preceding the commencement of leave.

#### **Permissible Uses and Amount of Leave**

##### **Medical Leave**

Employees qualifying for DC FMLA leave may take up to sixteen (16) weeks of unpaid medical leave in a 24-month period if an employee becomes unable to perform the functions of his or her position because of a serious health condition.

##### **Family Leave**

Employees qualifying for DC FMLA leave may take up to sixteen (16) weeks of unpaid family leave in a 24-month period for the following reasons:

- The birth of a child of the employee;
- The placement of a child with the employee for adoption or foster care;
- The placement of a child with the employee, if the employee permanently assumes and discharges parental responsibility for the child; or
- The care of a family member of the employee who has a serious health condition.

Leave taken for the birth, adoption, foster care or other placement of a child must be taken within one year of the birth or placement of a child with the employee.



Family members who are both employed by DC Scholars and who request family leave under the DC FMLA may only take a combined total of 16 weeks of family leave during a 24-month period, and only 4 weeks of that leave may be taken simultaneously.

### **Definitions**

*Family Member* – A family member is: (a) a person related to the employee by blood, legal custody or marriage (this includes an individual who stood in loco parentis to the employee when the employee was a child); (b) a foster child; (c) a child who lives with the employee and for whom the employee permanently assumes and discharges parental responsibility; or (d) a person with whom the employee shares or has shared, within the last year, a mutual residence and with whom the employee maintains a committed relationship.

*24-Month Period* - The 24-month period will be measured backward from the date the leave in question begins.

*Serious Health Condition* – a physical or mental illness, injury or impairment that involves inpatient care in a hospital, hospice, or residential health care facility or continuing treatment or supervision at home by a health care provider or other competent individual.

### **Intermittent and Reduced Schedule Leave**

An employee does not need to use this leave entitlement in one block. Under some circumstances, employees may take family and medical leave intermittently or on a reduced leave schedule when medically necessary. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek or workday. Only time actually taken will be charged against the employee's leave entitlement.

If an employee is taking leave for the birth, adoption, foster care, or other placement of a child, DC Scholars and the employee may mutually agree to a reduced leave schedule, during which the sixteen (16) workweeks of family leave may be taken over a period not to exceed twenty-four (24) consecutive workweeks.

An employee must make a reasonable effort to schedule intermittent or reduced-schedule leave to minimize disruption to work, consistent with the health care provider's treatment plan. When an employee utilizes intermittent or reduced-schedule leave for planned medical treatment, DC Scholars may temporarily transfer the employee to an alternative position with equivalent pay and benefits, if so doing will be less disruptive to DC Scholars during that period that the intermittent or reduced-schedule leave is utilized.

### **Notice and Medical Certification**

#### **Required Notice**

Where the need for leave is foreseeable, employees must provide thirty (30) days advance notice of the need to take DC FMLA leave. If an employee fails to give 30 days advanced notice for foreseeable leave, DC Scholars may delay the taking of leave until at least 30 days after the date notice is provided. If the approximate timing of the need for leave is not foreseeable, the employee shall request family or medical leave no later than five business days after the absence begins, or as soon as practicable thereafter.

When providing notice of the need to use DC FMLA leave, employees must provide DC Scholars with sufficient information so that it may determine if the leave requested qualifies for protection and the anticipated timing and duration of the leave. Sufficient information to put DC Scholars on notice of an employee's need for DC FMLA leave may include: that the employee is unable to perform job functions; the family member is unable to perform daily activities; or the need for hospitalization or continuing treatment by a health care provider.

Employees must also inform DC Scholars if the requested leave is for a reason for which leave was previously taken or certified.

**Certification of Leave**

If the reason for the request is due to the employee's own serious health condition or the serious health condition of a family member, the employee must provide medical certification completed by an authorized health-care provider.

When leave is requested, Human Resources will forward a certification request along with other applicable documentation.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include verification of the schedule for treatment, the expected frequency and duration of the treatment, and a statement of the medical necessity for taking such leave.

The employee must provide the requested medical certification within fifteen (15) calendar days of DC Scholars' request, unless it is not practicable for the employee to do so under the particular circumstances, despite the employee's diligent, good-faith efforts.

DC Scholars may request that an employee submit to a second and third medical opinion, at the expense of DCSPCS, if DC Scholars has reason to doubt the validity of the initial certification provided.

Under certain circumstances, DC Scholars may require that an employee re-certify the need for continued DC FMLA protected leave. Failure to submit the required medical certification may result in the delay or denial of leave.

**Employer Obligations**

DC Scholars will inform employees requesting leave: (1) whether they are eligible to take leave under the DC FMLA; (2) the specific expectations and obligations of the employee under the DC FMLA; (3) the employee's rights under the DC FMLA; (4) the number of hours of leave which are available to the employee under the DC FMLA; and (5) if applicable, a notice that the employee must submit a certification, as referenced above.

If the employee is found not to be eligible for leave, DC Scholars will provide to the employee the reason for his or her ineligibility. If DC Scholars determines that the leave is not DC FMLA protected, it will notify the employee.

**Integration with Paid Leave & Disability Benefits**

All accrued paid leave, including personal and sick leave, may be used during any period of family or medical leave. When paid leave is used, it will run concurrently with the employee's DC FMLA entitlements. In order for paid leave to run concurrently with unpaid leave, employees must comply with DC Scholars' normal paid leave requirements.

When an employee is receiving workers' compensation or disability benefits and that employee wishes to supplement such benefits so that the employee receives 100 percent of his or her income while taking leave, the employee should contact Human Resources. Under no circumstance will an employee be able to receive a combination of paid leave and benefits that exceeds 100 percent of the employee's regular income while taking DC FMLA leave unless otherwise required by law.

**Maintenance of Benefits During Family and Medical Leave**

DC Scholars will maintain group health insurance coverage for an employee on family and medical leave on the same terms and conditions as if the employee continued to work, and the employee will continue to be responsible for the same portion of the employee's health insurance premiums and for payments for other DC Scholars benefit coverage as the employee paid before taking leave. During unpaid leave, the employee may arrange personal payment in accordance with the provisions of the applicable plans. If a required premium is not received within 30 days of the due date, the coverage may be dropped for the remainder of the leave.

If an employee does not return to work following the family and medical leave, such individual may be required to reimburse DC Scholars for the group health insurance premiums it paid during the leave, unless

the employee cannot return to work because of the employee's own serious health condition or the serious health condition of the employee's spouse, child or parent or because of other circumstances beyond the employee's control.

Use of DC FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Sick and/or personal leave and other benefits do not accrue while the employee is on family or medical leave.

### **Return to Work**

During continuous family and medical leave, employees must report to DC Scholars if their anticipated return to work date changes and/or their intent to return to work.

When an employee returns from family and medical leave, DC Scholars will return the employee to the same position the employee held when the leave commenced, or to an equivalent position that has equivalent benefits, pay and other terms and conditions of employment to the extent the employee would have been entitled to return to such position and retain such terms and conditions of employment had he or she not taken leave.

DCSPCS is not required to restore "key" employees to their positions or to equivalent positions upon their return to work following family and medical leave when restoration to employment will cause DCSPCS substantial and grievous economic injury. DCSPCS will notify such "key" employees – certain highly compensated, salaried individuals – in writing of the decision denying job restoration. Such employees will be given a reasonable opportunity to return to work after such notification.

### **Prohibited Practices**

Under the DC FMLA, DC Scholars cannot interfere with, restrain, or deny the exercise of any right provided by the DC FMLA or terminate the employment of or discriminate against any individual for opposing any practice or because of involvement in any proceeding relating to the DC FMLA. In addition, DC Scholars cannot use the taking of family and medical leave as a negative factor in employment actions, such as hiring, promotions, or disciplinary actions.

An employee may file a complaint with the DC Office of Human Rights or may bring a private lawsuit against an employer. However, DC Scholars encourages all employees to first bring any concerns they have regarding this policy to the attention of DC Scholars by contacting Human Resources.

DC Scholars prohibits retaliation against any employee for bringing any complaint forward in good faith under this policy.

The DC FMLA does not affect any federal or DC laws prohibiting discrimination, or supersede any DC law that provides greater family or medical leave rights.

## **C. Federal Family and Medical Leave Act (FMLA)**

### **Employee Eligibility**

To be eligible for federal FMLA Leave benefits, you must: (1) have worked for DC Scholars for a total of at least 12 months; and (2) have worked at least 1,250 hours over the previous 12 months as of the start of the leave. Eligibility requirements may vary for employees who have been on a protected military leave of absence. FMLA leave is unpaid.

### **Reasons for Leave**

FMLA Leave may be used for one of the following reasons:

- The birth, adoption, or foster care of an employee's child within twelve (12) months following birth or placement of the child ("Bonding Leave");

- To care for an immediate family member (spouse, child, or parent with a serious health condition ("Family Care Leave"));
- An employee's inability to work because of a serious health condition ("Serious Health Condition Leave");
- A "qualifying exigency," as defined under the FMLA, arising from a spouse's, child's, or parent's "covered active duty" (as defined below) as a member of the military reserves, National Guard or Armed Forces ("Military Emergency Leave"); or
- To care for a spouse, child, parent or next of kin (nearest blood relative) who is a "Covered Service Member," as defined below ("Military Caregiver Leave").

#### Definitions

"Child," for purposes of Bonding Leave and Family Care Leave, means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that Family and Medical Leave is to commence. "Child," for purposes of Military Emergency Leave and Military Caregiver Leave, means a biological, adopted, or foster child, stepchild, legal ward, or a child for whom the person stood in loco parentis, and who is of any age.

"Parent," for purposes of this policy, means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the person. This term does not include parents "in law." For Military Emergency leave taken to provide care to a parent of a military member, the parent must be incapable of self-care, as defined by the FMLA.

"Covered Active Duty" means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.

"Covered Service Member" means (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform his or her military duties, or (2) a person who, during the five (5) years prior to the treatment necessitating the leave, served in the active military, Naval, or Air Service, and who was discharged or released therefrom under conditions other than dishonorable (a "veteran" as defined by the Department of Veteran Affairs), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran. For purposes of determining the five-year period for covered veteran status, the period between October 28, 2009 and March 8, 2013 is excluded.

"Spouse" means the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into, or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This includes common law marriage and same sex marriage in places where these marriages are recognized.

"Key employee" means a salaried FMLA-eligible employee who is among the highest paid 10 percent of all employees employed by the employer within 75 miles of the employee's worksite.

#### Length of Leave

The maximum amount of FMLA Leave will be twelve (12) workweeks in any twelve (12) month period when the leave is taken for: (1) Bonding Leave; (2) Family Care Leave; (3) Serious Health Condition Leave; and/or (4) Military Emergency Leave. However, if both spouses work for DC Scholars and are eligible for leave under this policy, the spouses will be limited to a total of 12 workweeks off between the two of them when the leave

is for Bonding Leave or to care for a parent using Family Care Leave. The 12-month period will be measured backward from the date the leave in question begins.

The maximum amount of FMLA Leave for an employee wishing to take Military Caregiver Leave will be a combined leave total of twenty-six (26) workweeks in a single 12-month period. A "single 12-month period" begins on the date of your first use of such leave and ends 12 months after that date.

If both spouses work for DC Scholars and are eligible for leave under this policy, the spouses will be limited to a total of 26 workweeks off between the two when the leave is for Military Caregiver Leave only or is for a combination of Military Caregiver Leave, Military Emergency Leave, Bonding Leave and/or Family Care Leave taken to care for a parent.

Under some circumstances, you may take FMLA Leave intermittently—which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule. Leave taken intermittently may be taken in increments of no less than fifteen (15) minutes. Employees who take leave intermittently or on a reduced work schedule basis for planned medical treatment must make a reasonable effort to schedule the leave so as not to unduly disrupt DC Scholar's operations. Please contact your supervisor prior to scheduling planned medical treatment. If Family and Medical Leave is taken intermittently or on a reduced schedule basis due to foreseeable planned medical treatment, DC Scholars may require you to transfer temporarily to an available alternative position with an equivalent pay rate and benefits, including a part-time position, to better accommodate recurring periods of leave.

When an employee who has been approved for intermittent leave seeks leave time that is unforeseeable, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave at the time the employee calls off.

If your request for intermittent leave is approved, DC Scholars may later require you to obtain recertification of your need for leave. For example, DC Scholars may request recertification if it receives information that casts doubt on your report that an absence qualifies for Family and Medical Leave.

To the extent required by law, some extensions to leave beyond an employee's FMLA entitlement may be granted when the leave is necessitated by an employee's work-related injury/illness or a "disability" as defined under the Americans with Disabilities Act and/or applicable local law. Certain restrictions on these benefits may apply.

### **Compensation and Benefits During Leave**

Generally, FMLA Leave is unpaid. The School will continue making contributions to employee group health benefits during their leave on the same terms as if employees had continued to actively work. This means that if employees want their benefits coverage to continue during their leave, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. Employees taking Bonding Leave, Family Care Leave, Serious Health Condition Leave, and Military Emergency Leave will generally be provided with group health benefits for a 12-workweek period. Employees taking Military Caregiver Leave may be eligible to receive group health benefits coverage for up to a maximum of 26 workweeks. In some instances, the School may recover premiums it paid on the employee's behalf to maintain health coverage if the employee fails to return to work following a FMLA Leave.

### **Job Reinstatement**

Under most circumstances, employees will be reinstated to the same position they held at the time of the leave or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. However, employees have no greater right to reinstatement than if they had been continuously employed rather than on leave. For example, if an employee would have been laid off if he or she had not gone on leave or, if the employee's position was eliminated during the leave, then the employee will not be entitled to reinstatement.

## **Confidentiality**

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated by the School as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel or government officials.

## **Fraudulent Use of FMLA Prohibited**

An employee who fraudulently obtains Family and Medical Leave from the School is not protected by FMLA's job restoration or maintenance of health benefits provisions. In addition, the School will take all available appropriate disciplinary action against such employee due to such fraud.

## **Nondiscrimination**

The School takes its FMLA obligations very seriously and will not interfere, restrain or deny the exercise of any rights provided by the FMLA. We will not terminate or discriminate against any individual for opposing any practice, or because of involvement in any proceeding related to the FMLA. If an employee believes that his or her FMLA rights have been violated in any way, he or she should immediately report the matter to Human Resources.

## **Additional Information Regarding FMLA**

A Notice to Employees of Rights Under FMLA (WHD Publication 1420) is attached to this Handbook.

Employees should contact Human Resources as to any FMLA questions they may have.

***Below are policies regarding our various paid leave options. For each incident, an employee may be eligible for ONE form of the following types of leave. DCSPCS may require the employee to provide documentation to show the need for any type of paid leave.***

### **D. Parental Leave**

**DC Scholars may, in its discretion, grant paid parental leave to employees in accordance with this policy.**

To be eligible for paid parental leave, an employee must meet the following requirements:

- The employee must be regularly scheduled to work thirty (30) hours or more per week;
- The employee must have been employed by the School for the twelve (12) consecutive month period immediately preceding the leave; and
- The employee must have worked for the School for at least one thousand, two hundred and fifty (1,250) hours during the twelve (12) month period immediately preceding the leave.
- Provide proof of birth (birth certificate or letter from hospital providing DOB of child)

### **Amount and Timing of Leave**

DC Scholars may grant up to 2 weeks of paid parental leave to Primary and Secondary(including legal spouses and domestic partners) caregivers for the birth of an employee's child (**Expectant mothers** – please contact [HR-DC@dcscholars.org](mailto:HR-DC@dcscholars.org) for information on applying for Short-Term Disability). Such leave will run concurrently with any FMLA leave to which the employee may be entitled. An employee may elect when to start the paid portion of his/her leave, but must communicate the election in advance to Human Resources. Paid parental leave may only be taken within eight (8) weeks after the birth of a child(ren).

To apply for paid parental leave, an employee must:

- 1) Complete and return a Paid Leave Request (Appendix A); and
- 2) Complete a leave request in iSolved.
- 3) Provide documentation of birth.

To ensure accurate and timely payment, the employee is responsible for submitting all of these forms to Human Resources at least 30 days in advance of the first day of leave. To receive a copy of these forms, send an email to [HR-DC@dcscholars.org](mailto:HR-DC@dcscholars.org).

DC Scholars retains complete discretion to decide when and whether to make such leave available and to determine the duration, terms and conditions of any such leave arrangement.

### **E. Adoption, Foster & Surrogacy Leave**

DC Scholars may, in its discretion, grant paid leave for employees who become parents through adoption, fostering, and surrogacy in accordance with this policy. Paid adoption and fostering leave may be available to employees who adopt or foster a child, excluding adoption or fostering a child through marriage.

#### **Eligibility**

To be eligible for this paid leave category, an employee must meet the following requirements:

- The employee must be regularly scheduled to work thirty (30) hours or more per week;
- The employee must have been employed by the School for the twelve (12) consecutive month period immediately preceding the leave; and
- The employee must have worked for the School for at least one thousand, two hundred and fifty (1,250) hours during the twelve (12) month period immediately preceding the leave.

#### **Amount and Timing of Leave**

Parents/Guardians/Caregivers, including spouses are eligible for up to two (2) weeks of paid leave to care for the child. Adoption, fostering, and surrogacy leave for the aforementioned caregivers may only be taken during the first eight (8) weeks that a child(ren) is in the employee's care.

Paid adoption, fostering, and surrogacy leave will run concurrently with any FMLA leave to which the employee may be entitled. An employee can elect when to start the paid portion of their leave, but must communicate the election in advance to Human Resources.

#### **Applying for paid adoption, fostering, and surrogacy leave**

To apply for paid adoption and fostering leave, an employee must:

- 1) Complete and return a Paid Leave Request (Appendix A);
- 2) Complete a leave request in iSolved; and
- 3) Provide documentation of adoption or birth.

To ensure accurate and timely payment, the employee is responsible for submitting all of these forms to Human Resources at least 30 days in advance of the first day of leave. To receive a copy of these forms, send an email to [HR-DC@dcscholars.org](mailto:HR-DC@dcscholars.org).

DC Scholars retains complete discretion to decide when and whether to make such leave available and to determine the duration, terms and conditions of any such leave arrangement. Requests for leave must be directed to and approved in writing by the employee to their supervisor and [HR-DC@dcscholars.org](mailto:HR-DC@dcscholars.org).

### **F. Family Growth Leave**

DC Scholars may, in its discretion, grant paid leave to employees who experience family growth in accordance with this policy. The school may require the employee to provide documentation to show the need for this type of leave.

#### **Eligibility**

To be eligible for family growth leave, an employee must meet the following requirements:

- The employee must be regularly scheduled to work thirty (30) hours or more per week;
- The employee must have been employed by the School for the twelve (12) consecutive month period immediately preceding the leave; and

- The employee must have worked for the School for at least one thousand, two hundred and fifty (1,250) hours during the twelve (12) month period immediately preceding the leave.

### **Amount and Timing of Leave**

An employee may be entitled to paid leave of up to two (2) weeks for family growth. Examples of this type of leave includes, but is not limited to; either a) step-parent/step-child bonding time upon the growth of the employee's family due to marriage or b) assuming primary caregiver responsibilities for an elderly parent, or other family responsibilities deemed necessary for this type of leave. Only one such paid leave will be granted per school year. Such leave will run concurrently with any FMLA leave to which the employee may be entitled. An employee can elect when to start the paid portion of their leave, but must communicate the election in advance to Human Resources. Family growth leave may only be taken within 1 month of the date these family responsibilities commenced.

### **Applying for paid family growth leave**

To apply for paid family growth leave, an employee must:

- 1) Complete and return a Paid Leave Request (Appendix A); and
- 2) Complete a leave request in iSolved.
- 3) Provide appropriate documentation of family responsibilities

To ensure accurate and timely payment, the employee is responsible for submitting all of these forms to Human Resources at least 30 days in advance of the first day of leave. To receive a copy of these forms, send an email to [HR-DC@dcscholars.org](mailto:HR-DC@dcscholars.org).

DC Scholars retains complete discretion to decide when and whether to make such leave available and to determine the duration, terms and conditions of any such leave arrangement.

### **G. Lactation Accommodation**

Per DC law, DC Scholars will provide reasonable breaks for an employee to express breast milk for her nursing child in accordance with the provisions of the Patient Protection and Affordable Care Act of 2010. DC Scholars will provide qualifying employees access to a room for private use. If you intend to make use of such break time and believe no room is currently available for you, please contact the HR Specialist as soon as possible. Such breaks may be taken every time an employee has reasonable need to express breast milk and may be taken concurrently with normally scheduled break periods.

Discrimination and harassment against breast-feeding employees is prohibited. Employees who believe that this policy has been or is being violated should immediately notify their School Director.

### **H. Bereavement Leave**

When a death occurs in the employee's family, the maximum time off with pay will be granted to the employee, as follows:

- **five (5) days** off with pay are given for the death of a staff member's:
  - Spouse or Domestic Partner
  - Child or stepchild or in-laws
  - Brother or sister, including step-siblings, or in-laws
  - Parent or guardian, including step-parents, or in laws
- **Three (3) days** off with pay are given for the death of a staff member's:
  - Grandparent, including step-grandparents or in-laws
  - Grandchild, including step-grandchildren
  - Aunt or uncle, including step aunts/uncles or in-laws
- **One (1) day** off with pay for the death of a relative who is not a member of the immediate family, with a maximum number of two (2) per year.



Absences in connection with bereavement leave must be approved by the employee's immediate supervisor/manager.

Questions on this policy should be referred to Human Resources at [HR-DC@dcscholars.org](mailto:HR-DC@dcscholars.org).

### **I. Military Leave**

DC Scholars will grant a leave of absence for military duty in accordance with applicable DC and federal laws, and shall provide paid leave for up to 10 days. Employees who have reserve duty obligations are requested to let their supervisors know as early as possible of the weeks they are scheduled to fulfill their military obligation.

### **J. Jury Duty**

Leave taken by an employee because he or she was called for jury duty, or serves on jury duty by being impaneled in a jury box and actively serving as a juror, shall be paid for up to 10 days, subject to the conditions set forth below:

- Employees called for jury duty or examination and excused by the court prior to 12:00 noon shall return to work for the balance of their day.
- Employees will present proof of jury service, including time served.
- An employee cannot voluntarily seek jury duty.

### **K. School Activities Leave**

Employees who are parents are entitled to a total of 24 hours of unpaid leave during any 12-month period to attend or participate in school related events for their children. Parents include: (1) a person who has legal custody of a child, (2) a person who acts as a guardian of a child regardless of whether he has been appointed as legal guardian, (3) an aunt, uncle, or grandparent of a child, or (4) a person married to an individual in (1) – (3). DCSPCS reserves the right to request verification of a familial relationship.

A school related event includes a school play or rehearsal, a sporting event or practice, a meeting with a teacher or counselor, or any similar type of activity. **The parent's child must be directly involved in the event as a participant or subject, not as a spectator.** The employee must notify the appropriate School Director of his or her desire for school related leave at least 10 calendar days before the event unless the need to attend is unforeseeable.

In lieu of taking unpaid school activities leave, employees can substitute their accrued personal or other paid time off. Employees who take school activities leave will not lose any employment benefit or seniority accrued before or during leave.

### **L. Voting Leave**

DCSPCS believes that every employee should have the opportunity to vote in any state or federal election, general primary or special primary. Any employee whose work schedule does not provide him or her four consecutive hours to vote while polls are open will be granted up to two paid hours off in order to vote. Any additional time off will be without pay. We reserve the right to select the hours you are excused to vote.

Notify your supervisor of the need for voting leave two to ten days before the election. When you return from voting leave, you must present a voter's receipt to your supervisor as soon as possible.

## **Section 12: Employee Safety and Worker's Compensation**

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DC Scholars is committed to the safety and health of all employees. Maintaining a safe and healthy work environment, however, requires the continuous cooperation of employees.

Employees should report any hazard or potential hazard to the Operations Manager immediately.

### **A. Incident Reporting**

All staff are required to submit a written incident report if they witness or are involved in a serious incident. A serious incident is defined as a reportable incident includes one or more acts of severe misconduct, involving one or more offenders violating criteria set by state law. These include, but are not limited to, any behavior that jeopardizes the intent of the school to be free of aggression against persons or property, drugs, weapons, disruptions, and disorder.

Examples are incidents involving acts of violence, possession of a weapon, or the possession, use or sale of a controlled substance, alcohol, or tobacco by any person on school property, at school-sponsored events, and on school transportation to and from school.

DC Scholars requires employees to immediately report any potential safety hazards, safety suggestions and health and safety related issues to their supervisor or the Operations Manager.

Additionally, staff are required to submit an incident report and report to their supervisor and Human Resources if they are injured on the job. Please see the Workers' Compensation Policy for more information.

### **B. Workers' Compensation Reporting**

Employees are provided Workers' Compensation coverage from the day they begin work. DC Scholars pays the entire cost of this coverage. Employees are covered by Workers' Compensation if they are incapacitated by injury or illness arising out of their employment.

Employees must report all accidents to their supervisor immediately, regardless of how minor. If a work-related injury requires medical attention by a physician or any other medical facility that produces a bill, a claim must be made out the same day by the employee's supervisor.

A copy of this claim must also be forwarded to the Human Resources Department, who will forward it to the insurance company. To receive Workers' Compensation coverage, employees must first advise their supervisor or manager prior to seeing a physician, unless the employee is badly injured or unconscious. Employees will not be eligible for regular compensation or holiday pay in addition to any Workers' Compensation received. Any questions regarding workplace safety and work-related injuries or illnesses should be directed to the Human Resources Department.

## **Section 13: Benefits**

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### **A. Benefits Eligibility**

DC Scholars Public Charter School currently provides certain group insurance plans and benefits, including group medical, dental, vision, Short/Long Term Disability, Commuter Transit Benefits through WMATA, and Life Insurance to all eligible employees. Benefit plans offered by DC Scholars are defined in legal documents such as insurance contracts and summary plan descriptions. If employees are offered benefits, and if a question arises about the nature and extent of plan benefits or there is a conflict in language, the formal language of the plan documents govern, not the informal wording of this Handbook. These programs are administered by the DC Scholars HR Team who can supply specific information concerning enrollment, benefits, changes, etc. Employees are only able to make changes to their benefits and covered dependents during open enrollment or when they experience a qualifying life event.

Only full-time, non-temporary employees working more than 30 hours per week are eligible for medical, dental, vision, Short/Long Term Disability, and Life Insurance benefits. If a temporary employee becomes full-time, non-temporary, that employee will be eligible for benefits on the first of the month following the start of their full time hire date. The benefit plan documents control specific eligibility requirements, benefits determinations and other conditions.

All insurance deductions for individuals and dependents are made through payroll deductions each payroll period, and are tax-sheltered. Employees are provided copies of summary plan descriptions and other relevant information at the time of hire. This Handbook provides only a brief description of the benefit plans and programs that are in effect at the time of publication. DC Scholars Public Charter School reserves the right to modify, change or eliminate any of its benefits at any time. Any questions regarding your coverage should be directed to HR-DC@dcscholars.org.

### **B. Benefits Start/End Dates**

Eligible employees who choose to enroll in medical, dental, vision, Short/Long Term Disability, and Life Insurance will have a benefits start date of the first of the month after their first day of work (or first day of enrollment, if their status changes after they begin work). When an employee who is enrolled in medical, dental, vision, Short/Long Term Disability, and Life Insurance leaves, their benefits will end on the last day of the month of their last day of work.

### **C. Retirement Benefits**

DCSPCS provides eligible employees with the opportunity to participate in a 403(b) plan through NFP, which is an excellent means of long-term savings for your retirement. The School's contribution, if any, is determined by the employer on an annual basis.

You may obtain a copy of the Summary Plan Description which contains the details of the plan including eligibility and benefit provisions from Human Resources. In the event of any conflict in the description of any plan, the official plan documents, which are available for your review, shall govern. If you have any questions regarding this plan, see Human Resources.

Employees who formerly worked for the District of Columbia Public Schools (DCPS) may be eligible to continue participating in the D.C. Teacher Retirement Fund. If you are a former DCPS employee and have not already informed DCSPCS of your previous employment with DCPS, please do so immediately.

### **D. COBRA**

You and your covered dependents will have the opportunity to continue medical and/or dental benefits for a period of up to 18 months under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) when group medical and/or dental coverage for you and your covered dependents would otherwise end due to your death or because:

- a. your employment terminates, for a reason other than gross misconduct; or
- b. your employment status changes due to a reduction in hours; or
- c. your child ceases to be a "dependent child" under the terms of the medical and/or dental plan; or

- d. you become divorced or legally separated; or
- e. you become entitled to Medicare.

In the event of divorce, legal separation, or a child's loss of dependent status, you or a family member must notify the plan administrator within 60 days of the occurrence of the event.

The plan administrator will notify the individuals eligible for continuation coverage of their right to elect COBRA continuation coverage.

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## Appendix A: Paid Leave Request Form

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### DC Scholars PCS Paid Leave Request

*Complete this form and turn it in to the HR Department a minimum of 30 days prior to the first day of your requested leave.*

Name: \_\_\_\_\_

Supervisor: \_\_\_\_\_

I certify that I meet the following requirements under the DCSPCS Paid Leave Policy:

1. I am a DC Scholars PCS staff member that regularly works thirty (30) or more hours per week, AND has been employed for the previous twelve (12) consecutive months immediately preceding my first date of leave requested, AND has worked for at least one thousand two hundred fifty (1,250) hours during the prior twelve (12) month period.

2. I am the new parent, new guardian, new adoptive parent or new step parent of the child(ren) I am requesting leave to care for/bond with, **OR** have family growth responsibilities that require leave (documentation may be required for any paid leave request).

Circle the type of leave you are requesting:

Parental – 2 weeks

(Expectant mothers should also contact HR regarding short-term disability eligibility.)

Adoption/Foster/Surrogate – 2 weeks

Family Growth – 2 weeks

Complete the following:

Predicted date requested leave begins: \_\_\_\_\_ Predicted date of return: \_\_\_\_\_

I acknowledge that the information I have provided above is accurate, and I understand that any falsification of information may lead to disciplinary action up to and including termination.

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

Please reach out to Human Resources at [HR-DC@dcscholars.org](mailto:HR-DC@dcscholars.org) with any questions or for additional information.



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## **Appendix B: Handbook Acknowledgment and Disclaimer**

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### **ACKNOWLEDGMENT AND DISCLAIMER**

I acknowledge receipt of the DC Scholars Public Charter School Employee Handbook ("Handbook"). I further acknowledge that this Handbook supersedes all prior oral or written statements by DC Scholars concerning its employment policies, guidelines, and benefits. I understand that:

My employment with DC Scholars PCS is governed by the policies described in this Handbook and it is my responsibility to familiarize myself with and understand all information it contains;

**This Handbook does not constitute a contract of employment. The policies and benefits described herein are presented as a matter of information only and are not intended to confer, nor do they confer by reason of their publication, any specific or binding rights, benefits, privileges, or entitlement to employment or continued employment by DC Scholars.**

**My employment with DC Scholars PCS is "at-will." This means that I may leave my employment voluntarily, with or without cause or notice, and that by the same token DC Scholars PCS may terminate my employment at any time, with or without cause or notice.**

This Handbook's contents are subject to modification, amendment, or rescission at any time, with or without notice, at DC Scholars PCS' sole discretion.

This acknowledgment must be signed and returned within seven (7) days of my start date or receipt of the Handbook, whichever is later.

\_\_\_\_\_  
EMPLOYEE NAME (PLEASE PRINT)

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

## **Appendix C: Child Abuse Policy Acknowledgement**

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### **Child Abuse and Neglect Reporting Policy**

#### **Purpose**

This policy is adopted to affirm the obligation of employees to assist in identifying suspected child abuse and student abuse, and to establish procedures for reporting such in compliance with the Keeping Children and Families Safe Act of 2003 (P.L. 108-36).

#### **Definitions**

The following definitions are for purposes of this policy:

Child Abuse shall mean any of the following:

1. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child under 18 years of age.
2. Any act or failure to act by a perpetrator which causes non-accidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
3. Any recent act, failure to act, or series of such acts or failures to act by a perpetrator which creates an imminent risk\* of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
4. Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing, and medical care.

*\*Imminent risk includes: Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child; Unreasonably restraining or confining a child based on the method, location or duration; Forcefully shaking; slapping or otherwise striking a child under one year of age; Interfering with the breathing of a child; Knowingly leaving a child unsupervised with an individual, other than the child's parent, who is required to register as a sexual offender, sexually violent predator or sexually violent delinquent.*

#### **Duty to Report**

School employees, independent contractors, and the employees of independent contractors working in the school with direct contact with students or children ("Required Reporters") shall report when they have reasonable cause to suspect, on the basis of their medical, professional, or other training and experience, that a child they are aware of in their professional or official capacity is

- a) an abused child
- b) is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee

Privileged communication between any Required Reporter and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report pursuant to procedures below.

Any Required Reporter who, in good faith, reports or causes the report to be made shall have immunity from civil and criminal liability related to those actions.

A Required Reporter who willfully fails to do so commits a felony.

## **Reporting Procedures**

Required Reporters are legally obligated and responsible for reporting suspected abuse immediately as follows:

1) Required Reporter makes an oral report of suspected child abuse immediately by telephone to the District of Columbia Children and Family Services Agency (CFSA), 202-671-7233. The Required Reporter is encouraged to inform their School Director or Director of Student Support and then immediately call CFSA to provide an oral report together. Per DC Code § 4-1321.03(b), the report shall include, but need not be limited to, the following information if it is known to the Required Reporter:

- The name, age, sex, and address of the following individuals: (1) the child who is subject of the report; (2) each of the child's sibling and other children in the household; (3) each of the children's parents or other persons responsible for the child's care;
- The nature and extent of the abuse or neglect of the child and any previous abuse or neglect, if known;
- All other information which the person making the report believed may be helpful in establishing the cause of the abuse or neglect and the identity of the person responsible for the abuse or neglect; and
- If the source was required to report, the identity and occupation of the source, how to contact the source, and a statement of the actions taken by the source concerning the child.

Due to the immediate need to report suspected child abuse, Required Reporters are not required to inform their School Director or Director of Student Support prior to reporting the suspected abuse to CFSA. If the Required Reporter makes a report to CFSA before informing their School Director or Director of Student Support, the employee should provide the oral report to their School Director immediately following the CFSA report.

2) When the alleged perpetrator is another student or a school employee, the School Director will immediately conduct an investigation upon being notified of the suspected abuse.

3) Within 48 hours of reporting to CFSA, the School Director, with the assistance of the Required Reporter suspecting the child abuse, as necessary, shall make a written report including

- Child's full name, date of birth and current address and the address where the alleged incident happened if different.
- Parent's or guardian's full name
- If the alleged perpetrator(s) lives with child
- Alleged perpetrator's full name. If known, provide the relationship of the perpetrator to the child
- Statements of the child's disclosure and context of the disclosure (if a disclosure was made)
- Why you think the child is being abused, neglected, maltreated
- The identification and occupation of the person who suspects child abuse (unless they have chosen to make their report anonymously) and a statement of the actions taken by that person and other staff concerning the child.

The School Director will store a copy of this report in a secure location for school record keeping.

## **Children and Family Services Agency Investigation**

Required Reporters and other school employees shall cooperate with CFSA or the county children and youth agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at the school.

Required Reporters may take or cause to be taken photographs of the child who is the subject of a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, x-rays and relevant medical tests taken shall be sent to the county children and youth agency at the time the written report is sent, or as soon thereafter as possible. The county children and youth agency shall have access to actual photographs or duplicates and x-rays and may obtain them or duplicates of them upon request.



## **ACKNOWLEDGEMENT OF RECEIPT OF CHILD ABUSE POLICY**

I, \_\_\_\_\_ acknowledge that I received and read the sexual abuse policy immediately preceding my signature below. I understand that I am bound to follow the policy and understand the consequences in the event that I fail to do so.

---

Signature

Date

# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

### LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

### REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

### EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

### ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

## 1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

## www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



## Appendix E: ESEA Complaint Policy

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Feb. 19, 2019

### Complaint Procedures for Elementary and Secondary Education Act Programs and Grants

#### I. Authority and Purpose

The Office of the State Superintendent of Education (OSSE) was established by the Public Education Reform Amendment Act of 2007 to “serve the state education agency and perform the functions of the state education for the District of Columbia.”<sup>i</sup> As the District’s State education agency (SEA), OSSE is responsible for administration of most U.S. Department of Education (ED) programs funded by the Elementary and Secondary Education Act of 1965,<sup>ii</sup> as amended by the Every Student Succeeds Act,<sup>iii</sup> collectively referred to herein as “ESEA.”

An SEA must adopt written procedures for the receipt and resolution of complaints alleging violations of the law in the administration of ESEA programs.<sup>iv</sup> The complaint process is available for parties that believe an ESEA program was not administered in accordance with federal law and regulations. Prior to submission of a written complaint, the concerned party is encouraged to first communicate concerns with the specific authority most familiar with the matter to attempt to reach a resolution (e.g., the school where the incident arose). The concerned party may also contact the OSSE office assigned to that program with questions or concerns. While OSSE encourages the concerned party to first attempt to resolve the matter informally, such attempts are not legally required, and the concerned party may always submit a written complaint using the processes outlined in this document.

#### II. Covered Programs

The complaint procedures described in this policy apply to complaints arising from and related to the following ESEA programs as they are administered by the District of Columbia, including:

1. Title I, Section 1003: School Improvement
2. Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)
3. Title I, Part D: Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk
4. Title II, Part A: Supporting Effective Instruction
5. Title III, Part A: Language Instruction for English Learners and Immigrant Students
6. Title IV, Part A: Student Support and Academic Enrichment Grants
7. Title IV, Part B: 21<sup>st</sup> Century Community Learning Centers

#### III. What Types of Complaints

The types of complaints that may be filed regarding ESEA programs are outlined below, as well as the corresponding filing deadline.

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##### 1. Program Administration Complaint



ESEA establishes several different funding programs. The non-fiscal, programmatic requirements for each funding program are found, first, in the language of ESEA itself. For some funding programs, the U.S. Department of Education (ED) has also promulgated program-specific regulations (e.g., 34 CFR Part 200, the implementing regulations for Title I). Finally, ED's General Administrative Regulations (EDGAR) establish general programmatic regulations that are applicable to all of ED's funding programs.<sup>v</sup> These laws and regulations form the parameters to which OSSE, as the State educational agency with oversight responsibility for state-administered federal funding programs, and OSSE's subgrantees, as recipients of federal financial assistance, must conform.

A *Program Administration Complaint* alleges that the SEA, LEA, or another recipient of state-administered federal financial assistance violated one of the programmatic requirements established by federal statute or federal regulation during the administration of an affected program. These complaints may be filed by any aggrieved person or entity, including parents, teachers, school officials, LEA officials, organizations, and members of the public. A program administration complaint must be filed within calendar 90 days after the end date of the grant project period, as indicated in the grant award notice.

## **2. Subgrant Administration Complaint**

OSSE, as the SEA, is responsible for grant-making activities.<sup>vi</sup> The State Superintendent, as the chief school officer, is responsible for representing OSSE and the District of Columbia in all matters before ED.<sup>vii</sup> As a result, OSSE administers all of ED's State-administered grant programs.<sup>viii</sup>

Grant administration is governed by EDGAR. These rules establish how ED awards grants to SEAs, how SEAs make subgrants to eligible applicants, and the requirements that apply after a grant award has been made. A *Subgrant Administration Complaint* alleges that during the administration of a grant under a covered program, the SEA took one of the following actions in violation of federal statute or regulation:

- a. Disapproved or failed to approve an application or program in whole or part.<sup>ix</sup> Please note that grant applications that are not accepted for filing by OSSE due to failure to comply with the technical requirements of a Request for Application (RFA) are not subject to approval or denial.
- b. Failed to provide funds in amounts in accordance with the requirements of statutes and regulations,<sup>x</sup> including but not limited to:
  - i. Failure to provide statutory formula allocation;
  - ii. Suspension or temporarily withholding of payment of grant funds under an approved subaward pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the pass-through entity;<sup>xi</sup>
  - iii. Disallowance of all or part of the costs of an activity under an approved subgrant award based on any non-compliance finding by OSSE;<sup>xii</sup>
- c. Ordered, in accordance with a final State audit resolution determination, the repayment of unallowable or misused Federal funds;<sup>xiii</sup>

- d. Terminated further assistance under an approved subgrant award,<sup>xiv</sup> including the withholding of further Federal awards;<sup>xv</sup>

A *Subgrant Administration Complaint* may only be filed by an OSSE subgrantee upon receiving notice from OSSE of its intent to take one or more of the proposed actions listed above. A subgrant administration complaint must be filed within thirty calendar (30) days of the date on which the SEA proposed to take any of the actions listed above.<sup>xvi</sup>

### **3. Equitable Services**

In the District of Columbia, the requirement to provide equitable services is not applicable to all recipients of federal financial assistance. With the District of Columbia School Reform Act of 1995 (SRA)<sup>xvii</sup>, Congress established the public charter school system for the District. Seeking to encourage educational innovation, the SRA provides public charter schools with a good deal of autonomy. Despite this autonomy, the SRA requires charter schools to comply with all provisions of ESEA that are not specifically waived by the SRA.<sup>xviii</sup> The purpose for these exemptions is to prevent duplicative requirements addressed in both the ESEA and SRA, or to eliminate compliance with ESEA requirements that would conflict with the congressional scheme designed for DC public charter schools in the SRA. This means that regulations promulgated, or policies adopted by OSSE to implement the ESEA are applicable to charter schools receiving ESEA funds, unless a regulation or policy addresses a requirement of ESEA that has been specifically exempted from applicability to charter schools.

Charter schools in the District of Columbia are exempted from ESEA section 1117, which requires an LEA to provide equitable Title I, Part A services to children attending a private school in the area served by the LEA.<sup>xix</sup> Charter schools are also exempt from the equitable services requirements for Titles II-A, III-A, IV-A, and IV-B. Charter schools have been exempted from this requirement because District charter schools are not defined by geographic jurisdictions. Instead, District charter schools enroll students from across the District of Columbia. This means that the only LEA in the District that has a geographic jurisdiction, and the related requirement to provide equitable services to students attending private schools in its jurisdiction, is the District of Columbia Public Schools (DCPS).

DCPS and private schools engage in regular, ongoing consultation with respect to the provision of equitable services under ESEA entitlement grant funds.<sup>xx</sup> Meaningful ongoing communication between all parties is crucial. OSSE expects that most differences can be resolved by ongoing consultation without OSSE intervention.

With respect to Title I-A, a private school official shall have the right to file a complaint with the SEA asserting that DCPS did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school students equitably as required by law.<sup>xxi</sup> A private school official wishing to file a complaint shall provide the basis of the complaint to OSSE, and DCPS shall forward the appropriate documentation to OSSE.<sup>xxii</sup> OSSE shall resolve the complaint within 45 calendar days.

Section 8503 of the ESEA provides for complaints to be filed with the SEA under other programs providing equitable services (in the District, namely Title II-A, Title III-A, Title IV-A, and Title IV-B) by a parent, teacher, or other individual or organization.<sup>xxiii</sup> OSSE shall resolve the complaint within 45 calendar days. The resolution may be appealed by the interested party to the ED not later than 30 calendar days after OSSE resolves the complaint or fails to resolve the complaint within the 45-day time limit. The

appeal shall be accompanied by a copy of OSSE's resolution, and, if there is one, a complete statement of the reasons supporting the appeal. ED shall investigate and resolve the appeal not later than 90 calendar days after its receipt of the appeal.<sup>xxiv</sup> In addition, any dispute regarding low-income data for private school students under Title I-A shall also be subject to the complaint process of Section 8503.<sup>xxv</sup> The time limit by which a complaint for equitable services shall be filed with OSSE is 90 calendar days from the end date of the grant project period, as indicated in the grant award notice. The procedures for filing an equitable services complaint with OSSE are set forth in Section IV of this policy.

In addition, to ensure that private school children, teachers, and other educational personnel receive services equitable to those in public schools, OSSE has designated an ombudsman to monitor and enforce the equitable services requirements. The ombudsman is the primary point of contact for responding to and resolving any complaints regarding equitable services that the SEA receives under its ESEA complaint procedures. OSSE's equitable services ombudsman is:

Sheryl Hamilton, Director  
Community Learning and School Support (CLASS) Division of Systems and Supports, K-12  
Office of the State Superintendent of Education (OSSE) 1050 1st Street, N.E., 5th Floor  
Washington D.C. 20002  
(202) 741-6404 (office)  
[Sheryl.Hamilton@dc.gov](mailto:Sheryl.Hamilton@dc.gov)

#### **4. Which Programs are not covered by this policy?**

Both the McKinney-Vento Homeless Assistance Act of 1987, as amended, and the Individuals with Disabilities Education Act (IDEA), mandate separate complaint resolution procedures. Since the limited purpose of this policy is to implement complaint procedures mandated by ESEA, these coordinated programs are not covered by this policy.

For information on filing a complaint or appealing an LEA decision regarding the provision of educational services to homeless students and parents under McKinney-Vento, please refer to the policies of OSSE's Homeless Children and Youth Program in the Division of Systems and Supports, K-12 at <https://osse.dc.gov/service/homeless-education-program>.

For information on filing a complaint regarding the provision of specialized education services to disabled students under IDEA, please refer to the policies of OSSE's Division of Systems and Supports, K-12 at <https://osse.dc.gov/service/specialized-education-state-complaints>.

### **IV. Where and How to File a Complaint**

#### **1. OAH-Adjudicated Complaints**

OSSE has entered into an agreement with the Office of Administrative Hearings (OAH) to adjudicate complaints for which a formal hearing is required. These *OAH-Adjudicated* complaints include *Subgrant*



*Administration Complaints* only. OAH-Adjudicated Complaints must be filed with the OAH in accordance with OAH's rules, which can be found on OAH's website at <http://oah.dc.gov/>.

OAH-Adjudicated complaints must comply with the formatting requirements established by the Office of Administrative Hearings in Title 1, Chapter 28 of the District of Columbia Municipal Regulations, entitled OFFICE OF ADMINISTRATIVE HEARINGS CONSOLIDATED RULES (<https://oah.dc.gov/node/1123917>).

The OAH must adjudicate Subgrant Administration complaints in accordance with Title 1, Chapter 28 of the District of Columbia Municipal Regulations, entitled OFFICE OF ADMINISTRATIVE HEARINGS CONSOLIDATED RULES (<https://oah.dc.gov/node/1123917>). The decision issued by OAH to resolve an OAH-Adjudicated complaint shall be deemed the Final Agency Decision.

## **2. OSSE-Resolved Complaints**

Program administration and equitable services complaints are not subject to a mandated hearing requirement. As such, these complaints will be resolved by OSSE and must be hand-delivered, sent via first-class mail, or emailed to OSSE at:

[ESSAComplaints.OSSE@dc.gov](mailto:ESSAComplaints.OSSE@dc.gov)

or

Office of the State Superintendent of Education c/o Sheryl Hamilton  
Division of Systems and Supports, K-12 1050 First Street, NE, 5th Floor Washington, DC 20002

All OSSE-Resolved complaints filed pursuant to this policy must meet the following requirements:

- a. Complaint must be in writing.
- b. Complaint filed by an organization must identify a single person to act as the complainant's representative for the purposes of resolving the complaint.
- c. Complaint must include the address of the complainant and the entity against whom the complaint is being filed.
- d. Complaint must be signed and attested to by the complainant or its representative.
- e. Complaint must include a statement of the facts upon which the complaint is based.
- f. Complaint must include a statement of the relief/SEA action being requested by the complainant.
- g. Complaint must be accompanied by all supporting documentary evidence in the possession of the complainant.
- h. Identification of the entity alleged to have violated a requirement of a federal statute or regulation that applies to a covered program.
- i. Citation of the specific federal statute or regulation alleged to have been violated.

OSSE-Resolved complaints that do not conform to the formatting requirements of this section cannot be accepted by OSSE and will be returned by OSSE to the complainant. Further, objections that do not conform to these basic requirements, such as objections made informally, in-person, by telephone, and anonymously are not considered complaints and are not subject to the procedures described herein.



## **V. Resolution of OSSE-Resolved Complaints**

### **1. Calculating Deadlines**

- a. The day of the act or event that triggers a deadline is not included when calculating deadline.
- b. The last day of the deadline must be included when calculating the deadline, unless the last day falls on an OSSE non-working day.
- c. Where the last day of a deadline falls on an OSSE non-working day, the last day for the deadline is the next day on which OSSE is open for business.

### **2. Providing Copies of Complaints**

- a. For complaints against OSSE, providing additional copies of the complaint is not required because OSSE will have notice of the complaint upon filing. Instructions on how to file an OSSE-Resolved complaint are found at Section IV.2 of this policy.
- b. For complaints against an LEA, a school, or other recipient of federal financial assistance of a covered program, the subject of the complaint will have no knowledge of the complaint until they are provided with a copy of the complaint by the person filing the complaint. For that reason, copies of Program Administration and Equitable Services complaints alleging violations by an entity other than the SEA must be provided to the entity that is alleged to have violated a covered program.
- c. Copies of the complaint must be provided by sending an exact copy of the document to the other party, or their representative, at their official place of business or residence via hand delivery or first-class mail within two (2) business days of the date on which the complaint was filed with OSSE. Any document submitted with the complaint must be provided to all other parties named in the complaint.

### **3. Continuances/ Extensions**

- a. Extensions and continuances of deadlines established by this policy may only be granted if exceptional circumstances exist.
- b. A party seeking a continuance or extension of a deadline shall file a request with OSSE using the same process for filing an OSSE-Resolved Complaint. The request must describe the exceptional circumstances and how those circumstances warrant a continuance or extension.
- c. OSSE may, at its discretion, extend or continue a deadline based on exceptional circumstances of the SEA *sua sponte*.<sup>xxvi</sup> OSSE shall issue a notice to both parties describing the exceptional circumstances and how those circumstances warrant a continuance or extension.

### **4. Responding to a Complaint**

- a. An entity who is alleged in a complaint to have violated a covered program may submit a response to the complaint along with any supporting documentary evidence within ten (10) business days of the date on which OSSE sent notice to the entity that a state-level complaint was filed alleging a violation of a covered program by the entity. The responding entity shall be referred to as the respondent. Responses shall be filed with OSSE using the same procedure described in Section IV.2 of this policy.
- b. The respondent shall also provide a copy of the response to the complainant no more than two (2) business days after submitting a response to OSSE.

- c. For any complaint in which a response is not timely submitted, OSSE will resolve the complaint based on the documentary evidence submitted by the complainant and the results of OSSE's investigation, if deemed necessary.

## **5. Investigation**

- a. Upon receipt of a complaint and response, or upon expiration of the time to submit a response if no response is received, OSSE will review the information provided and determine, at its discretion, whether on-site investigation is necessary to permit OSSE to resolve the complaint.
- b. If deemed necessary, OSSE shall notify the complainant of the date and time for the on-site investigation in the Letter of Acknowledgment [section 6(a)]. Such on-site investigation shall be completed within 30 business days of the date of the Letter of Acknowledgement.
- c. Failure to comply with an OSSE investigation of a complaint filed pursuant to this policy will result in enforcement action, up to and including resolution of the complaint based solely on the evidence provided in the complaint, withholding of funds, and withholding of further awards.

## **6. Letter of Acknowledgment, Letter of Decision and Corrective Action Plan**

#### **a. Letter of Acknowledgement**

OSSE shall issue a Letter of Acknowledgment to the complainant within 10 calendar days of receipt of the written complaint. This letter will contain the following information:

- The date the complaint was received by OSSE;
- A brief statement of how OSSE will resolve the complaint, including investigation if deemed necessary;
- If necessary, a request for additional information regarding the complaint; and
- The name and phone number of a contact person for status updates.

#### **b. Letter of Decision**

OSSE will issue a Letter of Decision to the complainant and respondents within 90 days of the filing of the complaint, except in the case of complaints regarding equitable services – which shall be resolved by OSSE within 45 days. (See section III.3 of this policy.)

If the Letter of Decision indicates that a violation has been found, corrective action will be required and timelines for completion will be included. A corrective action plan submitted in response to a Letter of Decision shall be subject to OSSE approval. OSSE shall provide notice to the respondent if the corrective action plan is disapproved. Such notice shall be accompanied by a written explanation of the deficiencies and specific instructions for amending the corrective action plan to obtain OSSE approval.

The Letter of Decision shall be in writing and shall include the following elements:

- Findings of fact upon which the decision is based;
- Conclusions of law;
- Relief ordered; and
- Instructions on how to appeal the Final Agency Decision.

### **7. Appeal to the U.S. Department of Education**

For OAH-adjudicated complaints, complainants or respondents may request a review of the decision by the Secretary of the ED. As described in section III.3 of this policy, for certain equitable services complaints, an appeal may be made to ED if OSSE has either issued a Letter of Decision or failed to do so within 45 calendar days. Appeals to ED shall be in writing and shall include a complete statement of the reasons underlying the request for review and shall be accompanied by a copy of the OAH decision or OSSE's Letter of Decision, as applicable.<sup>xxvii</sup>

The complainant may send the request with all supporting documents via first class mail to the following address:

Secretary, United States Department of Education 400 Maryland Avenue SW  
Washington, D.C. 20202-4611

The following are the deadlines for filing an appeal to ED depending on the type of ESEA complaint:

- a. An appeal of an OAH-Adjudicated decision regarding a Subgrant Administration Complaint shall be filed within twenty (20) calendar days after notice of the OAH decision.<sup>xxviii</sup>
- b. An appeal of a Letter of Decision (or failure of OSSE to issue a Letter of Decision within the required 45 day time period) regarding an equitable services complaint governed by ESEA Section 8503 shall be filed with ED within thirty (30) calendar days after notice of the Letter of Decision.<sup>xxix</sup>

## **VI. Complaint Reporting, Recordkeeping, and Notice**

All LEAs are required to disseminate, free of charge, adequate information about these complaint procedures to parents of students and to appropriate school officials and representatives.<sup>xxx</sup>

OSSE will maintain complete records of the resolution of each complaint that is properly filed pursuant to this policy for five (5) years from the date on which the complaint is resolved, including any appeals.

## **VII. Definitions**

Unless otherwise defined herein, the terms used in this policy shall have the definitions ascribed to them by EDGAR or in the authorizing statute of an affected program.

*"Adjudicate"* means the same as that term is defined by the District of Columbia Administrative Procedure Act, as codified at D.C. Official Code § 5-502.

*"Complainant"* means the party filing a complaint.

*"Findings of fact"* means a concise statement of the conclusions upon each contested issue of fact that is supported by reliable, probative, and substantial evidence.

*"Non-working day"* means a day on which the Office of the State Superintendent of Education is not open for business, and which does not include Saturdays, Sundays, Federal holidays, District of Columbia government holidays, and emergency closing days.

*"OAH-Adjudicated Complaints"* means a Subgrant Administration Complaint, which are adjudicated by the Office of Administrative Hearings on OSSE's behalf pursuant to an agreement between OSSE and OAH.

*"Office of Administrative Hearings"* or *"OAH"* means the District of Columbia Government agency established by the Office of Administrative Hearings Establishment Act of 2001, effective Mar. 6, 2002 (D.C. Law 14-76, 48 D.C. Reg. 11442, as codified at D.C. Official Code § 2-1831.02).

"Office of the State Superintendent of Education" or "OSSE" means the District of Columbia Government agency established by the Public Education Reform Amendment Act of 2007, effective Jun. 12, 2007 (D.C. Law 17-9, 54 D.C. Reg. 4102, as codified at D.C. Official Code § 38-2601).

"OSSE- Resolved Complaints" means a Program Administration or Equitable Service complaint which are adjudicated by OSSE.

"Party" or "Parties" means either the complainant or the respondent individually, or the complainant and respondent collectively.

"Respondent" means the party against whom a complaint was filed.

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i D.C. Code § 38- 2601.01. The majority of ESEA programs are state-administered. However, several ESEA programs are directly granted by ED to local educational agencies, community-based organizations, or other state agencies. OSSE does not directly administer or oversee such direct grants.

ii 20 U.S.C. § 6301 *et seq.*

iii Public Law 114-95, enacted December 10, 2015.

iv 20 U.S.C. 7844

v EDGAR is comprised of regulations at 34 CFR Parts 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, 99, 2 CFR Parts 200 and 3474 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), and 2 CFR Parts 180 and 3485 (Non-procurement Debarment and Suspension)

vi D.C. Code § 38-2601.01.

vii D.C. Code § 38- 2601 (c).

viii ESEA establishes several grant programs that are not administered by the State. These are direct grant programs, which are directly awarded by the Secretary of the U.S. Department of Education to an educational entity, are not subject to OSSE oversight, and are not included in the list of affected programs in Section II of this policy.

ix 20 U.S.C. § 1231b-2(a).

x 20 U.S.C. § 1231b-2(a).

xi 2 CFR § 200.338(a), (c).

xii 2 CFR § 200.338(b).

xiii 20 U.S.C. § 1231b-2(a). xiv 20 U.S.C. § 1231b-2(a). xv 2 CFR § 200.338(e).

xvi 20 U.S.C. § 1231b-2(a).

xvii D.C. Code § 38-1800 *et seq.*

xviii D.C. Code § 38- 1802.10(a)(5).

xix D.C. Code § 38- 1802.10(a)(6)(D).

xx 20 U.S.C. § 6320(b)(1).

xxi 20 U.S.C. § 6320(b)(6)(A)

xxii 20 U.S.C. § 6320(b)(6)(B)

xxiii 20 U.S.C. § 7883(a). xxiv 20 U.S.C. § 7883(b). xxv 20 U.S.C. § 6320(c)(2)

xxvi *Sua sponte* is a legal term and means "of one's own accord; voluntarily." It is used to indicate that a court has taken notice of an issue on its own motion without prompting or suggestion from either party.

xxvii 20 U.S.C § 1231b-2; 20 U.S.C. § 7883(b).

xxviii 20 U.S.C. § 1231b-2(b).

xxix 20 U.S.C. § 7883(b).

xxx 34 CFR § 299.11.