



Public Charter High School

PERSONNEL POLICY MANUAL

Updated August 2020

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THURGOOD MARSHALL ACADEMY PERSONNEL POLICY MANUAL

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ACKNOWLEDGEMENTS

Receipt of and Responsibility for Personnel Policy Manual

I acknowledge receipt of and responsibility for the Thurgood Marshall Academy's Personnel Policy Manual (also referred to as an "Employee Handbook," "HR manual," or the like). In this instance "receipt" shall have the same meaning as having been provided with electronic access via Thurgood Marshall Academy's Web site (www.thurgoodmarshallacademy.org) and/or other electronic access. I further acknowledge that I am responsible for knowing and abiding by the policies and all other contents of the Personnel Policy Manual, including updates announced via the School's electronic mail system or other means. I also understand that this Personnel Policy Manual is Thurgood Marshall Academy's property and—except when mandated by authorizers, legal authorities, lenders, insurance carriers, or the like—is not to be shared with non-employees without the express written consent of the Executive Director. Employees may, however, save electronic or print hardcopies of this manual for their own use.

*I further understand that the Personnel Policy Manual **DOES NOT CONSTITUTE A CONTRACT** with Thurgood Marshall Academy and that the provisions of this manual may be modified, added to, or eliminated at any time and for any reason at the sole discretion of Thurgood Marshall Academy. The same applies to any other Thurgood Marshall Academy policy, whether verbal or written. Unless I have an individual written employment agreement, signed by me and the Executive Director (a.k.a. "E.D." or "President") of Thurgood Marshall Academy (or the Chair of the Board in the case of the E.D.), I understand that my employment is "at-will" and either Thurgood Marshall Academy or I may terminate the employment relationship with or without cause, with or without notice, at any time and for any reason. I also understand that no Thurgood Marshall Academy employee except the Executive Director has authority to modify my "at-will" status. I cannot and will not rely on any verbal statement concerning my present or future employment status or the duration of my employment unless such statement is stated explicitly in writing and signed by me and by the Executive Director of Thurgood Marshall Academy.*

*I further understand that **all Thurgood Marshall Academy policies**, including but not limited to those in this Personnel Policy Manual, are **subject to change** by the Executive Director or Board (to the extent permitted by law) in order **to respond to the continuing impact of the COVID-19 pandemic**. The school will endeavor to issue advance notice of changes but reserves the right to change policies "effective immediately" if in the determination of the Executive Director such changes are in the best interest of the school community.*

Responsibility for Mandatory Reporting of Child Abuse, Neglect, or Sexual Violation Concerns & Mandatory Reporting of Conduct Impacting Credentialing

*I have received, **read**, and agree to comply with the policies outlined in this Personnel Policy Manual and with Thurgood Marshall Academy's protocol, policies, and procedures for mandatory reporting of and responding to concerns regarding child abuse, neglect, or sexual violation as well as those concerning mandatory reporting of conduct impacting credentialing. This includes acknowledgement of my obligation to complete the District of Columbia online training noted in the school's policy and my agreement to complete the training in a timely manner.*

Personnel Policy Manual Acknowledgement (continued)

Families First Coronavirus Response Act (FFCRA)

Signature below also acknowledges receipt of information about the Families First Coronavirus Response Act (FFCRA), including but not limited to the fact that FFCRA, if not extended, expires December 31, 2020. If FFCRA expires or is modified, employees acknowledge that the section of this manual covering the policy shall be moot or modified, and subsequent events will be governed by laws then in effect.

*Signed:** _____

Printed Name: _____

Date: _____

**** Electronic signature initiated by Thurgood Marshall Academy constitutes acknowledgement.***

Revised August 2020

WELCOME TO THURGOOD MARSHALL ACADEMY

The mission of Thurgood Marshall Academy Public Charter High School (hereafter “Thurgood Marshall Academy” or the “School”) is to prepare students to succeed in college and to actively engage in our democratic society. Thurgood Marshall Academy opened in August 2001 with a class of 80 ninth graders. We added a tenth grade in August 2002, and then added one grade each year until the School served grades 9 through 12.

Thurgood Marshall Academy is firmly committed to selecting and employing the best and most qualified persons for available positions without unlawful discrimination of any kind. Thurgood Marshall Academy also recognizes its obligation to provide an overview and introduction for each new employee. This Personnel Policy Manual, which is intended to provide general guidelines concerning current procedures, will assist in providing an overview and introduction for each new employee. For our current employees, the Personnel Policy Manual will provide a written source of information concerning policies with which you may already be familiar.

Thurgood Marshall Academy’s employees are our most important resource. It is our policy to select, hire, develop, and retain the very best people, then provide them with the resources that allow them to succeed.

We are glad you decided to come to Thurgood Marshall Academy. The high quality and commitment of our staff is the reason Thurgood Marshall Academy is a successful school. We are very pleased to welcome you as a member of our team.

PURPOSE OF THIS HANDBOOK

This handbook was developed to provide general guidance about Thurgood Marshall Academy's expectations and values as well as policies regarding hiring, benefits, evaluation, and other aspects of the employer/employee relationship. No handbook can anticipate every circumstance that may arise in the workplace. Furthermore, common sense may dictate that certain policies should be revised or abandoned based upon experience. Therefore, Thurgood Marshall Academy reserves the right to revise, rescind, or supplement policies as it deems appropriate. Such revisions may be made at Thurgood Marshall Academy's sole discretion and may be made with or without prior notice.

Unless specifically indicated otherwise, all School policies—whether communicated in this manual or through other channels—apply at all School workplaces, including but not limited to the School's main building; its athletic center(s), fields, out-buildings, and grounds; an employee's home when work is conducted there or School property is used there (e.g., telecommuting or use of a School laptop at an employee's home); or at any location where Thurgood Marshall Academy business is conducted on either a regular or ad-hoc basis (e.g., field trips, sporting events, conferences).

This handbook does not confer contractual rights or alter the employment status of any employee. Contract employees are advised that no employment contract with Thurgood Marshall Academy is enforceable unless the Executive Director of Thurgood Marshall Academy signs it. At-will employees (employees without contracts) are advised that no supervisor, manager, or representative of Thurgood Marshall Academy except the Executive Director has the authority to enter into an agreement with you for employment for a specified period or make any promises or commitments that guarantee continued employment (in exceptional cases, such as the Executive Director's own contract, the Chair of the Board of Trustees signs the contract).

THE WORK ENVIRONMENT

Open Communications

Communication is a two-way street. Employees are encouraged to talk openly with their supervisors about ideas they may have to improve School operations, and to discuss any problems they feel may prevent the School from running in an efficient and professional manner. Employees also are encouraged to talk openly with their supervisors about any concerns they may have regarding their particular working conditions. Professionalism and courtesy should be observed during any communications.

Nondiscrimination Policy, including Equal Opportunity in Hiring & Employment

In accordance with Title VI of the Civil Rights Act of 1964 ("Title VI"), Title IX of the Education Amendments of 1972 ("Title IX"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Title II of the Americans with Disabilities Act of 1990 ("ADA"), and the Age Discrimination Act of 1975 ("The Age Act"), and applicable District of Columbia laws and regulations applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Thurgood Marshall Academy are

hereby notified that Thurgood Marshall Academy does not discriminate on the basis of race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or veteran status in admission or access to, or treatment or employment in, its programs and activities. The School provides equal access to designated youth groups (e.g., when applicable, the Boy Scouts).

Students, parents and/or guardians having inquiries concerning Thurgood Marshall Academy's compliance with Section 504, ADA, Title VI, Title IX, and/or the Age Act as they apply to students or who wish to file a complaint regarding such compliance should contact:

Director of Special Education
Thurgood Marshall Academy
2427 MLK Jr. Ave SE
Washington, DC 20020

who has been designated by Thurgood Marshall Academy to coordinate its efforts to comply with the regulations implementing Section 504, ADA, Title VI, Title IX, and the Age Act as they relate to students.

For inquiries or to file a complaint regarding Thurgood Marshall Academy's compliance with ADA, Section 504, Title VI, Title IX, and/or the Age Act as they relate to employees or third parties, contact:

COO
Thurgood Marshall Academy
2427 MLK Jr. Ave SE
Washington, DC 20020

who has been designated by Thurgood Marshall Academy to coordinate its efforts to comply with the regulations implementing Section 504, ADA, Title VI, Title IX, and the Age Act as they relate to employees or third parties.

Consult also the Grievance Procedures, which appears later in this *Personnel Policy Manual* or may be obtained by request through the individuals identified above.

Under this policy, Thurgood Marshall Academy is an Equal Opportunity Employer, and is committed to providing equal employment opportunity in recruitment, hiring, training and development, promotion, termination, compensation, benefits, and all other terms, conditions, and privileges of employment as required by applicable law.

Thurgood Marshall Academy also requires our employees to abide by applicable federal and state nondiscrimination laws in their dealings with all members of the Thurgood Marshall Academy community—including visitors, vendors, and suppliers.

Reasonable Accommodations

As stated in the Nondiscrimination Policy, above, it is the policy of Thurgood Marshall Academy to comply with all laws concerning the employment of persons with disabilities, including the Americans with Disabilities Act, as amended, the DC Human Rights Act, and the DC Protecting Pregnant Workers Fairness Act. Thurgood Marshall Academy will not discriminate against qualified individuals with physical or mental disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment.

An individual requesting a reasonable accommodation to a disability, including known limitations relating to pregnancy, childbirth, a related medical condition or breastfeeding, should present the request to the Executive Director, who will engage in an interactive process with the applicant or employee to identify an appropriate reasonable accommodation. Thurgood Marshall Academy may require medical documentation certifying the disability and the related limitations. If a reasonable accommodation can be made that will enable the applicant or employee to perform the essential functions of the job without undue hardship to the school, Thurgood Marshall Academy will provide that accommodation. If more than one such accommodation is available, Thurgood Marshall Academy will determine which accommodation will be offered.

Thurgood Marshall Academy also recognizes the importance of individually held religious beliefs to persons within its workforce. Thurgood Marshall Academy will reasonably accommodate an employee's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Those requesting a workplace attire accommodation based on religious beliefs should be referred to the Executive Director.

Employment-at-Will

It is the policy of Thurgood Marshall Academy that at-will employment can be terminated at the option of the employee or at the option of the Thurgood Marshall Academy, with or without cause, and with or without notice, at any time and for any reason. No employee or representative of Thurgood Marshall Academy other than the Executive Director has the authority to enter into any agreement providing for the employment of any employee for any specified period of time or otherwise modifying this at-will policy. Any such agreement must be explicit, in writing, and signed by the Executive Director.

Interns

Internships are subject to regulation by federal agencies. Furthermore, if an internship is not administered properly, it could create a liability for the School. Therefore, no employee or representative of Thurgood Marshall Academy other than the Executive Director has the authority to approve an intern working at or on behalf of the School.

Neutral Employment Reference Policy

Thurgood Marshall Academy's policy on providing employment references for a current or former employee is to provide a neutral reference, which consists of verifying dates of employment, position title, and work location. Verification of salary will be provided only in response to a written request that includes an authorization by the employee. All verbal or written employment references should be directed to the Executive Director's office.

Communications to third parties concerning a present or former employee's performance or conduct, or the reasons for any discipline or termination, are strictly prohibited absent explicit approval from the Executive Director, who shall ensure the school complies with DC and federal laws concerning sharing information about prior conduct.

Drug and Alcohol Policy—Drug-Free Workplace

Statement of Policy

It is the policy of Thurgood Marshall Academy to create and maintain a drug- and alcohol-free environment in the workplace, as required by the Drug-free Workplace Act of 1988. The abuse of alcohol or controlled substances (including the misuse or abuse of prescription drugs) or the use of illegal drugs, including but not limited to marijuana, cocaine, heroin, morphine, synthetic marijuana, cannabis, barbiturates, or amphetamines is inconsistent with the professional and responsible behavior we expect of employees, subjects all employees and visitors to unacceptable safety risks and undermines Thurgood Marshall Academy's ability to operate effectively and efficiently.

It is important to note that federal law and School policy continue to treat marijuana and cannabis as illegal and prohibited despite changes in some state laws. Federal laws that prohibit any use of marijuana and other cannabis products, including medical use, have not changed and take precedence over laws in States that have chosen to legalize either medical or recreational use of marijuana or other cannabis products. In addition, Thurgood Marshall Academy receives federal funding and, as such, must abide by additional regulations requiring that recipients prohibit use or possession of drugs in the workplace. Finally, note that if an illegal drug is legalized even at the federal level and even for medical use, the School will still continue to prohibit its use or possession at work—or reporting to work under its influence—as is the case with alcohol.

Therefore, the employees of Thurgood Marshall Academy are strictly prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances or illegal drugs, as defined above, on Thurgood Marshall Academy's premises or while conducting Thurgood Marshall Academy business off Thurgood Marshall Academy's premises.

Such conduct and/or use of illegal drugs or controlled substances is also prohibited during non-working time to the extent that it, in the opinion of the management of Thurgood Marshall Academy (1) impairs the employee's ability to perform his or her job; (2) affects Thurgood Marshall Academy's reputation or threatens its integrity; and (3) jeopardizes the employee and/or others in the workplace. Reporting to work while under the influence of illegal drugs, controlled substances, or alcohol is prohibited.

Employees who are convicted of offenses involving controlled substances or alcohol (including DUI) in the workplace must inform the Executive Director within five (5) days of the conviction or plea.

Employees who violate any aspect of this policy are subject to disciplinary action, up to and including immediate termination from Thurgood Marshall Academy.

An employee who is undergoing medical treatment with any controlled substance that may impair his/her physical or mental ability, even if a licensed physician has legally prescribed it, is strongly advised to report such treatment to her or his immediate supervisor so that an appropriate response can be made in the event of a reaction or emergency. Thurgood Marshall Academy will determine whether the employee constitutes a direct threat to himself/herself or others. If so, as permitted by applicable laws, the employee shall not be permitted to work while undergoing such treatment.

Policy Violations

For any violation of this Drug and Alcohol Policy (including, without limitation, the unlawful manufacture, distribution, dispensation, possession, use or misuse of illegal drugs, alcohol, or controlled substances on Thurgood Marshall Academy's premises or while on Thurgood Marshall Academy business), Thurgood Marshall Academy, in its sole discretion, may subject the offending employee to disciplinary action up to and including immediate termination of employment.

Tobacco-&-Smoke Free Workplace

Thurgood Marshall Academy is a non-smoking facility and all forms of tobacco and smoking products are prohibited for all employees, students, visitors, contractors, and other occupants. This policy prohibits all forms of tobacco and smoking products, including but not limited to cigarettes, cigars, e-cigarettes, smokeless tobacco (chew), marijuana, and any other smoke or smoke-free tobacco product. Use of tobacco and similar products is not allowed anywhere in the buildings or the grounds, or by chaperones, guests, and others attending Thurgood Marshall Academy-sponsored events on or off campus. This policy is intended to comply with applicable District of Columbia and federal laws. Failure to abide by the policy may result in disciplinary action up to and including termination.

Workplace Violence Prevention Policy

Thurgood Marshall Academy is committed to preventing workplace violence and to maintaining a safe work environment. Thurgood Marshall Academy has adopted the following guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur on-site or off-site during work-related activities.

Scope of Policy

All full-time and part-time, active employees are covered under this policy. It also applies to contractors, volunteers, and any other adults serving Thurgood Marshall Academy to the full extent to which the School can reasonably enforce the policy with non-employees. By way of example only, employees should report any threatening behavior by adults serving at Thurgood Marshall Academy—even if they are not employed by the School—and managers should suspend the contractor's, volunteer's, or other adult's service at the School, if warranted, pending investigation (per the policy below).

Procedures

All employees, students, parents, vendors, business associates, and other stakeholders must be treated with courtesy and respect at all times. Employees must refrain from fighting, "horseplay," or other conduct that may be dangerous to others.

Corporal punishment and threats of corporal punishment are prohibited and will be treated as acts of violence as described in this section.

Conduct that threatens, intimidates, or coerces another employee, student, parent, vendor, business associate, or other stakeholder will not be tolerated. Thurgood Marshall Academy resources may not be used to threaten, stalk, or harass anyone at the workplace or outside of the workplace. Thurgood Marshall Academy treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to a supervisor, security personnel, members of Thurgood Marshall Academy leadership team, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident (unless their role at the School, their training, and other School policies require and have prepared them to intervene).

Employees should promptly inform the Executive Director (or the Chief Operating Officer in the Executive Director's absence) of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. Thurgood Marshall Academy will not retaliate against employees making good-faith reports. Employees coping with violence outside the workplace are encouraged (but not required) to contact Raffa-Marcum HR to learn whether the School's life insurance carrier or other provider offers an Employee Assistance Program (EAP) in which the employee is eligible to participate that may be able to offer counseling or other support.

Thurgood Marshall Academy will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practicable given the circumstances. Thurgood Marshall Academy will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, Thurgood Marshall Academy may immediately suspend employees, contractors, or volunteers suspected of workplace violence or threats of violence, either with or without pay, pending investigation. Employees or others suspended for alleged violation of this policy shall not have any access to students, faculty, staff, contractors, or other stakeholders, nor shall they be allowed on Thurgood Marshall Academy's premises or at School activities until the investigation is concluded.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination of employment or (in the case of a contractor or volunteer) termination of service at and access to the School as well as its students and staff.

If the School's life insurance carrier or other provider offers an Employee Assistance Program (EAP), an employee found responsible for threats of or acts of violence may self-refer to that program, or the School may refer the employee to the EAP as either an optional step or as a

condition of disciplinary action up to and including continued employment. Participation in such a program, however, will not replace or exempt an employee from additional disciplinary action.

Thurgood Marshall Academy encourages employees to bring disputes to the attention of their supervisors or the Executive Director before the situations escalate. Thurgood Marshall Academy will not discipline employees for raising such concerns in good faith.

School and Employee Property

Thurgood Marshall Academy reserves the right to examine, inspect, or search at any time and without notice any and all Thurgood Marshall Academy property/workplaces and the contents therein or thereon, including without limitation, Thurgood Marshall Academy vehicles (owned or rented), desks, offices, cabinets, lockers, and storage compartments. This policy applies also to electronic devices/networks and to intellectual property, including but not limited to computer hard drives; other electronic devices; the School's servers and Local Area Network; cloud sites/portals; remote-hosted sites; computer systems; and the School's Web site, social media accounts, and related Web-logs ("blogs"). No employee has the right to interfere with or prevent such examinations, inspections, or searches of Thurgood Marshall Academy property based on expectations of privacy or otherwise. The School may at Management's sole discretion impound or dispose of any item at School workplaces that Management reasonably believes either constitutes a violation of School policy or local, state, or federal law, or that undermines workplace safety or integrity. Any items that an employee does not want to have examined, inspected, or searched should not be brought to the workplace. This policy does not, however, require that the School police either its own or employees' property, nor is the School responsible for either the contents or the protection of employee personal property brought to the workplace.

Flammable products are never allowed on School property or at School-sponsored activities without express authorization by the Operations department or the Executive Director. This policy applies to employees, students, contractors, parents/guardians, and all visitors. (See also the tobacco-and-smoke-free workplace policy under the Drug & Alcohol Policy, above.)

School property must not be removed from the School facilities without the express written permission of the Executive Director, Head of School, or Chief Operating Officer. Any property removed must be returned as soon as the purpose of its off-site use is completed.

Harassment and/or Discrimination Prohibition Policy

Statement of Policy

It is the policy of Thurgood Marshall Academy to maintain a working environment that does not discriminate on the basis of race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or other protected category. Harassment in any manner or form is expressly prohibited. It is the policy of Thurgood Marshall Academy that all Thurgood Marshall Academy personnel, contractors, and applicants are to be treated in a respectful and professional manner. Also, no individual is to be subjected to any unwelcome conduct that is or should be known to be offensive because of his or her race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family

responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or other protected category. Further, no Thurgood Marshall Academy personnel shall engage in unwelcome and offensive conduct towards any individual that is motivated by the individual's race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or other protected category. The term "harassment" in this policy includes conduct which is contrary to this policy, even if it does not meet the legal definitions for harassment.

This policy applies to all employees, volunteers, Board members, contract workers, and all applicants for such positions.

All reported or reasonably suspected occurrences of harassment will be investigated in a confidential manner and as promptly and thoroughly as is practicable and necessary. Where harassment has occurred, Thurgood Marshall Academy will take appropriate disciplinary and/or other corrective action, up to and including termination.

There will be no retaliation against an individual who has in good faith complained about or reported alleged harassment or who has cooperated with an investigation of alleged harassment.

Types of Sexual Harassment

This policy extends to sexual and other forms of harassment. For purposes of this policy, sexual harassment includes the following:

Hostile Environment Harassment

Hostile environment sexual harassment may occur when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Also, non-sexual conduct that is unwelcome and offensive and which is directed at an individual because of the individual's gender (female, male, or other protected category) may create a hostile environment. Racial, age-based, religious, ethnic, disability, sexual orientation, and other forbidden forms of harassment may occur when there is conduct which is motivated by or relates to an individual's race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or other legally protected characteristics. In all such cases, hostile environment harassment occurs when such conduct is sufficiently severe or pervasive to and does:

- (1) unreasonably interfere with an individual's work performance, or
- (2) create an intimidating, hostile or offensive work environment.

"Quid Pro Quo" Sexual Harassment

"Quid Pro Quo" sexual harassment may occur when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- (1) submission to such conduct is an explicit or implicit condition of employment; or
- (2) submission to or rejection of such conduct is used as the basis for employment decisions.

Both types of harassment are prohibited in all work interactions regardless of location. That is, the "work environment" in which hostile and/or quid pro quo harassment is prohibited refers not

only to the organization's facilities but also to any location or occasion during which employees interact, including but not limited to off-site activities, conferences, school-sponsored employee social events, and vehicles.

Conduct Prohibited by the Policy

Thurgood Marshall Academy's policy also prohibits any unwelcome harassing conduct, even if the conduct is not sufficiently severe or pervasive enough to create a hostile environment or is not "quid pro quo" harassment.

It is not possible to list all the conduct that may violate this policy or is otherwise unacceptable. The following are examples only:

- All unwelcome and offensive jokes, stories, comments, or verbal abuse based on race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or other protected category.
- Use of any degrading or derogatory words or language to describe or refer to any person, or any harsh or unfair conduct towards another person that is motivated by the person's race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or other protected category.
- The display in the workplace or on Thurgood Marshall Academy property of objects or pictures—whether print or electronic—that expressly or implicitly degrade individuals or groups on the basis of race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or other protected category.
- Offering, promising, or granting preferential treatment to any employee or applicant (i) because of that individual's race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or other protected category; or (ii) as a result of, or in anticipation of, that individual's engaging in or agreeing to engage in sexual or romantic conduct, even if the conduct is consensual.
- Using Thurgood Marshall Academy e-mail, voice-mail, Internet access, or other school-sponsored communications services or devices for any purpose which reasonably is or should be known to be offensive because of its treatment of race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or other protected category. Note: no Thurgood Marshall Academy personnel shall use Thurgood Marshall Academy equipment to access media sites—including but not limited to Internet Web sites—known to contain material that is sexually prurient or

graphic, or that promotes or advocates sexism, racism, or other forms of bigotry based on race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or other protected category. Refer to the technology policy for more information.

- Unwelcome flirtation, sexual advances, propositions, or pressures for sexual favors, and unwelcome inquiries into someone's sexual experience or activity, including but not limited to sexually foul language, leering and whistling, or other unwelcome sexually suggestive conduct.
- Unwelcome and unnecessary physical contact, other than incidental and/or innocuous contact.

Harassment and/or Discrimination Complaint Procedure

Notification Procedures

Any Thurgood Marshall Academy personnel or applicant who feels that he or she is being or has been subjected to harassment or who knows of or suspects the occurrence of harassment should promptly and in confidence inform the Executive Director or the Chief Operating Officer. If the person's concerns are about the Executive Director, that person should report the matter to the Chair of the Board of Trustees.

In addition, all management and supervisory personnel at Thurgood Marshall Academy have an affirmative duty to report promptly to one of the individuals designated above any harassment that they observe, that is made known to them by others, or that they reasonably suspect has occurred.

Investigation Procedure

All reported occurrences of harassment will be investigated as promptly and thoroughly as is practicable and as is required under the circumstances. The individual who makes the report or is the target of the alleged harassment will be assured that all forms of harassment are expressly prohibited, that Thurgood Marshall Academy will conduct a confidential investigation and that Thurgood Marshall Academy will take appropriate corrective action if harassment is found to have occurred.

Thurgood Marshall Academy will designate the individual who will be responsible for conducting the investigation of reported incidents of harassment. The timing, scope, and extent of the investigation will be determined by Thurgood Marshall Academy on a case-by-case basis, considering the circumstances of the alleged harassment. All investigations will be conducted to protect, as much as practicable, the privacy of, and minimize the suspicion toward, all persons concerned.

Thurgood Marshall Academy expects Thurgood Marshall Academy personnel who are contacted in connection with an investigation to cooperate fully.

Procedure Pending Investigation

Pending the outcome of an investigation, reasonably necessary and prudent interim measures,

such as separation of the complainant and the alleged offender, suspension of the alleged offender, temporary leave for the complainant, etc., will be taken at Thurgood Marshall Academy's discretion, taking into consideration the complainant's wishes, the seriousness of the accusations, the background of the situation, and any other relevant information.

Resolution and Outcome of Investigation

Following an investigation, Thurgood Marshall Academy will take such action that it deems necessary or appropriate under the circumstances:

- **No Violation.** In the event that the investigation discloses no violation of this policy or is inconclusive, all necessary parties will be so advised.
- **Violation.** In the event that the investigation discloses a violation of this policy, Thurgood Marshall Academy will normally communicate its findings to both the complainant and the alleged offender. Based upon the totality of the circumstances, appropriate disciplinary and/or other corrective action, up to and including termination, will then be taken. The action taken will be reasonably calculated to prevent any further unacceptable conduct. It is within Thurgood Marshall Academy's discretion to determine the appropriate corrective action.
- If the complainant or the alleged offender is not satisfied with the resolution, he or she is encouraged to contact Thurgood Marshall Academy's Executive Director, who will render a final decision.

In the event an investigation of a reported or suspected occurrence of harassment fails to reveal harassment and instead reveals that any person has abused the policy by lodging a knowingly false or frivolous complaint, by fabricating facts, by failing to tell the truth, or by knowingly omitting important facts, Thurgood Marshall Academy may take appropriate disciplinary and/or other corrective action.

No Retaliation

No individual who, in good faith, reports or complains about harassment or unacceptable conduct, or who assists Thurgood Marshall Academy in its investigation, will be subjected to retaliation. Anyone who feels that he or she has been the victim of, or threatened with, retaliation, should immediately inform one of the individuals identified above for purposes of receiving reports or complaints.

Non-Solicitation Policy

It is the policy of Thurgood Marshall Academy that employees may not engage in non-School business solicitation/distribution activities during work hours. In addition, the use of School resources (including but not limited to stationery, computers, e-mail or other electronic media, voice-mail, bulletin boards, social media, and meeting facilities) for non-School business solicitation is also prohibited. Commercial ventures that wish to solicit faculty, staff, students, parents, or other members of the Thurgood Marshall Academy community may do so only with full written consent of the Executive Director in accordance with any charter school policies which may also apply.

Safety

Every care is taken to make Thurgood Marshall Academy a safe and healthy place in which to work. Federal and state occupational safety regulations detail Thurgood Marshall Academy's responsibilities for maintaining a hazard-free working environment. You are required to follow safety rules and procedures, use safety equipment and clothing when necessary, and report unsafe conditions to your supervisor promptly. Employees may be given continual ("24/7") access to the School's facilities, but may not use the facilities as their residence; any employee seeking to stay overnight in the facilities is to inform the COO in advance, who may require the approval of the Executive Director.

The School reserves the right to gather and retain information as required or recommended by law, advisors, or public safety best practices. By entering facilities employees consent to these practices. Examples include but are not limited to the use of security cameras and facial-recognition-thermal-scanners.

Safety Program

Thurgood Marshall Academy maintains practices intended to provide a Safety Program consistent with applicable law.

- **Annual Training & Safety Meetings:** Employees are trained in school safety matters annually during start-of-year orientation, through drills (e.g., fire drills) during the year, and as needed.
- **Return to Duty:** Thurgood Marshall Academy, advised by Raffa-Marcum HR and following applicable laws and insurance policies, complies with doctors' orders concerning worker's compensation matters.
 - **Return to light duty:** If a doctor's orders call for light duty, the employee, her/his supervisor, and consultants from Raffa-Marcum work together to establish a work schedule and duties compliant with doctor's orders. If the light duties constitute a full-time work schedule, the employee is paid their full salary; if the light duty requires intermittent leave, the employee takes PTO or short-term disability for the leave but is otherwise paid their full-time rate for all work hours.
 - **Return to Full-time modified work:** If doctor's orders call for a return to full-time modified work, the procedures are the same as for light-duty.
- **Safety Director:** The Chief Operating Officer serves as Safety Director; the COO and his/her staff implement safety planning, supervision, and management.
- **Personal protective safety equipment (PPE):** In normal circumstances, Thurgood Marshall Academy provides routine personal protective equipment (PPE) when the administration determines such PPE is needed to work and teach safely. An example is that the school provides both teachers and students with safety equipment in science classrooms. In extraordinary circumstances, such as pandemic, TMA will follow to the greatest extent possible applicable guidance from federal, state, and/or local authorities, such as the DC Mayor and DC Department of Health, in regards to PPE needed for work as well as employer-vs-employee responsibilities for procuring and maintaining PPE.

- **Supervisors:** Supervisors are expected to investigate and mitigate on-the-job injuries, and to communicate injuries immediately to the COO or Raffa-Marcum HR.
- **Accident investigation program:** Thurgood Marshall Academy disciplinary staff, its contract security firm, or Operations staff (as appropriate in a given incident) investigate accidents and incidents at the school.

Safety in Emergencies

In the case of emergencies and drills for emergencies, employees must listen for and follow instructions from supervisors and/or from members of the School community designated as leaders in case of crisis. In the event of a School, local, or national emergency during working hours, employees must remain on-site until expressly dismissed by the School’s designated crisis manager or her/his delegate. Employees who “abandon their posts” and/or leave students in their care unsupervised at any time, but especially during a crisis, may be subject to disciplinary action. While the administration will make every reasonable effort to accommodate each employee’s needs during an emergency, family concerns in and of themselves will not excuse employees from duties in a crisis; employees must make contingency plans with family members in preparation for a crisis.

Environmental Compliance

Employees who handle chemicals or other substances that may cause health hazards or industrial pollution must follow requirements on the handling and disposal of such materials. Safety data sheets must be posted and on file to ensure that the information contained in them is readily available. Unless otherwise indicated by School policy, it is the responsibility of department-level managers to post data sheets and supervise environmental compliance (by way of example only, the Science Department chair would ensure Science Department environmental compliance). All employees are expected to observe and follow environmental and safety rules pertaining to these materials, and to take precautions to ensure that such materials are not placed in unlabeled containers where inadvertent injury or pollution may occur.

Employment of Relatives

Employment—or the engagement of an individual as an independent contractor—of any relative of a Thurgood Marshall Academy employee must be approved in advance by the Executive Director. Thurgood Marshall Academy does not have a policy prohibiting the employment of related individuals, but the School prohibits nepotism understood as favoritism towards relatives. Therefore, employees may not supervise their relatives, authorize payroll actions for them, or work in the same department with them. Any exceptions to this policy must be made, in advance of employment, by the Executive Director or a School leader designated by the Executive Director. See also Conflicts of Interest later in this manual.

Protection of Confidential Information

Employees may, in the course of performing their duties for Thurgood Marshall Academy, have access to highly confidential information. Such confidential information includes, but is not limited to:

- Information about employees (such as compensation, evaluations, and the like);
- Personal information regarding students or their families; and
- Financial information about the organization.

Employees who improperly use or divulge any confidential information will be subject to disciplinary action, up to and including termination. Employees who regularly have access to confidential information may be required to sign a specific acknowledgement of their non-disclosure obligation, but this policy that confidential information shall not be disclosed applies to all employees at all times irrespective of whether they have been asked to sign a specific non-disclosure statement. All employees are expected to treat confidential information with complete discretion.

Lactation Accommodation

Thurgood Marshall Academy will provide reasonable daily break periods for an employee to express breast milk, as required by the employee. The break period is to run concurrently with any break period, paid or unpaid, already provided to the employee. However, Thurgood Marshall Academy is not required to provide break periods if doing so would create an undue hardship on its operations.

Thurgood Marshall Academy will make reasonable efforts to provide a sanitary room or other location in close proximity to the work area, other than a bathroom or toilet stall, where an employee can express breast milk in privacy and security. The location may include a child care facility in close proximity to the employee's work location. Employees who are in need of lactation facilities should consult with the Assistant Director of Operations.

PAYROLL & ADMINISTRATIVE MATTERS

Contracts

It is the School's policy not to renegotiate contracts after they are signed unless exceptional circumstances arise, such as a significant change in duties initiated by the School or a teacher earning and documenting an additional degree mid-year. If a provision of the contract depends upon an event that will resolve after signature of the contract but before the beginning of the contract's term, the contract should anticipate the contingency and detail appropriate steps. (By way of example only, if a teacher expects to become eligible for a higher pay step by completing a degree program after signing a contract but before its term begins, the contract would state the teacher's pay if the degree program is not completed and the pay if documentation of successful completion of the degree is provided prior to the beginning of the contract's term.) In the rare event that an employee terminates a contract prior to the end of the term, it is expected that the employee will provide written notice to her or his supervisor or the Executive Director, and in such cases the employee must follow voluntary termination provisions of the contract.

Employment Categories

Each employee is designated as either **non-exempt** or **exempt** from federal and state wage and hour overtime requirements.

- **Exempt Employee Status:** Exempt employees are excluded from the overtime provisions of federal and state wage-hour laws. In general, exempt employees are salaried workers who occupy one of the following types of positions: (1) executives, such as managers, (2) certain administrative positions, or (3) professional positions, such as a teacher.
- **Non-exempt Employee Status:** Non-exempt employees are covered by the Fair Labor Standards Act and state law minimum wage and overtime pay provisions. An employee who is paid on an hourly basis is usually considered to be non-exempt, regardless of the hourly rate of pay. Non-exempt employees receive overtime pay for hours worked in excess of forty (40) hours per week. See “Overtime” section below for further information regarding overtime pay.

In addition, Thurgood Marshall Academy classifies employees as follows:

- **Regular Full-Time** employees are those who are regularly scheduled to work a full-time schedule and are not employed in a temporary, seasonal or introductory status. Generally, regular full-time employees are eligible for Thurgood Marshall Academy's full benefit package, subject to the terms, conditions, and limitations of each benefit program.
- **Temporary** employees are those who are hired on an interim basis, to temporarily supplement the work force or to assist with a specific project. Employment assignments in this category typically are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation benefits and Social Security), they are—with some exceptions for service workers—ineligible for Thurgood Marshall Academy's other benefit programs. Service corps workers (by way of example only, AVODAH, Lutheran Volunteer Corps, or Americorps VISTA volunteers) paid through the School's payroll system constitute temporary employees but (if permitted under their service organization's policies) receive health, dental, and life insurance during their period of service at Thurgood Marshall Academy; they are not, however, eligible to participate in the School's retirement (403b) plan unless this benefit is specifically mandated by the service organization's contract with the School.
- **Seasonal** employees are those who have established an employment relationship with Thurgood Marshall Academy, but who are assigned to work on an intermittent and/or unpredictable basis. Seasonal employees' access to benefits will depend upon the projected duration of their service (e.g., number of hours worked per year) in their contracts as it relates to the rules of the School's benefits plans and legally mandated benefits—see “Temporary” and “Regular Part-Time.” Unless otherwise stated in a contract, while they receive all legally mandated benefits (such as workers' compensation benefits and Social Security), seasonal employees are ineligible for all of Thurgood Marshall Academy's other benefit programs.
- **Regular Part-Time** employees are those who are not regularly scheduled to work a full-time schedule and/or are regularly scheduled to work fewer than 40 hours per

week. Regular part-time employees have access to all the benefits and perquisites offered to regular full-time employees, with the following exceptions:

- 1) regular part-time employees must work enough hours to be eligible to participate in plans per the agreements the School maintains with providers (by way of example only, part-time employees must regularly work at least 17.5 hours per week in order to participate in the School's health insurance plans);
- 2) benefits of part-time regular employees may be subject to further restrictions detailed in benefit plan documents (i.e., the policies above do not override restrictions that may appear in a benefit plan document); and
- 3) Paid Time Off granted will be prorated based on hours/days of service, but will be equal to or greater than the sick/personal day requirements of District of Columbia law.

Alumni and Former Students as Employees

Thurgood Marshall Academy welcomes alumni as employees. Since the mission of the School is to prepare students for success in college, however, former students employed by the School must have—or be able to demonstrate progress toward—a bachelor's degree. Employment of former students who have not yet earned bachelor's degrees is contingent upon the employees providing evidence of progress toward degrees in the form of current college class schedules, tuition receipts, or other documentation accepted by the Executive Director. Documentation shall be submitted to the employees' supervisors at the beginning of each academic term observed by the employees' colleges. Failure to document progress toward a bachelor's degree may—at management's discretion—jeopardize continued employment, raises, or other opportunities.

Alternative Work Schedule & Remote Work Policies

Thurgood Marshall Academy is interested in alternative work schedules as a method of staff retention through work/life balance.

Alternative Work Schedule Policy

This section is intended to state policies for alternative work schedules during times when most employees report to the School's physical site(s). Policies and procedures when many or all employees must work away from the facilities (e.g., during pandemics) will be determined on a case-by-case basis and following applicable laws and guidance; in the absence of other guidance, however, the policy below can serve as the "default" expectations of employees working from home.

Although those granted alternative work schedules have a flexible work schedule, they must remember that as a professional they need to make sure work demands are covered. Alternative scheduling is available to assist employees in meeting their personal work performance goals and family needs. Alternative work scheduling is an opportunity to maintain employee productivity through various forms of creative work scheduling.

Eligible employees will be considered for alternative work scheduling on a case-by-case basis, where creative work schedules have been shown to accomplish both work and personal goals, to provide coverage for individual department operations and to serve Thurgood Marshall Academy

as a whole with increased productivity at no expense to quality output. All requests must be submitted in writing to one's supervisor outlining the flexible work arrangement plan. Alternative work schedules must be approved in writing by the Executive Director either via a letter, e-mail, or revised contract; the School has no obligation to alter an employee's schedule or to accept a proposed alternative work schedule.

The decision to approve an alternative work arrangement will be based on factors such as position and job duties, performance history, related work skills, and the impact on the organization. Not every job will be eligible for alternative work arrangements—some jobs by nature of their duties will not be compatible with alternative work arrangements.

The ideal employee candidate for an alternative work arrangement (including remote worker status, described below) has the following characteristics:

- Minimum tenure of 1 year at Thurgood Marshall Academy
- Self-motivating
- Results oriented
- Independent worker
- Well organized
- Communicates with supervisor, co-workers, and clients
- Well disciplined
- Limited supervisory responsibility
- Limited need to interact with on-site staff
- Proven performer

Employees with alternative work arrangements are expected to perform at the same level of productivity as if they were working on-site or had a regular schedule. Should the productivity level of any employee who is on an alternative work schedule drop below an acceptable level the alternative work arrangement will be terminated and the employee will be expected to return to a regular work schedule. The employee may also be subjected to disciplinary action, up to and including termination.

There are various alternative work arrangement options available to employees. The options include:

- Flex-time
- Compressed week
- Working from home
- Part-time

Implementation and the determinations of potential schedules must be approved by the employee's department supervisor with the written consent of the Executive Director to assess overall feasibility and trial operations prior to announcement and implementation.

Alternative work arrangements are not designed to be a replacement for appropriate child or adult care. Although an individual employee's schedule may be modified to accommodate these needs, the focus of the arrangement must remain on job performance and meeting business demands.

If a young child or impaired adult will be home during the employee's at-home working hours, some other individual should be present to provide primary care. If the employee must take time away from work to care for a family member, he or she must follow the leave policies detailed in this manual.

The COO has the general responsibility of overseeing the day-to-day implementation of this policy in accordance with payroll and legal requirements. Any requests for exceptions to this policy should be made in writing to the COO who will work with the Executive Director as necessary for review and approval.

Working from Home

Long-term or permanent work-from-home arrangements require the written approval of the Executive Director. From time to time (i.e., not on a regular schedule), supervisors can permit employees to work from home for up to five (5) consecutive days ("short term" work-from-home). Recurring work-from-home arrangements or ad hoc arrangements lasting more than five (5) consecutive days ("long-term" work-from-home) require advance written approval from the Executive Director. Before granting permission for short-term work-from-home arrangements, supervisors must know the specific work to be performed and the projected amount of time expected, and supervisors must obtain *his/her* supervisors' approval prior to approving the arrangement (unless the Executive Director has granted standing permission to the supervisor to allow reporting employees to work from home). If the work at home will cause a non-exempt employee to work enough hours per day or week to become eligible for overtime under federal and state law then the supervisor should consult the overtime policy before granting permission. Under no circumstances are non-exempt employees permitted to work at home without prior permission. Any attempt to do so, with or without reporting such time, may result in disciplinary action.

Occasional Requests

Requests to work at home on an occasional, ad hoc basis must have prior approval from the employee's supervisor, who can approve or deny the request. Unless there is a last minute emergency, the request must be made at least 3 to 5 business days in advance to ensure appropriate coverage. There must be a specific project or activity that will be worked on and there must be accountability once the employee returns to the office.

Remote Employees

Definition

Remote workers are employees with alternative work arrangements who conduct all or almost all of their work at a location distant from Thurgood Marshall Academy (as distinct from other alternative-work-arrangement workers who are expected to be on-site for a portion of their

work). Remote work arrangements require the written approval of the Executive Director—generally in the form of a revised contract.

Expectations

All the expectations for other alternative work schedule employees described in this policy apply to remote workers. In addition:

- Remote workers are expected to work during Thurgood Marshall Academy’s normal working hours and be reachable by members of the staff during that time (if the School permits an employee to serve as a remote worker in a region whose time zone makes this impossible, the employee’s contract should state her/his specific work hours and availability during Washington, D.C., time).
- The remote employee and her/his supervisor will devise a schedule for submission, review, and completion of deliverables, and compliance with this schedule will affect both the employee’s annual review(s), continued employment, and/or continued authorization to work remotely.
- Remote workers will report to and be evaluated by a supervisor—usually the same supervisor who would manage their work on-site.
- Thurgood Marshall Academy reserves the right to determine during or at the end of contract periods that a remote work arrangement no longer suits a position or is otherwise not beneficial to the School, and to terminate a remote employee who may otherwise meet performance expectations if she or he is unwilling or unable to return to on-site work.

Benefits & Equipment for Alternative Schedule/Remote Workers

Benefits

Employees authorized to work at home or remotely will receive the same benefits as a comparable on-site employee, subject to availability.

Equipment

Equipment for flexible-schedule or remote employees will be determined on a case-by-case basis through a written agreement among the employee, her/his supervisor, and the Executive Director.

In general, Thurgood Marshall Academy does not provide equipment or reimbursements to employees working from home or employing flexible work arrangements in any manner different than equipment and reimbursements offered to fully on-site employees.

Equipment for remote employees, however, will vary depending upon needs but typically will include:

- Laptop, printer, and scanner, or reimbursement for use of personal equipment at a rate negotiated by the employee and the School;
- VPN network access, if needed and approved by the administration; and

- Cell phone issued by Thurgood Marshall Academy or access to a Voice over IP (VoIP) system—employees who cannot use the Thurgood Marshall Academy cell phone or VoIP (e.g., due to lack of coverage in their area) will be reimbursed for business-related long-distance calls only upon submission of a documented expense report.

All equipment provided by Thurgood Marshall Academy must be used only for Thurgood Marshall Academy business. Thurgood Marshall Academy-owned software may not be duplicated except as expressly authorized, and an employee must comply with the terms of all software licensing agreements. Repair or replacement of equipment must be coordinated and authorized in advance by the COO. These items remain the property of Thurgood Marshall Academy and must be returned to Thurgood Marshall Academy upon request, in case of an extended absence, upon resignation or termination.

As a Thurgood Marshall Academy employee, employees who work remotely or have an alternative schedule will be responsible for the safety and security of the data with which they work. They are required to store Thurgood Marshall Academy data on the Thurgood Marshall Academy main server where it is backed up frequently. They must back up any Thurgood Marshall Academy data that may be on their workstations to tape, CD, DVD, cloud-site, or some external storage device.

Any equipment provided by Thurgood Marshall Academy should be placed where it is adequately supported. It should be connected to properly grounded electrical outlets. All wires must be kept out of walkways.

Office supplies should be purchased by the employee with the total appearing as a line item on a reimbursement request submitted to her/his supervisor. Internet access may be a reimbursable expense if so designated in the employee's contract and pro-rated to account for personal use. If an employee is coming into the office for a reason (e.g., training), supplies may be provided directly from the Thurgood Marshall Academy stock. Out-of-pocket expenses for supplies not typically provided by Thurgood Marshall Academy will not be reimbursed unless there is prior approval of a manager. Thurgood Marshall Academy will not reimburse an employee for any home-related expenses such as heat, light, or electricity.

The security of School property in the alternative schedule/remote workers' home is as important as it is in the office. Employees are expected to take reasonable precautions to protect the equipment from theft, damage, or misuse. Therefore, any Thurgood Marshall Academy property taken home should be kept in a designated work area at home and not made accessible to others. In no case can an employee take proprietary or confidential materials home except with the express approval of a supervisor.

Background Checks

Thurgood Marshall Academy conducts background checks on prospective and current employees to help avert future problems (1) by identifying applicants or employees who could pose a threat to children or staff members and hence to the organization and its mission, and (2) by identifying applicants/employees who otherwise are not suitable for employment in their positions.

Background checks may include verification of social security number, education, employment

history, military service, professional licenses or certifications, residence, criminal record, motor vehicle record, financial record, employment references, and other background information. The School (or an appropriate contractor or government agency) will also collect and retain indefinitely all employees' fingerprints, which may also be used for criminal background checks at any time during employment (or after termination if so directed by a law enforcement agency).

DC law requires that the School collect from employees and prospective employees, among others, a 20-year history of employment involving children and youth, a character reference, child protection registry information from DC and other jurisdictions, and a release and waiver of liability for prior employers to release any information regarding inappropriate contact with children. Any misrepresentation, falsification, or material omission of information presented in the employment application/resume or at any point during the hiring process or during employment—including but not limited to the work history and release—may result, as permitted by law, in Thurgood Marshall Academy's exclusion of the individual from further consideration for employment or, if the person has been hired, may result in termination of employment.

Once employed, an employee should expect that the School will repeat a criminal background check every two (2) years, but the School reserves the right to conduct more frequent screenings, particularly when required to do so by an authorizing agency, a grantor, or other official. Employees who have signed an authorization of repeat checks will not be notified when these repeat checks occur.

A background check result revealing activity that renders an applicant or employee unsuitable for her or his position will be grounds for any disciplinary action—as permitted by law and as determined by supervisors—up to and including immediate termination.

Irrespective of checks prompted by the School, an employee must promptly notify the School via the COO of and provide documents regarding any arrest alleging the commission of a crime or any conviction for a crime.

The School will pay the costs of background checks or reimburse screening costs paid by employees (provided the employee retains receipts and files a reimbursement request). The School will not reimburse other expenses associated with screenings, such as travel to a screening site, nor will the school provide additional Paid Time Off for screenings. Exceptions will be communicated in writing by the Executive Director or COO.

Tuberculosis Tests and Public Health Concerns

Prior to employment, employees must also provide certain public health records—especially but not only documentation of a negative tuberculosis test result. Any employee/prospective employee with a medical condition that interferes with a screening, such as issues with taking a TB test or providing a negative result, must discuss the matter promptly with her or his supervisor, who must report the issue to the COO (the employee can also raise the concern directly with the COO or Executive Director).

Once employed, an employee may expect to repeat a TB tests every two (2) years, but the School reserves the right to request more frequent screenings, particularly when required to do so by an authorizing agency, a grantor, or other official.

Irrespective of testing prompted by the School, an employee must promptly notify the COO of *any* serious communicable health condition (by way of example only, COVID-19, swine flu, chicken pox, or a positive tuberculosis test). The employee with a communicable condition may be asked for and must provide upon request (except where confidentiality is protected by law) documentation of the condition to the COO.

School policies regarding reimbursement to employees for the costs of TB and other health screenings will be communicated by the Executive Director or COO; in the absence of written guidance, the “default” is that the School will not reimburse the costs of health screenings.

Immigration Law Compliance

Federal immigration laws require Thurgood Marshall Academy to verify an employee's identity and legal authorization to work in the United States. The employee is required to complete and sign Section 1 of USCIS Form I-9 no later than the day that employment commences.

Employees who fail to do so, or who do not produce the documents required by the Form I-9 within the first three workdays, will be terminated in accordance with the Federal Immigration Control and Reform Act. Thurgood Marshall Academy will not ask an individual to complete Section 1 of Form I-9 before he or she has accepted a job offer.

Personnel Records Overview

A personnel file is maintained for each employee. It is the responsibility of each employee to promptly notify Thurgood Marshall Academy of changes in personal information such as mailing address, telephone number, number and names of dependents, and individuals to be contacted in case of emergency. Employees wishing to change the number of dependents listed for income tax purposes should complete and file a new W-4 form. To ensure that the amount of tax withheld is adequate, employees whose number of withholding exemptions decreases during the year must give their employer a new W-4 form with the correct number of exemptions within ten (10) days of the decrease.

It is the employee’s responsibility, not Thurgood Marshall Academy’s responsibility, unless otherwise required by law, to ensure that tax and benefit information is current and correct. This includes but is not limited to benefits elections; federal and state tax withholding levels; address and contact information (in general and as it appears on pay stubs or tax forms); number of dependents; and right-to-work-in-U.S. status when applicable. The school will not be responsible for issues—such as excess withholdings or errors/omissions on tax documents—that result from data provided by employees. Furthermore, the only representatives of Thurgood Marshall Academy authorized to provide advice regarding preparation of employee withholding and benefits documents are the HR consultants at Raffa-Marcum (hr@tmapchs.org).

Employees have the right to review and have reproduced (at their expense) material contained in their personnel files. Employees should contact the Executive Director of Thurgood Marshall Academy to schedule an appointment to access their files. (See “Personnel Records,” section

below, for further details.) The right to review one's personnel file terminates when one's employment at Thurgood Marshall Academy terminates, except as required by law.

- Thurgood Marshall Academy is committed to protecting the privacy and confidentiality of employment records.
- Thurgood Marshall Academy's response to outside requests for employment verification is restricted to the release of name, dates of employment, and job title. Additional information, including salary information, can only be released with the written authorization of the employee, unless otherwise required by law, subpoena or other court order.

Paychecks

Employees are paid for regular work twice a month (on the 15th day and last day of every month) twenty-four times per year, unless they are covered by a contract that specifies otherwise. Direct deposit of paychecks is available. If you find an error in your paycheck, please report it immediately to the Chief Operating Officer. Payments for extra-duty work (e.g., club advising, coaching, or summer school teaching), for bonuses, or for expense reimbursements do not follow an established schedule but instead vary according to employees' and managers' workflow. If a contract includes bonuses of any kind, those bonuses are in all cases—including but not limited to bonuses linked to targets or achievements—rewards for performance; payment of bonuses is subject to final approval by the Executive Director, who may reduce or deny them. Equipment and other school property issued to employees will be collected annually (with exceptions for certain employees as determined by management) or at the end of the contract period. Failure to return all materials by the deadline provided by Management may result in a deduction taken from a final paycheck.

Overtime

Employees classified as non-exempt are eligible for overtime pay if they work more than 40 hours in a work week. Overtime hours require advance approval by one's supervisor. Employees working overtime without advance approval may be subject to disciplinary action. The overtime rate is 1.5 times the employee's regular hourly rate. (Overtime is not paid unless the hours are actually worked, so time not worked, such as Paid Time Off days, vacations days, etc., will be excluded in determining whether the employee is eligible for overtime pay.)

Work Year, Week, Day

Thurgood Marshall Academy administrative and non-teaching staff members work throughout the calendar year unless their contracts specify otherwise. Although most business is conducted Monday–Friday, the School conducts occasional evening/weekend events; furthermore, employees' specific duties may require work outside conventional business hours. Therefore, the School's workweek (used, for instance, to calculate hourly workers' overtime pay) is Sunday 12:00 am to Saturday 11:59 pm. The regular workweek for full-time regular employees not covered by individual employment contracts is 40 hours per week.

Timekeeping for Non-Exempt/Hourly Employees

Thurgood Marshall Academy is required to keep an accurate record of time worked by non-exempt employees in order to calculate employee pay and benefits. The School may also require

any employee to document her/his hours to assist the School's compliance with safety, accounting, or fundraising efforts.

Non-exempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They must also record the beginning and ending time of any split shift or departure from work for personal reasons. In some cases, such as a salaried non-exempt employee, the employee's contract or arrangement with supervisors will provide for other methods of timekeeping; by way of example only, a salaried non-exempt employee may report only overtime hours worked.

Each employee must sign his or her time records to confirm their accuracy. The supervisor will review and sign time records before submitting them for payroll processing. If corrections are made to a time record, both the employee and the supervisor should verify the accuracy of the changes by initialing the revised time record.

Falsifying or tampering with time records (including filling out time sheets or time cards for another employee) may result in disciplinary action, up to and including termination of employment.

Employees classified as non-exempt are compensated only for actual hours worked. If an employee classified as non-exempt (e.g., a worker paid hourly) is scheduled to work a certain day/hours, and the School or the employee's supervisor cancels all or a portion of that scheduled work (even with little or no notice) either due to an emergency (e.g., snow day) or simply due to a change in business needs, the non-exempt employee will not be compensated—either with pay or the opportunity to make up the “lost hours”—for work scheduled but not performed.

Use of Personal Vehicles for School Business

Thurgood Marshall Academy's insurance policies require that any employee using a personal vehicle for any manner of School business (including but not limited to traveling to meetings, purchasing supplies, or transporting students) provide the School with, and update as necessary, the following documents:

- valid driver's license;
- vehicle registration; and
- proof of insurance meeting District of Columbia minimum standards (note that participants in car-sharing programs, such as Zipcar, provide their car-sharing card if the car-sharing program provides insurance when using its vehicles).

The School expressly prohibits any employee who has not provided or updated these documents from conducting School business using a personal vehicle.

Travel/Expense/Reimbursement Policy

Policies detailed below concerning travel and entertainment expenses apply not only professional-development travel but to all employee reimbursement requests for any kind of employee gathering or employee-incurred expense. By way of example only, the prohibition on seeking reimbursement for alcoholic beverages would apply not only to a meal at a conference

but also to a departmental meeting at a local restaurant. Exceptions will be rare and must be approved in writing in advance by the Executive Director.

Thurgood Marshall Academy will reimburse employees for reasonable expenses incurred on behalf of Thurgood Marshall Academy or while on a trip for School business (or otherwise conducting school business locally), provided that the expense is approved by the appropriate supervisor. The following provisions apply:

Supervisors may only approve travel plans that are included in the annual budget or expressly approved by the Executive Director.

Employees whose travel plans have been approved are expected to make their own travel arrangements. For air, rail, or bus travel, every effort should be made to secure the lowest possible fare. (All frequent flyer mileage and all other bonus plans offered by airlines are the property of Thurgood Marshall Academy, and the use of any bonus awards are determined solely by Thurgood Marshall Academy.)

Automobile transportation is not generally reimbursed. Employees undertaking an unusual car trip for business purposes should consult their supervisor in advance regarding reimbursement. If the supervisor approves the reimbursement, the car trip will be reimbursed at the mileage rate set each year by the IRS, plus tolls.

Expense reports should be completed promptly and submitted to the Operations department within thirty (30) days of the expense being incurred. Original receipts for travel expenses such as hotels, meals, or other reimbursable expenses must be attached to the expense report. Reimbursable expenses do not include in-room movies, long distance charges, fitness center charges, dry cleaning, mini-bar charges, alcohol, etc. The expense report must show the amount, date, the nature of the expense, the place, and with whom the expense was incurred, and must be signed by the appropriate supervisor. Meal reimbursements will only be made up to the maximum allowed for the location by the IRS. Thurgood Marshall Academy does not reimburse for alcoholic beverages.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

Use of Thurgood Marshall Academy Credit Cards

Thurgood Marshall Academy may issue credit cards to certain administrators selected by the Executive Director. Cardholders are responsible for submitting receipts to Management (e.g., via an online system) and for coding expenses incurred through use of the company credit card. Failure to code and/or document credit card charges may result in disciplinary action, which may range at Management's discretion from Management making expense-coding decisions on behalf of the cardholder to cancellation of the cardholders' card; significant or frequent lapses may be reported by credit card reviewers to cardholders' supervisors for consideration for performance evaluations. Unauthorized use of Thurgood Marshall Academy credit cards is grounds for disciplinary action, including but not limited to termination. If a cardholder accidentally uses a School credit card for non-School business the cardholder shall owe a reimbursement to the

School. In addition, Management rather than the cardholder will judge whether the breach was material and/or grossly negligent.

Gifts to Employees & Gift Cards

Employees must exercise care and diligence when giving gifts to fellow employees on behalf of Thurgood Marshall Academy (e.g., as bonuses, awards, prizes, or tokens of collegiality).

- With few exceptions, the IRS regards anything of value given to an employee by an organization—even when paid for by another employee rather than the organization—as taxable compensation, and both the School and the employee receiving the gift may be liable for unpaid taxes and penalties for such gifts.
- Non-cash gifts by the School or its representatives of nominal value are not considered taxable compensation; while the IRS does not define the threshold below which a gift is considered “de minimis,” a value of less than \$100 is commonly cited. (Specifically, the School’s position is that meals, flowers, or small gifts occasioned by a baby shower, acknowledging an employee’s tenure, offering condolences, etc., would not be considered taxable by the IRS, provided the value fell below \$100). Note, however, that this exception does not apply to vacations, meals, lodging, or tickets (e.g., to sporting events or performances).
- Gift cards or gift certificates are tantamount to cash and are considered by the IRS to be taxable compensation *at any dollar value*. *The School and its employees cannot give gift cards or gift certificates to employees under any circumstances.*
- Reimbursement for professional development—including for tuition or for conference registration/travel—are *exceptions that are not considered taxable compensation* by the IRS.

Employees are encouraged to consult with the Chief Operating Officer or Executive Director before making gifts to supervisees or colleagues.

Tuition Reimbursement

Faculty and staff may be eligible to receive tuition reimbursement up to \$1000 per year—for graduate courses related directly to their assignments, ***subject to advance written approval by the Executive Director and the availability of funds.*** To be eligible, faculty and staff must:

- 1) Be eligible for tuition reimbursement/general benefits per their contract;
- 2) Have worked at Thurgood Marshall Academy for at least one full year;
- 3) Obtain the Executive Director’s advance written approval for the course prior to enrollment through the Tuition Reimbursement application;
- 4) Provide evidence that coursework is directly related to faculty/staff assignment;
- 5) Provide evidence that coursework is offered by an accredited university or college;
- 6) Provide evidence that she or he earned a “B” average or better;

Reimbursements will be issued in the fall of the following school year, and will be issued only if the employee continues to be employed by Thurgood Marshall Academy at that time. The Executive Director must approve *prior to the start of the course to be reimbursed* all proposed course reimbursements on a case by case basis for all employees. Reimbursements are provided on a first-come, first-served basis, and will only be honored until allocated funds are depleted.

BENEFITS

This section of the handbook contains an overview of our benefit programs. Many of the benefit plans, such as the insurance and retirement plans, are covered by federal law such as the Employment Retirement Income Security Act (ERISA), which requires that you be provided with a detailed Summary Plan Description (SPD) of the provisions of the plans for which you are eligible. This handbook contains only an overview of some programs; you may review the full text of any plan upon request. Please note that the full text of the official documents will govern in the event of any conflicts or ambiguities with any summaries (including any summaries provided in this handbook).

This manual provides some basic background information about program participation requirements; it does not describe all benefits or all features of benefits. The School's consultants at Raffa-Marcum will be happy to provide further information about each of the programs for which you are eligible. Contact information for Raffa-Marcum is published in School directories; employees may also email hr@tmapchs.org or call the company at (202) 822-5000 and ask to speak with the current Thurgood Marshall Academy representative or another member of the Raffa-Marcum HR Consulting team.

While the School respects employees' privacy and keeps all employee personal information confidential, by the same token it expects employees to keep both supervisors and Raffa-Marcum apprised of changes in personal circumstances that affect benefits and the School's operations; this includes, but is not limited to, the following:

- It is the School's expectation that employees will consult in advance with Raffa-Marcum when they have questions about or seek changes to coverage.
- Employees are *required* to notify Raffa-Marcum when seeking to add a family member to coverage or in the case of a "qualifying event"—a significant life change that could affect coverage, such as birth of a child, marriage, or divorce.
- Employees are strongly encouraged to inform Raffa-Marcum and their supervisors of personal circumstances (such as an employee's medical condition) when they may adversely affect work performance, attendance, etc.
- While employees can reach out directly to some providers, such as disability insurance providers, employees are encouraged to inform Raffa-Marcum and their supervisors of any disability claims which may affect work attendance or performance.

- In many cases (such as loans from the retirement plan) the administration's approval is required on benefit applications, which may require considerable lead time.

Thurgood Marshall Academy reserves the right to alter, modify, or eliminate its benefit plans at any time (as permitted by law and plan documents), as well as to administer and interpret all aspects of such plans to the fullest extent of discretion permitted by applicable federal or state law. Significant changes in plans with vested benefits ordinarily will not be retroactive, unless permitted by applicable law. Furthermore, except when required otherwise by law, it is the individual employee's responsibility, not Thurgood Marshall Academy's responsibility, to ensure that individual benefit elections are consistent with enrollment applications as well as the employee's intentions and to address any issues that arise in the course of using benefits. The School will, however, make diligent efforts to rectify benefit administration issues, provided employees notify the COO promptly upon discovery of a problem.

All employees, regardless of classification, are eligible for Social Security and Medicare contributions on their behalf, for Workers Compensation benefits if they suffer a work-related injury, for unemployment insurance benefits if they are laid off or employment terminated through no fault of their own and are available and able to work, and for certain types of leave (which may be unpaid) per federal or DC law.

In addition to these benefits, some employees are eligible for all of the benefit programs listed below (see "Employment Categories"), subject to eligibility requirements and any limitations or conditions of each program.

Social Security Coverage

Except in rare instances, such as participation in the DC Teachers' Retirement Fund by former DCPS employees, every pay period, you and Thurgood Marshall Academy each contribute a percentage of your wages into the Social Security system. Participation in the Social Security system entitles you to certain benefits, such as disability payments and medical insurance for you should you become totally disabled for any reason prior to normal retirement, survivor benefits to your spouse and minor children if you die, and retirement benefits and health insurance for you and your spouse when you reach retirement age. More information about these benefits may be obtained from your nearest Social Security office or <http://www.socialsecurity.gov/>.

Workers Compensation Insurance

Workers Compensation Insurance provides benefits to employees who sustain on-the-job injuries. If you sustain any accidental injury at work, or while working from home as authorized under this Manual, no matter how minor, you must notify your supervisor immediately so Thurgood Marshall Academy can complete required forms and make an assessment as to whether you should be sent for emergency medical treatment. Certain strict time limits apply on Workers Compensation Insurance claims. By promptly notifying your supervisor of a job-related injury, you protect your rights to workers compensation benefits in the event that the injury is more serious than first suspected.

Workers Compensation Insurance benefits may include: payment of costs of medical care needed for the injury, payment of temporary disability payments during the time the employee cannot work due to the injury, lump sum payments for permanent disability which may limit future

employment prospects of the employee, and payment for retraining if the employee is unable to return to the former occupation. DC benefits are administered by the District of Columbia's Office of Workers' Compensation.

Unemployment Compensation Insurance

Unemployment benefits are available when employment is suspended or terminated as a result of a layoff due to lack of work or through no fault of the employee, and the employee is able and available for work. Claims for unemployment compensation are handled through the offices of the District of Columbia's Department of Employment Services.

Health Insurance

Thurgood Marshall Academy Health Insurance Coverage

Thurgood Marshall Academy provides health insurance coverage for eligible employees. Thurgood Marshall Academy also provides dental insurance for eligible employees. Employees eligible for insurance may be required to pay a percentage of the premiums for any or all of these products; the percentage shall be determined annually upon the renewal of the policies. If you are eligible, your Summary Plan Description will provide further information. The School may also maintain a Flexible Spending Account (FSA).

If an employee on the Thurgood Marshall Academy health insurance plan leaves the School, either voluntarily or involuntarily, Thurgood Marshall Academy is required by federal law to allow the employee to remain on the Thurgood Marshall Academy health insurance plan (see "Health Benefits Continuation (COBRA)" later in this handbook). Thurgood Marshall Academy will provide written information to each employee about his/her rights under COBRA at the time of hire and at the time of termination. However, Thurgood Marshall Academy is not required to pay the cost for this extended coverage. An employee who wishes to extend health insurance coverage must inform Thurgood Marshall Academy in writing and agree to reimburse Thurgood Marshall Academy for the cost each month.

In addition, employees who believe they may qualify for Medicaid should contact the School's human resources representatives regarding their options and benefits, including Medicaid Part D benefits.

Insurance Marketplace Notice

The Affordable Care Act requires that employees be provided with the notice below:

The new Health Insurance Marketplace is designed to help individuals find, compare, and purchase private health insurance. Individuals may also be eligible for a new kind of tax credit that lowers the monthly premium of coverage purchased in the Marketplace.

If you are eligible for the employer group health plan, you may not be eligible for a tax credit through the Marketplace if the employer group health plan meets the "minimum value" and "affordability" standards set by the Affordable Care Act. Additionally, ***if you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you will lose the employer contribution towards coverage. This employer contribution—as well as your employee contribution towards coverage—is often excluded from income for Federal and State income tax purposes.***

Your payments for coverage purchased through the Marketplace are made on an after-tax basis.

Open enrollment for health insurance coverage through the Marketplace began in/about October 2013 for coverage starting as early as January 1, 2014. If you are interested, please visit HealthCare.gov for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.

The new Health Insurance Marketplace does not affect your eligibility for coverage in Thurgood Marshall Academy's group health plan.

If you have questions or concerns please contact Raffa-Marcum HR Consulting at hr@tmapchs.org or (202) 227-4154.

Retirement Plan

Eligible employees may choose to participate in Thurgood Marshall Academy's retirement plan.

Eligible employees working more than 1000 hours in a plan year (roughly 20 hours per week) are eligible to elect that a portion of their pre-tax pay be withheld each pay period for investment in the School's 403(b) plan. These funds belong to the employee but are administered by the School's fund advisor. Federal law governs withdrawals and loans from these plans. Should an employee leave the School, she or he may leave the funds in the plan or move them to another plan as permitted by law (terminating employees must consult with their own tax or financial advisors regarding such transfers).

For those employees eligible to receive benefits, Thurgood Marshall Academy will match employee withholdings subject to the following conditions (Thurgood Marshall Academy's contributions are discretionary and may vary from year to year):

- 1) An employee must work at Thurgood Marshall Academy for one year before matching begins.
- 2) An employee who takes a leave of absence or who terminates employment with the School and is then rehired does *not* have to repeat all or part of the waiting period, and any period of employment at the School prior to leave/termination counts toward the one year waiting period (by way of example, if an employee worked at Thurgood Marshall Academy for six months, terminated employment to attend graduate school, and was then rehired, that employee—assuming she or he is otherwise eligible—would begin receiving retirement contribution matches six months into the second period of employment).
- 3) Once matching begins, it is not retroactive but only matches employee contributions beginning at the first contribution after the first anniversary of employment.
- 4) Currently, the School will match any contribution up to 3% of the employee's pay for a given pay period. This is subject to change at any time, without advance notice.
- 5) Matches apply on a per-pay-period basis (i.e., employees cannot "make up" matches by contributing less than 3% one pay period and more than 3% in another).

6) Employees are vested immediately, 100% in all accounts.

If you are eligible, your Summary Plan Description will provide further information.

Commuter Benefits

Pursuant to the Sustainable D.C. Omnibus Amendment Act of 2014, Thurgood Marshall Academy administers a monthly employee-paid pre-tax commuter benefit. Employees may contribute pre-tax dollars toward their transportation and parking up to the allowable maximum amount each year. Contact the Raffa-Marcum (hr@tmapchs.org) for more information on how to participate in this program.

PAID/UNPAID LEAVE

Federal or state law allows certain types of leave. These types of leave may include leave to obtain treatment for work-related injuries, for FMLA leave (including pregnancy/parental leave), for military leave, for time needed to vote, to attend or participate in school-related events for one's child, to recover from criminal abuse, and to appear in court for jury duty or in response to a subpoena. In some of these cases under these laws, leave is paid or partially paid, in others, leave is paid only when an employee expends Paid Time Off days—consult with your supervisor or the Chief Operating Officer if you have questions. Thurgood Marshall Academy will generally grant an approved absence if an employee needs leave for these reasons, upon receipt of a timely notice for such leave, proper verification of the need for such leave, and completion of any necessary forms, paperwork and/or electronic record-keeping for the leave. The Executive Director may also grant, on a case-by-case basis, unpaid leave for either short or long periods when an employee demonstrates a compelling need for or benefit from leave; during such leave, the employee will generally forego both pay and benefits. Note that the School reserves the right of supervisors and/or School leaders to deny permission for paid leave or unpaid leave, as permitted by law—either before or after the leave has been taken—if in their judgment the leave would hinder the operation of the School. As noted above, employees may be asked to document their need for any period of either planned or unplanned leave. The general practice (which does not limit this policy) is that employees who are absent for three or more days of leave will be expected to provide a doctor's notice verifying illness (or comparable documentation in the case of other needs for leave).

In addition, Thurgood Marshall Academy realizes that times will arise when an employee may need to take time off from work because of illness or in order to attend to various personal matters which cannot be handled outside of the normal work day. By the same token, when an employee misses work, this creates a hardship for Thurgood Marshall Academy and for other co-workers who need to cover for the employee.

Paid Time Off & Leave Overview

Paid Time Off

Thurgood Marshall Academy provides employees with an allotment of Paid Time Off (PTO) as part of its compensation package (PTO is sometimes referred to as personal-time-off or as personal/sick days).

Teachers/Eleven Month Employees

Teachers are not required to report for work over scheduled school breaks under their regular contracts (as opposed to extra-duty contracts for summer teaching, etc.). Teachers receive 10 PTO days (or, in their first year, a prorated number not less than 5 days if their first day of employment is after the first day all teachers meet for Teaching Academy (a.k.a. Orientation) in preparation for the new school year). Some non-teaching staff members who have no duties when students are not present (sometimes referred to as “eleven month employees”) are treated as teachers for the purposes of PTO/leave.

Twelve-Month Employees

Full-time, regular, exempt, non-teaching employees hired after August 1, 2011, receive the following allotment of PTO:

- Twenty (20) days upon their first day of work (or, if hired after the first day of Teaching Academy (a.k.a. Orientation), a prorated amount, not less than 5 days PTO, during their first year of employment) and annually on August 1 thereafter.
- One (1) additional day of PTO, until a total allotment of 25 is reached, for each additional two (2) full years of continuous employment, effective August 1 (by way of example only, an employee who first worked at the School on August 2, 2011, would receive 20 PTO days on August 1, 2013, and 21 PTO days on August 1, 2014).
- Periods of unpaid leave shall count as continuous employment.
- Employees who terminate employment and are then rehired will receive PTO day allotments based upon their cumulative service; i.e., including all work performed for the School but excluding periods not employed by the School (unless such periods are very brief, as between a summer and school-year contract).

Full-time, regular, exempt employees hired before August 1, 2011, receive a mix of PTO and vacation days specified in their contracts.

Employees other than full-time, regular employees receive PTO days as specified in their contracts and in compliance with federal and state law.

Leave in Excess of Allotted PTO Days

Repeated absences, even for what may appear to the employee to be good reason, may result in disciplinary action unless leave is required under federal or state law. When an employee’s leave exceeds her or his allotment of PTO days, the School will deduct the value of those days—as calculated by the School’s accounting and human resources consultants—from the employee’s paycheck (the timing of the deduction will be determined at the sole discretion of the School). Once an exempt employee exceeds her or his allotment of PTO days, she or he may only request full days of leave, not half days. In all cases it is the School’s policy that leave documentation be submitted promptly and that deductions be made. Whenever practicable, deductions will be made during the same pay period in which the excess leave was taken, but in many cases employees should expect a year-end true-up. It is the responsibility of the employee, not Thurgood Marshall Academy, to verify that records in the School’s leave system are complete and accurate

(by way of example only, employees must promptly enter leave in the system after an unplanned absence, and employees must contact supervisors if they believe an entry in the School's leave system is inaccurate).

Late Arrival/Early Departure/Absent Without Leave As Unpaid Leave

Employees who arrive late, or who depart before their duties are complete, inconvenience other employees, and the School may need to devote extra funds to covering duties. Late arrival, early departure, and absences without leave can also jeopardize the success of the School's mission if critical tasks are left without adequate coverage.

Late arrival or early departure may be the basis for disciplinary action, up to and including termination. In addition, the School will discourage absenteeism and recoup costs by deducting leave when employees are late/depart early. Each director of an area of School business (the Academic Director, Director of Programs, Chief Operating Officer, etc.) will work with department chairs to define late arrival and early departure for each type of position. Each time an employee arrives late or departs early, her or his supervisor will issue written notice to the employee and provide a copy to the Assistant Director of Operations for tracking (electronic documents—such as entries in the School's leave system, emails, attached files, or electronic benefit tracking reports—constitute written notice). Each time during the term of her or his contract that an employee receives a third-notice of late-arrival/early-departure, she or he will have expended one full PTO day (e.g., three late arrivals expends one PTO day; six late arrivals expends two PTO days, etc.).

Absence Without Leave may be the basis for disciplinary action, up to and including termination. Employees are Absent Without Leave if they fail to request leave or if they take leave on days when a leave request has been denied. The School will recoup the cost of unpaid leave when an employee is Absent Without Leave, even if the employee has paid leave days (PTO) available. Pay for exempt employees will be withheld in full-day increments.

Prompt filing of leave request is essential to the effectiveness and fairness of the leave system; failure to do so will affect an employee's leave and may be grounds for disciplinary action, up to and including termination. Employees are responsible for working with their supervisors to report leave promptly and accurately. The School's policy is that planned PTO days must be submitted by employees to supervisors via the School's online leave request system two (2) weeks in advance of the leave, and unanticipated leave must be documented (see Requesting & Reporting Leave). Failure to follow these policies will result in the following:

- If an employee fails to register leave via the online leave system within 5 business days following an absence, the absence will "count" as one incident of late arrival/early departure *and* one of the following will occur:
 - If the employee's supervisor determines the leave would have been approved if requested, the leave will be debited from the employee's PTO days or counted as unpaid leave if the employee has exhausted PTO days.
 - If the employee's supervisor determines that the leave would *not* have been approved if requested, then the employee will have been Absent Without

Leave; the time will be entered in the system and treated as unpaid leave, and the School will recoup the cost of the time the employee failed to work, even if the employee has PTO days or other paid leave available. Pay for exempt employees will be withheld in full-day increments

- If an employee's request for leave is denied and the employee is absent during the requested time, the employee will have been Absent Without Leave. The School will recoup the cost of the time the employee failed to work, even if the employee has PTO days or other paid leave available. Pay for exempt employees will be withheld in full-day increments

Requesting and Reporting Leave

The School's policy is that *planned leave day requests must be submitted by employees to supervisors via the School's online leave request system two weeks in advance of the planned leave*; this applies to all types of planned leave, including but not limited to PTO days, vacation days (if applicable), jury duty, FMLA, or any other type of anticipated leave, unless exceptions are granted by law. Leave supervisors may—but are not obligated to—approve leave despite late submission, deny leave due to late submission, or approve leave but consider the late request as subject to disciplinary action (by way of example only, failure to make a timely request for planned leave, even if the leave were approved, could be reported by the leave supervisor as an instance of early-departure/late-arrival, or in more serious or persistent cases it could be a factor in performance reviews). Employees are, however, solely responsible for presenting eligible and accurate leave requests; a supervisor's approval of an incorrect request does not render an erroneous request legitimate. The School reserves the right to implement corrections regardless of supervisor approval and regardless of whether leave has already been taken.

The school also recognizes that in certain instances an employee can provide little if any advance notice, but expects such unplanned leave to be limited to legitimate emergencies. Such *unanticipated leave must be reported to a supervisor as soon as possible and must be reported via the school's leave system as soon as practicable and (except in extraordinary circumstances) no later than the day the employee returns to work*, as follows:

- Employees must inform their supervisor at least 1.25 hours prior to their normal arrival time if they will be absent unexpectedly, or if they will be late. Sudden cases of unanticipated absence (by way of example only, car trouble) must be reported immediately as they occur (i.e., without any delay other than brief delays necessitated by immediate threats to life and property). Contacting a supervisor to notify her or him of late arrival does not in and of itself excuse late arrival (which is determined on a case by case basis by leave supervisors), but failure to communicate an unanticipated absence to a supervisor is in and of itself grounds for disciplinary action, and other sanctions (e.g., debits for Absence Without Leave) may also apply. Exceptions will be rare and provided only in the case of truly extraordinary extenuating circumstances that made it impossible for the employee to report an unanticipated absence.
- Documentation of an unanticipated absence, if requested by the School, must be independent and verifiable. By way of example only, a doctor's note verifying illness

would need to provide contact information and the doctor could not be a family member.

- Reporting requirements elsewhere in this manual describe the process for formally documenting an absence; they assume the employee reported an unanticipated absence to a supervisor immediately (as required above)—that is, both immediate communication with a supervisor and prompt filing of a report in the school-wide leave system are required; failure to provide either shall constitute Absence Without Leave.
- Requests in the leave system for leave that was unanticipated must describe, briefly, why the leave was unanticipated, and employees must be prepared to document the reason if required (e.g., with a doctor’s note if claiming illness).

Paid Time Off “Black Out” Dates & Limits

Except where mandated by law, all requests to use Paid Time Off leave are granted at the discretion of an employee’s supervisor or senior management. In addition, the administration reserves the right to:

- 1) “black out” or “block” certain critical periods during which no employees—or no employees serving a specific role—may take leave (e.g., testing days may be “leave blackout dates” for teachers); leave taken during a “black out” period (a.k.a. on “blocked leave days”) will be leave-without-pay even if approved by a supervisor; if not otherwise specified, “blocked leave” or “black out” dates announced via e-mail or other means always apply to teachers and apply to non-teaching staff as determined by the supervisor approving the employee’s leave;
- 2) specify that only a certain number of employees in a certain role or department may take leave simultaneously; and
- 3) limit or deny (to all employees or only to employees serving specific roles) use of PTO leave requested in close proximity to holidays or vacation periods.

Furthermore—except for qualifying reasons under the Family and Medical Leave Act, DC Paid Family Leave laws, or other laws—employees may not take more than five (5) days of PTO leave at one time. Exceptions during which longer leave is permitted are (i) summer vacation periods and the like as specified in contracts; or (ii) when approved in advance by the Executive Director. Details are communicated in the *Faculty & Staff Handbook*, via e-mails, through printed memos, or verbally.

Holidays

Thurgood Marshall Academy observes the following holidays: New Year's Day, Martin Luther King Day, Presidents' Day, Emancipation Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day (3 days) and Christmas Day. Other municipal or national holidays may be observed as announced by School leaders.

Thurgood Marshall Academy will grant paid holiday time off to all regular full-time employees, as well as part-time employees regularly working 20 or more hours per week who otherwise would have been scheduled to work on the holiday.

Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee otherwise would have worked on that day.

If a recognized holiday falls during an eligible employee's paid absence (such as PTO leave), the absence for this day shall be credited to holiday pay instead of the other leave account. If eligible non-exempt employees work on a recognized holiday, they will be paid double time for all hours worked on the holiday in lieu of receiving holiday pay. Exempt employees will not be paid for work performed on a holiday, but under certain circumstances they may qualify for comp time (see "Comp Time," below).

Thurgood Marshall Academy grants paid leave only for federal and state (DC) holidays—employees taking time off for religious observances must follow standard procedures to request leave and will expend paid leave time.

In cases of urgent need, holiday leave is subject to change (with advance notice)—by way of example only, the School may cancel a paid holiday and require that employees work that day if the School must "make up" time lost to snow days. Employees may be entitled to request certain holiday, such as Emancipation Day, as unpaid leave in such cases.

Leave Time and Vacations

Leave and vacation time procedures may also be covered in separate handbooks (e.g., a faculty binder) or in contracts. In all cases, however, holidays, vacation days, and PTO days accrue from year to year only as described below under "Leave Carryover Policy," and the School never makes payments for unused leave time. Contact your supervisor if you have questions. As in the case of holidays, the School reserves the right to alter/cancel vacation days to meet urgent needs, such as "making-up" snow days.

Bereavement Leave

Thurgood Marshall Academy provides paid leave for employees to attend the funeral of an immediate family member. The length of time allowed for funeral leave is normally 3 days, but may vary as determined by a supervisor and depending on the circumstances. The total paid leave cannot exceed 5 consecutive working days.

Immediate family is defined to include the following: mother, father, mother-in-law, father-in-law, spouse or domestic partner, sister, brother, child, sister-in-law, brother-in-law, grandmother, grandfather, aunt, uncle, or anyone related by blood or marriage to you who lives in the same home. For purposes of bereavement leave, relatives of domestic partners are treated as equivalents of relatives by blood or marriage (e.g., the father of one's domestic partner is considered a "father-in-law").

In order to allow an employee to deal with the particular trauma of the death of a spouse, domestic partner, or child, Thurgood Marshall Academy will allow an employee to take additional time off by granting an unpaid leave of up to two additional weeks.

Thurgood Marshall Academy realizes that employees may wish to attend funerals of other persons including in-laws, close friends, or family members beyond the immediate family. In such cases, Thurgood Marshall Academy may allow the employee to take up to 3 days off without pay to attend the funeral. Employees may also choose to take available Paid Time Off leave.

Military Leave

In accordance with federal and District of Columbia law, it is the School's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under this policy.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects all employees who perform "voluntary or involuntary" service in the Armed Forces, including the Air National Guard, the Army National Guard, the Public Health Service, and other service categories as required by law. The School will comply with federal law regarding military leave of absence. Accordingly, employees who are members of an active or reserve branch of the Uniformed Services of the United States are granted time to attend a tour of active duty. This time is granted in addition to the employee's regular vacation and/or PTO time. The School will pay the employee the difference between his or her School wages and wages paid by the armed forces if School wages are greater, up to a maximum of four weeks per year. Any additional leave time is unpaid leave.

Employees taking a military leave are required to give proper advance verbal or written notice to their employer. Provided that the employees comply with these and certain other requirements, their jobs will be guaranteed for their return from up to five years of military service. The returning employee will be placed in the position he or she would have attained but for the military service, unless they are not qualified for the position. The time for the employee to report to his employer at the end of his military service varies from one week to 90 days, depending on the length of the service.

After the military employee returns from service, his or her job is guaranteed certain legal protections, over and above those of other employees, depending on the length of military service. The School may not be required to reinstate an employee after military service if the employee is dishonorably discharged, or if it has experienced such changed circumstances that reemployment is impossible or unreasonable, or would create an undue hardship. Also, employees who work only for brief, non-recurrent periods prior to taking military service may not be entitled to reinstatement.

Employee benefits are also protected by USERRA during individuals' military service. A military leave is not deemed to be a "break in service" for seniority and other benefits. The leave is supposed to be included, for example, in any calculations of vesting rights for pension benefit plans.

The School will also continue health insurance benefits for employees engaged in military service of 30 days or less. For employees performing military duty of more than 30 days, coverage will continue under the same conditions as apply to other types of leaves of absence. Such benefits may terminate in accordance with the benefit plan documents. However, COBRA continuation coverage will be provided in that circumstance, which the employee may elect for up to 24 months. Employees taking military leave will not be required to use vacation or Paid Time Off during the leave. However, they will be permitted to use such paid leave if they so request. Employees shall contact both their supervisor and the Operations department.

Jury Duty or Court Appearances

Thurgood Marshall Academy will grant leave to employees who must be absent due to jury duty, subject to proof of such court attendance. Employees on jury duty will receive their regular compensation for the first ten working days of any such service (subject to any Fair Labor Standards Act requirements applicable to exempt employees). Consult with the Operations department when you are informed of jury service.

Additional jury duty time beyond ten working days will be unpaid. However, any absence for jury duty will be considered to be excused, and during the period of jury service the employee will be treated in the same manner as any employee on unpaid personal leave.

Employees who wish to make court appearances in their own litigation should make advance arrangements to request time off for such appearances. Such time off will be unpaid, unless the employee wishes to use his or her PTO days for this purpose. Failure to request time off in a timely manner may be viewed as grounds for denial of the leave.

If the employee is subpoenaed to appear on behalf of another person in litigation to which the employee is not a party, the employee should follow the usual procedures for requesting leave. Absences for such appearances will be unpaid (subject to any Fair Labor Standards Act requirements) unless the employee wishes to use his or her PTO days for this purpose.

Voting Time

Most employees have adequate time to vote before or after work hours. If special arrangements need to be made to arrange adequate voting time, employees should request adjustment of their work schedules at least three working days before the date of the election. Please contact your supervisor to make such arrangements.

Parental Leave

Employees who take leave for the birth of a child, adoption of a child, or placement of a child in his/her home for foster care may qualify for Family Medical Leave and should carefully review the section on Family Medical Leave following this section. Such leave is unpaid, but employees may choose to use available Paid Time Off leave concurrently with Family Medical Leave.

Employees who give birth may be eligible to receive benefits under Thurgood Marshall Academy's short-term disability plan. Contact Raffa-Marcum HR for more information.

Discretionary Paid Leave Policy

An employee with an exceptional need for paid leave in addition to PTO days, vacations, and holidays may apply in writing to the Executive Director for brief additional periods of Discretionary Leave.

The Executive Director—at her or his sole discretion—may grant Discretionary Leave for significant life events such as the birth of a child, serious health condition, or care of a family member with a serious health condition. That is, Discretionary Leave generally applies to the type of life events that would also occasion unpaid leave under the Family and Medical Leave Act (see below).

The Executive Director may grant *one or both* of the following types of Discretionary Leave upon receiving a written request from the employee:

- 1) Up to five (5) days of paid leave in excess of the leave allotted in the employee's contract. In the case of Bereavement leave, this period of paid leave shall replace rather than extend the unpaid Bereavement leave period described earlier.
- 2) Use of up to five (5) days of vacation leave outside a normal vacation period in exchange for working the same number of days during a vacation period selected by the School. By way of example, a teacher granted this Discretionary Leave would receive paid leave during the period of need and would then work during a vacation period as assigned by the Executive Director in coordination with the employee's supervisor. Employees should recognize that work during vacations will likely not be consistent with their job description (e.g., a teacher might be assigned clerical work during the vacation period that reimburses the School for the discretionary move of vacation time). Employees *may* request this move of vacation time to extend Bereavement leave, provided that the Executive Director and the employee's supervisor agree that the extended absence does not jeopardize the School's work.

The Executive Director might also determine that the request does not merit Discretionary Leave or that such leave is not in the School's best interests. Timing of paid Discretionary Leave is also at the sole discretion of the Executive Director; by way of example only, the Executive Director may determine that regular PTO must be used in advance of a planned absence, with Discretionary Leave replenishing available time off only after an employee returns to work.

Discretionary Leave can only be granted by the Executive Director of the School. Whenever possible, however, the employee should discuss the leave request with her or his direct supervisor and Raffa-Marcum HR well in advance of applying to the Executive Director.

Leave Carryover Policy

All employees are allotted PTO days at the start of each school year, the number of which is specified in employees' contracts (as described above). Thurgood Marshall Academy's PTO and Leave Carryover policies are intended to comply with—and to offer benefits equal to if not better than—the requirements of the DC Accrued Safe and Sick Leave Act of 2008 and subsequent amendments that require employers of the School's size to offer approximately five (5) leave days per year for certain medical and legal needs. Therefore, five (5) PTO days used by a School employee during a contract year constitute the sick leave guaranteed by law (and any

days carried-over to the next year shall constitute sick/safe days as described in the law). The following applies to the amount of leave which may be carried over from the end of one contract year to the beginning of the new contract year:

At the end of each contract year, employees with:

- Any amount of service may carryover up to **5 days** of unused PTO leave
- Three full years of service* may carryover up to **6 days** of unused PTO leave
- Five or more full years of service may carryover up to **7 days** of unused PTO leave

* A full year of service is defined as having worked 12 full months prior to the date when leave is carried over (e.g., August 1, 2010 – July 31, 2011). Gaps in employment shall be factored into leave carry-over eligibility in the same manner as for 403(b) match eligibility and for PTO day allocations (as described above).

Leave may be carried from one year to the next only in full-day increments. Leave carried over from the year in which it was allotted shall not expire immediately but shall accumulate in a balance that is separate from the leave accrued in the current year. *Employees may not accumulate a balance of more than ten (10) days total leave accumulated from unused leave in prior years.* Total leave available in a given contract year will therefore consist of the balance of leave carried over in prior years (up to 10 days) and leave allotted in the current year per the employee's contract. *Thurgood Marshall Academy never makes payments for unused leave.*

Leave in an employee's balance is subject to the same policies and approval process (described elsewhere in this manual) as all other leave. In particular: All leave must be reported via the School's leave system, and employees must inform supervisors immediately of any unplanned leave; failure to do so may constitute a disciplinary matter. All leave must be approved by a supervisor, and supervisors are not obligated to approve any leave except as required by law. Except for qualifying reasons under the Family and Medical Leave Act, employees may not take more than five (5) days of PTO leave at one time during the school year. Approval for leave requests are subject to predetermined leave "blackout dates," unless otherwise required by applicable law. Requests will not generally be approved for leave that is requested in close proximity to School breaks/holidays. Exceptions to these restrictions are rare and are only granted at the discretion of Thurgood Marshall Academy's Executive Director.

Leave that cannot be carried over from year to year expires; employees are *not* paid for this excess leave. Upon termination (whether voluntary or involuntary) employees are *not* paid for excess leave; leave not used upon termination simply expires.

Only PTO days can be carried over; other types of leave (including but not limited to vacation days, holidays, or other types of leave) cannot be carried over.

Crisis Leave Bank

The purpose of this policy is to support employees who are experiencing a *potentially life threatening illness or injury*. This policy is not intended to bridge all gaps that may occur between or among various leave and insurance benefits, but rather to provide an opportunity for Thurgood Marshall Academy and its employees to provide assistance to one another that otherwise might not be available to an employee in a crisis situation.

Thurgood Marshall Academy employees who have served one (1) full year at the School (i.e., served more than one calendar year of continuous employment since the effective date of their first contract) and have worked at least 1,000 hours in the preceding 12 month period may voluntarily donate earned but unused PTO days to the donated leave bank. This leave is to be used, when approved by the School, by other Thurgood Marshall Academy employees who have served a full year at the School and have worked at least 1,000 hours in the preceding 12 month period who have exhausted all of their own PTO and vacation leave during their own potentially life threatening illness or life threatening injury. Leave donation is to remain anonymous and employees may not designate leave donations to a particular employee. Thurgood Marshall Academy employees are under no obligation to donate leave at any time.

The employee seeking to access Crisis Leave Bank time off must provide Thurgood Marshall Academy's human resources staff with documentation of the condition in the form of a valid and complete U.S. Department of Labor Certification of Health Care Provider for An Employee/ Family Member's Serious Health Condition. The appropriate form is available from Raffa-Marcum HR.

The recipient may receive up to a maximum 30 days of donated leave per year, provided leave days are available in the Crisis Leave Bank and provided such leave is taken only during and in order to directly address the crises described above. A year is calculated from the first day of the last time the employee received leave from the bank.

Any donated leave used by the recipient will be counted toward his/her Family and Medical Leave entitlement (refer to the School's Family and Medical Leave Policy) if applicable. That is, Crisis Leave Bank paid time off runs concurrent with FMLA unpaid leave and does not permit an employee any additional job-projected leave beyond the FMLA period defined by US or District of Columbia law.

Prospective recipients should contact Raffa-Marcum HR *and* the COO to determine if they may qualify for disability benefits before making a request for donated leave. If an employee receives disability benefits, donated leave may be used to cover the portion of time not paid under the disability policy.

Employees will be required to repay Thurgood Marshall Academy all donated leave paid to them during the period of time they are out on leave if after returning to work they voluntarily terminate employment, or abandon their position within 90 days of their return. The School will work in good faith with the employee to establish a payment plan but reserves the right to secure the repayment through debits of forthcoming paychecks. Employees who are involuntarily terminated will not be required to repay Thurgood Marshall Academy. Granting of paid leave

through this policy does not amend or in any way modify the employee's contact or status as an employee at will.

Access to the Crisis Leave Bank described above must be coordinated with Raffa-Marcum HR *and* the Chief Operating Officer. In the event that ambiguity exists regarding any aspect of a claim to Crisis Leave Bank leave, it will be resolved by and at the sole discretion of the Executive Director of Thurgood Marshall Academy (or the Chair of the Board of Trustees only in the case that the Executive Director's own leave case is ambiguous).

Employees experiencing a crisis are strongly encouraged to review their leave options with Raffa-Marcum HR (even if they do not plan to seek Crisis Leave Bank paid time off).

Family And Medical Leave Act (FMLA)

This section describes FMLA and related laws intended to be permanent. Employees are advised to consult with Raffa-Marcum HR (hr@tmapchs.org) to plan FMLA/related leave and to learn about any temporary measures, such as the Families First Coronavirus Response Act (FFCRA). Government notices regarding some leave laws are appended to this manual and/or displayed with labor law posters at the School facility in accordance with applicable law.

The District of Columbia Family and Medical Leave Act of 1991 entitles employees who have completed at least 12 months of service (and worked 1,000 hours during that period) to receive up to 16 weeks of unpaid leave in a 24-month period for an employee's serious health condition, or to care for a family member with a serious health condition. The DC Paid Family Leave act (DC PFL), beginning July 1, 2020, pays eligible employees' leave time. DC PFL paid leave runs *concurrent* with DC FMLA job protection time and is available only to School employees working substantially in the District of Columbia (as opposed to remotely).

FMLA also provides certain leave to employees for the birth or adoption of a child (although such leave may be limited where both parents work for Thurgood Marshall Academy, so it is important to check to see if this applies to your situation).

Under FMLA, members of the immediate family include: parents of the employee (or other persons who have been the functional equivalent of parents of the employee, such as guardians or step-parents), spouses/domestic partners, and children of the employee.

For purposes of FMLA, serious health conditions or disabilities include inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider for a chronic serious health condition; and temporary disabilities associated with pregnancy, childbirth, and related non-permanent medical conditions.

Eligible employees are normally granted leave for the period of the disability, up to a maximum of 16 weeks within any 24-month period. Additional leave may be available pursuant to the Federal FMLA in certain circumstances. Any employee who has questions about eligibility for or the applicability of FMLA leave should contact Raffa-Marcum HR to discuss these issues.

Eligible employees should provide a written request for medical leave to their supervisors at least 30 days in advance of foreseeable events, or as soon as possible for unforeseeable events. A health care provider's statement must be submitted verifying the need for medical leave and its

beginning and expected ending dates. Any changes in this information should be promptly reported to Thurgood Marshall Academy. Employees returning from medical leave to care for their own serious health condition must submit a health care provider's verification of their fitness to return to work. Consult Raffa-Marcum HR (as best one is able) regarding forms for these verifications.

Leave may also be available when: (a) the employee has a qualifying exigency while the employee's spouse, son, daughter, or parent is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) (“qualifying exigency leave”), or (b) to care for a covered service member with a serious illness or injury (“military caregiver leave”). Any employee seeking qualifying exigency leave or military caregiver leave should contact Raffa-Marcum HR to discuss the leave that is available under these categories and the eligibility requirements the employee must satisfy to take leave under these categories.

Employees who are absent due to a work-related injury may have rights to additional leave under Thurgood Marshall Academy’s Worker’s Compensation policy. Check with the COO to determine what leave may be available in the case of work-related injuries *as soon as possible after sustaining such an injury*.

During FMLA leave, Thurgood Marshall Academy will continue to provide health insurance benefits on the same basis as provided before commencement of the leave. Employees will continue to be responsible for paying their portion of benefits premiums, and must work with Raffa-Marcum HR as soon as possible to determine a pre-payment or repayment schedule for deductions during the pay periods preceding or following the unpaid FMLA leave.

An employee on an extended FMLA leave should provide Thurgood Marshall Academy with at least two weeks’ advance notice of the date the employee intends to return to work. When a medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified. If an employee fails to report to work at the end of the medical leave, or fails to submit required status reports during such leave, Thurgood Marshall Academy will treat the employee as having resigned.

Employees also may be entitled to intermittent leave under FMLA, in order to obtain an ongoing course of treatment for a chronic serious health condition (such as radiation treatment, dialysis, or the like) or to bring a covered family member to such treatment where the employee's presence is necessary to provide care for the family member. In order to obtain intermittent leave, the employee should contact his or her supervisor and the Chief Operating Officer (or equivalent) to discuss the best ways to rearrange the work schedule to accommodate and document the leave. In the case of intermittent leaves, Thurgood Marshall Academy reserves the right to reassign the employee for the duration of the leave to another position where the intermittent absences can be accommodated more easily.

Normal PTO use rules will apply to routine FMLA-covered absences of several days duration. However, where the employee or family member has a chronic health condition, which requires recurrent intermittent leave, the employee will be permitted to apply PTO pay to such absence based upon increments equal to the actual amount of time missed from work.

FMLA and Breaks

This section describes FMLA exceptions that may occur during long school breaks (those lasting more than one week, i.e., five consecutive business days). Any ambiguities will be resolved on a case-by-case basis at management's discretion. Any other type of business interruptions' impact on employees on FMLA leave will be determined on a case-by-case basis at management's discretion.

Instructional Employees

Department of Labor defines "instructional employees" to include only those employees whose principal function is to teach and instruct students. If an instructional employee's FMLA leave falls during a period which (per the terms of the employee's contract) the employee is not required to report to work for one week or more, then this period will not be counted towards the employee's FMLA leave. The employee will return to normal pay arrangements until the period during which he or she was not scheduled to work ends (after which FMLA will resume, if available).

Non-Instructional Employees

Any employee whose principal function is anything other than teaching is a non-instructional employee. Non-instructional employees' FMLA during breaks will be determined by the School's HR specialists and the School's administration on a case-by-case basis, as each non-instructional staff member's contract, duties, and work schedule may vary. In general, however, if a non-instructional employee's FMLA leave falls during a period of one week or more during which (per the terms of the employee's contract) the employee is not required to report to work, then this period will not be counted as FMLA leave. The employee will return to normal pay arrangements until the period during which he or she was not scheduled to work ends (after which FMLA will resume, if available). Full-time employees hired before August 1, 2011, will be able to apply available vacation days rather than unpaid FMLA days to period of leave falling over breaks, if their contract does not allow for paid leave during Spring and Winter break periods.

Special Rules of Instructional Employees

Special rules apply to "instructional employees" employed in primary and secondary schools. This term is defined by the Department of Labor to include only those employees whose principal function is to teach and instruct students, thereby excluding auxiliary personnel such as counselors, administrators, and curriculum specialists who do not have teaching responsibilities, and clerical, custodial, and cafeteria employees.

An instructional employee who seeks leave that is foreseeable based on planned medical treatment may be required to make an election, if the employee would be on intermittent leave for more than 20 percent of the total number of working days in the period over which the leave would extend. The employee may be required to choose between: (1) a leave for a period of time not to exceed the duration of the planned medical treatment, or (2) a temporary transfer to an available alternative position.

An instructional employee who begins a leave of at least three weeks duration more than five weeks before the end of the term may be required to extend the leave through the end of the academic term, if his/her return would otherwise be within a three-week period before the end of

such term. If an instructional employee takes a leave of at least two weeks duration that commences during the five weeks before the end of the term, and that is for a reason other than his/her own serious health condition, and if the employee would otherwise return to work during the last two days of the term, the employee may be required to continue the leave through the end of the term.

If an instructional employee takes a leave of at least five working days duration that begins during the last three weeks of the term, for a reason other than his/her own serious health condition, the employee may be required to extend the leave until the end of the term.

If the instructional employee is required to extend his/her leave through the end of the School term after the employee is ready and able to return to work, the additional leave will not count toward the employee's 16-week FMLA allowance.

Special Rules Regarding Key Employees

A key employee is a salaried, eligible employee who is among the highest paid 10 percent of Thurgood Marshall Academy employees. Thurgood Marshall Academy may refuse to reinstate key employees after using FMLA leave if it determines that substantial and grievous economic injury would result from reinstatement. If this determination is made, the employee will be notified in writing and given an opportunity to end the leave and return to work. If the employee remains on leave, Thurgood Marshall Academy will make a final decision as to reinstatement at the end of the employee's leave period.

Reservation of Rights

Thurgood Marshall Academy will comply with all legal requirements for providing family and medical leave to employees eligible under FMLA. To the extent to which the law permits employer discretion, Thurgood Marshall Academy hereby expressly reserves the right to modify, change, or eliminate any provision of this policy with respect to any employee or group of employees and does not intend to create a contractual commitment to any employee by issuing this policy.

DC Paid Family Leave

Thurgood Marshall Academy complies with the DC Paid Family Leave law which allows covered employees to receive paid time off for qualifying parental, family, and medical events. This benefit is administered and distributed by the Office of Paid Family Leave.

In order to be eligible for DC Paid Family Leave (PFL), employees must: (1) spend at least 50% of their work time working in the District of Columbia; or (2) have employment based in DC, regularly spend a substantial amount of their work time for the employer in D.C., and spend not more than 50% of their work time for that employer in another jurisdiction. Employees working remotely from their home in another state may not be eligible for this benefit.

There are three (3) kinds of events for which employees may be eligible for Paid Family Leave benefits. Each kind of leave has its own eligibility rules and its own limit on the length of time employees can receive benefits in a year. No matter how many different types of leave an employee may take in a year, employees may not receive more than 8 weeks of Paid Family Leave benefits in a year. The three types of leave for which you may receive benefits are:

- **Qualified Parental Leave:** up to eight weeks of PFL within a 52-week period to care for a new child, adopted or foster, (including baby bonding time),
- **Qualified Family Leave:** up to six weeks of PFL within a 52-week period to care for a family member with a serious health condition, or,
- **Qualified Medical Leave:** up to two weeks of PFL within a 52-week period for the employee’s own serious health condition.

The PFL benefit amount is determined by the DC Office of Paid Family Leave and is based on the employee’s average weekly wage in the five quarters prior to the leave (the “base period”), up to a maximum weekly benefit of \$1,000.

Employees should provide written notice to their supervisor and Raffa-Marcum HR (hr@tmapchs.org) of their need for PFL at least ten days in advance, or as early as possible. If the leave is unforeseeable, a notification—either written or oral—should be provided before the start of the work shift in which the leave is being used.

The PFL will run concurrently with FMLA and other organizational leave and eligible benefit policies (i.e., short-term disability insurance (STD)) if the employee is otherwise eligible. Short-term disability benefits will be off-set by the two week of paid medical leave benefit received by the OPFL. Short-term disability benefits may be benefits paid by the Office of Paid Family Leave as determined by the short-term disability carrier.

Employees may substitute available paid leave during PFL, when combined not to exceed 100% of regular earnings.

For more information on this benefit please contact Raffa-Marcum HR at hr@tmapchs.org.

Families First Coronavirus Response Act (FFCRA)

Effective until December 31, 2020, employees may be eligible for paid sick or expanded medical leave for specific reasons related to COVID-19.

Qualifying Reasons for Leave Related to COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- 1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- 2) has been advised by a health care provider to self-quarantine related to COVID-19;
- 3) is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- 4) is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);

- 5) is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
- 6) is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

In order to eligible for reason #5, employees must be employed for at least 30 days prior to their leave request.

Employees who are approved for FFCRA paid leave may receive

- Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:
 - 100% for qualifying reasons #1-3 above, up to \$511 daily and \$5,110 total;
 - 2/3 for qualifying reasons #4 and 6 above, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 above for up to \$200 daily and \$12,000 total.

Employees shall provide as much notice as practical to their supervisor and Raffa-Marcum HR regarding their need to utilize paid sick leave.

Thurgood Marshall Academy will not interfere with the use of paid sick leave and will not discriminate or retaliate against any employee for using paid sick leave.

Employees who would like to apply for FFCRA leave should notify their supervisor and Raffa-Marcum HR (hr@tmapchs.org) for information on the application process.

District of Columbia Parental Leave Act

Thurgood Marshall Academy complies with the District of Columbia Parental Leave Act of 1994 by allowing a "parent" up to three (3) full days of leave during any 12-month period to attend or participate in school-related events for his or her child. A "parent" is defined by the Act as:

- the natural mother or father of a child;
- a person who has legal custody of a child;
- a person who acts as a guardian of a child regardless of whether he or she has been appointed legally as such;
- an aunt, uncle or grandparent of a child; or
- a person who is married to one of the individuals listed above.

Thurgood Marshall Academy extends this rule to include the domestic partners of any parent as defined by the Act (above).

A "child" is defined as a person under twenty-one (21) years of age, a person who, though twenty-one years of age or older, is substantially dependent upon the parent by reason of physical or mental disability, or a person who is under twenty-three (23) years of age and is a full-time student at an accredited college or university.

A "school-related event" is an activity sponsored by either a school or an associated organization such as a parent-teacher association which involves the child directly either as a participant or subject, but not as a spectator. Examples of school-related events are:

- a student performance such as a concert, play or rehearsal;
- the sporting game of a school team or practice;
- a meeting with a teacher or counselor;
- or any similar type of activity.

Employees are not entitled to be paid for parental leave unless they elect to use a PTO day or (if eligible) vacation days.

To request parental leave, employees should complete a leave request and submit it to their supervisor for approval. Employees must notify their supervisor at least 10 calendar days before a school event, unless attendance is not reasonably foreseeable, in which case the employee must provide as much notice as possible. Requests for parental leave will not be unreasonably denied. Parental leave should be recorded in the same manner as all other leave. Employment benefits will not be lost during leave.

Crime Victim Leave

An employee who is a victim or whose family member is a victim of domestic violence, stalking, or sexual abuse, may use PTO leave (as described above) to seek medical attention for the employee or the employee's family member to recover from physical or psychological injury or disability caused by domestic violence or sexual abuse; obtain services from a victim services organization; obtain psychological or other counseling; temporarily or permanently relocate; take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence or sexual abuse; or take other actions to enhance the physical, psychological, or economic health or safety of the employee or the employee's family member or to enhance the safety of those who associate or work with the employee.

An employee shall make a request in writing to use PTO days for the purpose of crime victim leave. The request shall include a reason for the absence and the expected duration of the leave. If the leave is foreseeable, the request shall be provided at least 10 days, or as early as possible, in advance of the paid leave. If the paid leave is unforeseeable, an oral request for paid leave shall be provided prior to the start of the work shift for which the paid leave is requested. In the case of an emergency, you shall notify your supervisor prior to the start of the next work shift or within 24 hours of the onset of the emergency, whichever occurs sooner. If foreseeable, an employee shall make a reasonable effort to schedule crime victim leave in a manner that does not unduly disrupt Thurgood Marshall Academy's operations.

For absences of three or more consecutive days, Thurgood Marshall Academy may request a police report indicating that the employee was a victim of stalking, domestic violence, or sexual abuse; a court order; or, a signed statement from a victim and witness advocate, or domestic

violence counselor, affirming that the employee is involved in legal action related to stalking, domestic violence, or sexual abuse. If such certification is requested, the employee must provide a copy to his or her immediate supervisor upon the employee's return to work.

Comp Time

Under certain circumstances, exempt employees may be eligible for comp time. Non-exempt employees are not eligible for comp time—non-exempt employees must be paid via the School's payroll process for all hours worked. Teachers will rarely, if ever, be eligible for comp time.

Eligible employees will be *able to request comp time when they are required under their normal duties to work at a scheduled Thurgood Marshall Academy event or program that falls on a weekend or a holiday*. By way of example only:

- A Programs Department employee *required* to work Mentor Day *would* be able to request comp time, if the Mentor Day fell on a weekend or Holiday.
- A Student Affairs employee working at Mentor Day *without being required to do so by a supervisor* would *not* be able to request for comp time.
- Teachers and non-teaching staff required to work after normal business hours to support parent-teacher nights would *not* be able to request comp time.
- Any employee staying late to supervise a week-night sports event would *not* be able to request for comp time.
- Any employee working over a weekend/holiday to finish a project—at home or on campus—even to meet a deadline, would *not* be able to request comp time.
- Employees traveling to or from work (including remote workers traveling on a weekend/holiday to attend a schedule event on a weekday), or employees traveling to or from a work-related event such as a college campus visit or conference—would generally *not* be able to request comp time.

An eligible employee who is able to request comp time for working at a Thurgood Marshall Academy event must observe the following procedures:

- The employee's immediate supervisor must approve the comp time scheduling in advance.
- The comp time must follow the event that qualified for comp time.
- The comp time cannot duplicate other compensation (by way of example only, if an employee's contract specifies compensation for working events then the employee may not also claim comp time for working those events).
- Comp time may be requested and granted only in half-day and full-day increments, and can be granted only when the employee works a half- or full-day on a weekend/holiday. Comp time shall never be tracked/granted hourly.
- Comp time must be scheduled and used within 21 calendar days of the work that earned the comp time.

- Comp time must be scheduled, approved, and tracked in the School’s leave-tracking system as “admin time” (e.g., under the current Replicon system full or half days must be requested, approved, and described using the “Admin Time” TimeOff Type).

Exceptions to any of the elements of the comp time policy will be rare, must be approved in advance in writing by the Executive Director, and will be made solely at the Executive Director’s discretion.

TERMINATION OF EMPLOYMENT

Voluntary Termination

Employees should give as much advance notice as possible if they plan to leave their positions at Thurgood Marshall Academy. Employees who have employment contracts with Thurgood Marshall Academy are expected to give the amount of notice specified in those contracts via a written letter of resignation committing to a final date of employment provided to the Executive Director. Hourly employees are expected to give two weeks’ notice. Voluntary termination by an employee may lead to pro-rating of PTO and/or vacation days as determined by Management. Voluntary termination may—at Management’s sole discretion and only to the extent permitted by law—result in changes to schedules, project assignments, supervisory responsibilities, and other aspects of the terminating employee’s work.

Involuntary Termination

Thurgood Marshall Academy may terminate an employee for Cause based on, among other factors, an individual's inability to attain the required level of performance in the job, failure to comply with required policies or standards of professional behavior applicable to employment, or failure to perform required duties. The School can terminate any employment Agreement(s) without Cause in the case of special needs or a business emergency. At-will employees (employees without contracts) are advised that Thurgood Marshall Academy may terminate employment at any time, for any reason, with or without notice, and with or without Cause.

Termination for Cause

Employees must abide by the rules and policies explained in this *Personnel Policy Manual*; in their contracts; in the *Faculty & Staff Handbook*; or in written or verbal communications by School leaders, whether directed to the individual or distributed school-wide. Employees who fail to abide by School policies will be subject to disciplinary action, up to and including termination. Serious misconduct may result in immediate termination. By way of example only, the School can terminate employment immediately and without notice for Cause for reasons including but not limited to the following violations of School policy and/or city, state, or federal law:

- Abuse or mistreatment of any student
- Disclosure of confidential information to unauthorized persons
- Unauthorized possession, use, copying, or theft of School property or records—School records, including paper files as well as computer files and disks, are the property of Thurgood Marshall Academy and may not be copied or removed from

School premises without the express permission of the Executive Director of Thurgood Marshall Academy

- Use or possession of illegal drugs (see also Drug and Alcohol Policy)
- Possession of a weapon
- Insubordination, which includes the failure or refusal to follow the instructions of a supervisor, the refusal to accept a job assignment or direction, the refusal to perform reasonable overtime assignments, or behaving in a disrespectful manner toward a supervisor
- Acts or threats of violence or disrespect toward any employee, contractor, parent, or other stakeholder
- Gambling or possession of gambling devices on School premises
- Smoking, use of tobacco products, or use of e-cigarettes and the like, on School premises
- Refusal to cooperate fully with the School in any investigation related to the School
- Failure to provide work-related documentation promptly upon request from a supervisor or HR representative (by way of example only, a doctor's notice of a completed tuberculosis test)
- Discovery by the School of any condition that makes employment or continued employment at a school unsuitable (by way of example only, evidence of criminal conduct—either prior to or during the term of employment—revealed through a routine background check or other documentation that makes employment in the employee's position unsuitable)
- Illegal conduct of any kind
- Violation of any school policy or procedure

For Cause, the Executive Director or her/his delegate may substitute for termination (at the Executive Director's sole discretion) any other appropriate disciplinary action, including but not limited to verbal warnings, written warnings, probation, or suspension, with or without pay.

Termination Without Cause

Thurgood Marshall Academy may terminate employment of any employee without Cause upon ten (10) business days written notice (the "Notice Period"), or payment in lieu of such notice. In cases of termination without Cause, the School will provide, whenever possible, one (1) week of severance pay at an employee's regular rate of compensation for each full year of service up to a maximum of five (5) weeks severance pay. The School reserves the right to reduce the amount of severance (and pay-in-lieu-of-Notice-Period, if applicable) in the event that the termination is caused by a significant loss of funding or other business emergency. In order to receive severance pay (and pay-in-lieu-of-Notice-Period, if applicable), employees must perform all duties effectively until termination. Acceptance of severance pay constitutes a release of claims, and employees may be asked to confirm this by signing a release of claims in order to receive severance pay (and pay-in-lieu-of-Notice-Period, if applicable). Thurgood Marshall Academy

may substitute for termination without Cause other changes that business conditions demand, including but not limited to furloughs and reduction of positions to part-time. In general, such reductions or furloughs are not compensated, though the School reserves the right to make exceptions at management's discretion on a case-by-case basis.

Procedure at Termination

Upon termination of employment, employees will receive their final pay in accordance with applicable laws. At its discretion, TMA may pay your last pay via a live (paper) check rather than direct deposit. TMA may request that you pick up the final check in person to facilitate close out any pending separation items such as equipment return. In cases of involuntary termination, the employee will receive his or her final pay on the next business day. In cases of voluntary termination, the employee will receive his or her final pay on the next scheduled pay period. All accrued, vested benefits that are due and payable upon termination will also be paid at this time. Other accrued benefits, such as benefits under retirement or savings plans, will be distributed under the terms of those plans.

Upon termination (either voluntary or involuntary) all equipment and other school property issued to employees must be returned to the School. Employees will be financially responsible for costs to Thurgood Marshall Academy if they fail to return equipment upon termination.

Health Benefits Continuation (COBRA)

Federal law (COBRA) gives employees and their qualified beneficiaries the opportunity to continue their existing health insurance coverage under Thurgood Marshall Academy's health plan for a period of time after the occurrence of a "qualifying event" which otherwise would result in the loss of coverage. Some common qualifying events are termination of employment (whether by resignation, layoff, discharge, or even death), a substantial reduction in an employee's hours, an extended non-FMLA leave of absence, or legal separation or divorce of the employee and his or her spouse.

When such a qualifying event occurs, Thurgood Marshall Academy (or an authorized third-party administrator) will notify the employee of the right to continue health insurance coverage under COBRA, as well as the time limits and triggering events, which are applicable in order to continue coverage. To continue coverage, the employee (or beneficiary) must elect to exercise their COBRA rights in a timely manner and pay the total premiums required for coverage.

As required by law, Thurgood Marshall Academy will provide a written notice to covered family members describing their separate rights under COBRA (such as the rights of a divorced spouse to continue coverage by payment of applicable premiums). It is very important to keep Thurgood Marshall Academy advised of changes within the family unit so that the appropriate notices may be sent in a timely manner.

Exit Interview

Thurgood Marshall Academy may schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to Thurgood Marshall Academy, or the return of Thurgood Marshall Academy-owned property. Suggestions, complaints, and questions can also be addressed during this interview.

EMPLOYEE EVALUATION

The non-teaching staff evaluation process consists of a mid- and end-of-year evaluation. During these evaluations, the supervisor assesses the staff member's performance against established goals and discusses the employee's performance in various professional areas (i.e., critical thinking, communication, etc.). Staff members will also be asked to provide up to three names for individuals who can provide his or her supervisor feedback about work performed. Supervisors will incorporate this feedback in to the final review and end-of-year evaluation. The staff member will have an opportunity to review the written evaluation and is encouraged (but not required) to provide any written feedback within three days of receiving the evaluation. The final evaluation form, signed by both the supervisor and the staff member, will be given to the Operations department and stored in the staff member's personnel file.

Evaluation for teaching personnel appears in the faculty handbook.

PERSONAL FINANCES OF EMPLOYEES

Thurgood Marshall Academy will not disclose employee financial information to outside parties without written permission from the employee except as required by law.

The Chief Operating Officer and her/his delegates are authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The COO (or Raffa-Marcum HR) will notify the affected employee as soon as possible and then deduct the required amount from the employee's earnings up to the limit permitted by law. These records will be maintained by the Chief Operating Officer and/or the School's accountants/HR consultants.

USE OF COMMUNICATION SYSTEMS

The provision of communication services and equipment is necessary to promote the efficient conduct of Thurgood Marshall Academy's business. Supervisors are responsible for instructing employees on the proper use of the communications services and equipment used for both internal and external business communications.

Employees should be aware of toll or usage-related charges when choosing the proper vehicle for business communication. Occasional personal use of business equipment is permitted unless otherwise indicated by School policies. Employees should consult their supervisor if there is a question about the proper mode of communication.

Under no circumstances are employees permitted to use Thurgood Marshall Academy provided equipment or services to access, transmit, receive, save, or print illegal or sexually explicit material or material that promotes hate, violence, or discrimination of any kind. Any employee found abusing business equipment privileges will be subject to disciplinary action, up to and including termination.

TECHNOLOGY POLICIES

Introduction

Thurgood Marshall Academy provides students, teachers, and staff with twenty-first century information technology tools, including high-speed Local Area Network and Internet access, e-mail, and other IT resources.

It is expected that all employees will treat hardware, software, and IT resources with respect and common sense. Employees are accountable for reasonable use of hardware, software, the Internet, and other IT resources, even if content or practices are not specifically discussed herein.

Acceptable Use Policy

Thurgood Marshall Academy is not responsible for staff, faculty, or other authorized users' use of electronic technology resources, including but not limited to, e-mail, blogs, personal websites, voicemails, social media, and text messages. However, employees or other authorized users may be disciplined for any technology use (including but not limited to social media) that negatively affects Thurgood Marshall Academy or that negatively affects the ability or fitness of any student, staff, faculty member, or other authorized user to effectively serve the School or that negatively affects any student's educational experience, including but not limited to use of technology for Prohibited Conduct described in this manual's Organizational Code of Conduct. This policy shall not be construed as prohibiting concerted activity on matters of mutual concern to employees protected (in electronic and other communication) under the National Labor Relations Act.

Privacy Expectations and Personal Use

All hardware, software, files (whether saved to network drives, hard drives, removable media, or off-site School-leased servers, or any other form if created under the auspices of the School), e-mails, and any other electronic materials created using Thurgood Marshall Academy's hardware, software, and/or network constitute the property of the School and must be returned upon Management's request.

- When using School technology, employees must observe all other School policies, including those found elsewhere in this book, in other staff resource manuals, or those communicated by School staff. In particular, all provisions regarding sexual harassment prohibitions apply to the use of technology.
- Employees are prohibited from using School technology to access material that is inappropriate for students.
- Employees should have no expectation of privacy regarding documents, files, or other materials saved to hard or network drives, e-mails, Web site histories, and other information resources. The School reserves the right to retain materials and investigate any media at any time with or without notice if deemed necessary for the safe and efficient operation of the School as well as for legal reasons.
- The School expects all employees to use IT resources legally and ethically. The School will cooperate fully with local, state, or federal officials in any investigation concerning or relating to any illegal activities conducted through School IT resources.

- The School will not be responsible for any damage employees may suffer while using Thurgood Marshall Academy's IT resources, including but not limited to loss of data and interruptions of service. The School is not responsible for the accuracy or quality of the information obtained through the Internet or other IT resources. The School will not be held responsible for personal financial obligations employees incur while using the School's IT resources.
- Thurgood Marshall Academy understands that it provides IT resources to which staff may not have access outside the School, and that staff may need to conduct personal business while at the School. As would be the case with personal telephone calls, the School expects staff to be reasonable in personal use of IT resources, to limit such use to break times, and to adhere to all School policies during such limited, occasional use. The School reserves the right to deem a particular use or group of uses unreasonable.
- Employees may not use images of students, employees, contractors, or the School for their personal or professional use without the written permission of the Executive Director.
- Employees may not share or post via social-media images or information regarding students including but not limited to: names, grades, or discipline/conduct information.

Hardware

Hardware provided or paid for by the School is the property of Thurgood Marshall Academy.

- Users may not move, alter, upgrade, or otherwise change hardware without the express permission of either the COO or the Director of Information Technology.
- Users may not install software on Thurgood Marshall Academy hardware—if you need a program or device, request it of the Director of Information Technology. If the program or device is proprietary or not within the approved budget, the IT Director will require that you purchase the program through standard procurement steps (i.e., by getting approval from a department head and all other relevant School leaders). Exceptions require the permission of the Executive Director, COO, or IT Director.
- No computer can be reserved solely for one user unless expressly designated by the COO or the Director of Information Technology. In other words, any user may be logged on to any PC at any time, even in a private office, if it is deemed necessary to the smooth operation of the School.
- Employees are responsible for the care and security of information technology hardware issued to them, whether directly or indirectly (e.g., a classroom IT cart). All equipment must be kept secure at all times, and any issues must be reported promptly to the IT department.

Password Protection

User passwords are keys to accessing data about employees and their work for the School. In the wrong hands, a password can be used to impersonate an employee online and take unauthorized action in her or his name. Thurgood Marshall Academy has developed the following policies to ensure the integrity of passwords.

- A generic password is provided when you first use the Thurgood Marshall Academy network—you must change this generic password to a unique one in a timely fashion and continue to update your password when the system prompts you to do so.
- Do not disclose your password to anyone except a School leader or IT specialist. If approached for your password (e.g., via an e-mail request, even one that appears legitimate) do not respond with your password but instead notify a School leader and the IT specialist.
- Do not share a password.
- Do not write down a password somewhere that is accessible to others.
- Set your computer to lock automatically after if it has not been in use for 10 minutes—consult with the IT staff if you do not know how to do this.
- Do not leave a computer unattended if you have logged on—always log off a computer before leaving it unattended, even for a short time.
- Notify the network administrator immediately if you suspect your password has been compromised.

E-mail

E-mail via the Thurgood Marshall Academy network is provided for the sole intent of communicating School business.

- Refrain from posting Thurgood Marshall Academy e-mail addresses on public Web sites, as this attracts “spam.”
- Use common sense when communicating via e-mail.
- The School reserves the right to retain and review staff e-mails—they are business, not personal, communication and employees have no expectation of privacy with respect to their School email. In addition, e-mails frequently are mis-sent, forwarded, or archived by users. A common rule of thumb is never to write in an e-mail something one would not want posted in print on a School bulletin board or, in the case of obviously private communication, not to write in language that would prove embarrassing if revealed.
- The School understands that effective education requires collegiality and that e-mail is a convenient medium for sharing information, planning professional and work-related social events, and other collegial activities. As noted before, such use of School IT resources should be reasonable and tactful.
- Use particular care when sending e-mails to group lists—note the following:

- Never send a message to every address and group in the global contact list. Consult with the Director of Information Technology, the Assistant Director of Operations, or the Chief Operating Officer if you have questions.
- Send e-mails to individual addresses whenever possible.
- When using a group list, confirm that it is up-to-date; be sure the message will neither leave out intended recipients nor include unintended recipients.
- Consult with a School leader before sending an e-mail to a group list of School authorities, such as the Board of Trustees.
- Refrain from sending mass e-mails to School listservs/user-groups unless the material is clearly related to Thurgood Marshall Academy's business. For instance, the sharing of "helpful" e-mail petitions and chain letters, even when apparently benevolent, frequently spreads misinformation (e.g., urban legends) or simply distracts co-workers.
- Concerns and academic issues related to e-mail should be addressed to School leaders.

Appropriate Material

When browsing the Internet or using other IT resources, use common sense regarding material viewed. The School expects that employees using Thurgood Marshall Academy's IT resources:

- will not download or otherwise access material that would be inappropriate if viewed by students;
- will not do anything illegal, including infringing on the copyright of software, content, or images, plagiarizing others' content, or otherwise violating the law or academic ethics; and
- will not share private information about students or employees; note that sharing confidential information *in any media at any time in any format*, violates confidentiality policies discussed elsewhere in this manual.

ORGANIZATIONAL CODE OF CONDUCT

PART I: PROFESSIONAL CONDUCT

As an employee of Thurgood Marshall Academy, all work performed at the direction of a supervisor or school administration and work performed during work hours or using school resources is work product belonging to the school. Work performed for Thurgood Marshall Academy by its employees must, at all times, comply with all applicable laws and regulations and be of a professional quality. Thurgood Marshall Academy will not condone the activities of employees who violate the law or engage in unethical business dealings. This includes payments for any illegal acts, indirect contributions, rebates, and bribery. Thurgood Marshall Academy does not permit any activity that fails to stand the closest possible public scrutiny.

All business conduct should be well above the minimum standards required by law. Accordingly, employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws or School policies governing Thurgood Marshall Academy's operations.

Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their supervisors, who, if necessary, should seek the advice of an attorney as approved by the Executive Director.

In addition to expecting employees to perform their jobs competently and reliably, the School expects employees to conduct themselves in a professional, ethical, and responsible manner that reflects well upon the School, that promotes a spirit of cooperation and teamwork among employees, and that is respectful of students, parents, other employees, contractors, and members of the public with whom the School conducts business and interacts. Whenever an employee breaches a standard of conduct, measures may be taken to correct the situation and to help ensure that such conduct is not repeated. The degree of discipline, as decided by the School in its sole and complete discretion, depends upon a number of factors, including previous violations, the gravity of the offense, and the circumstances under which it occurred. The School's decision in every case is final and binding.

In addition, vendors and their employees working with the School, either on-site or at off-site activities, are expected to maintain the highest ethical standards and to avoid conduct prohibited for Thurgood Marshall Academy employees, or any conduct that common business practice or applicable law dictates is inappropriate when working with children, families, or school workers. While responsibility for the conduct of vendors' employees lies with the vendors' management, Thurgood Marshall Academy employees are expected to promptly report any potentially inappropriate conduct by a vendor's employee to the Thurgood Marshall Academy point-of-contact for the vendor, or to the School's Executive Director.

Prohibited Conduct

Although it is impossible to anticipate in advance every possible scenario or category of misconduct that would be of concern and that could lead to corrective action, up to and including termination, the following are examples of prohibited conduct.

- Unsatisfactory work performance
- Insults and/or derogatory remarks against a person or group—verbal or otherwise—including but not limited to racial epithets
- Violation of any of the policies described in this handbook or any policies otherwise communicated to employees
- Conduct that harms or threatens harm to others or that is abusive or disrespectful to management, co-workers, clients, or other persons involved with Thurgood Marshall Academy

- Corporal punishment (actual or threatened) of Thurgood Marshall Academy students.
- Excessive tardiness or absenteeism
- Falsification of Thurgood Marshall Academy records, including time sheets
- Unauthorized use, misuse, removal, or intentional damage to Thurgood Marshall Academy property or property of a co-worker, client, or other person with whom Thurgood Marshall Academy interacts
- Theft or misappropriation
- Misrepresentation or failing to communicate with Thurgood Marshall Academy in a forthright manner
- Insubordination
- Improper or unprofessional behavior or language while on School property or business
- Inappropriate behavior towards or contact with a student, whether during or after business or on or off School premises. All communications with students—including but not limited to text or electronic messages with students—must be professional and germane to classwork or school activities and cannot include any personal information. For example, texting students about a homework assignment or to ensure they made it home safely from an after school event would be appropriate. However, text or electronic messages about a relationship issue or other personal matter would be inappropriate and should be immediately brought to the attention of your supervisor.
- Harassment (sexual or otherwise) of any member of the School community (including but not limited to students, parents/guardians, co-workers, volunteers, or Trustees), whether during or after business or on or off School premises
- Carrying or possessing weapons on School premises or on School business
- Engaging in unethical business practices or activities

These examples are illustrative only, and are not intended to be an all-inclusive list of conduct that is prohibited. Other types of behavior or conduct could also lead to disciplinary action, up to and including termination.

CORRECTIVE ACTION PROCEDURES

Unless agreed otherwise in a written contract signed by the employee and the Executive Director of Thurgood Marshall Academy that negates the “at will” employment status of an employee, all Thurgood Marshall Academy employment is "at will" and either Thurgood Marshall Academy or the employee may terminate the employment relationship with or without Cause at any time and for any reason.

Nonetheless, as a matter of personnel administration and not a matter of contract, and at Thurgood Marshall Academy's sole discretion, Thurgood Marshall Academy generally imposes discipline only after counseling has been unsuccessful or is inappropriate given the circumstances. In this way, Thurgood Marshall Academy tries to correct behavior that adversely affects Thurgood Marshall Academy or its employees or that otherwise causes problems. Progressive corrective action methods may include the following, or others, and the choice of whether to employ corrective action, what steps to employ and in what order lies in the sole discretion of Thurgood Marshall Academy.

- An informal verbal discussion that is documented by the supervisor
- A verbal warning with documentation to the employee’s personnel file
- A formal written corrective action plan that is approved by the Executive Director
- Suspension without pay
- Termination of employment

Employees should be aware that serious misconduct, as determined by Thurgood Marshall Academy, will normally lead to more severe discipline, up to and including termination, without the opportunity for corrective action. As a matter of discretionary but fair personnel administration, Thurgood Marshall Academy will endeavor to treat in a similar fashion employees who are similarly situated, in all relevant respects, to other employees. In no case, however, will the use of corrective action, or the use of disciplinary action less than termination, set a precedent for the employee or others or change an employee's at-will employment status.

ORGANIZATIONAL CODE OF CONDUCT

PART II: ETHICAL BUSINESS PRACTICES & FRAUD PREVENTION

Conflicts of Interest

Thurgood Marshall Academy expects that employees will perform their duties conscientiously, honestly, and in accordance with the best interests of the School. Employees must not use their position or the knowledge gained as a result of their position for private or personal advantage. Regardless of the circumstances, if employees sense that a course of action they have pursued, are presently pursuing, or are contemplating pursuing may involve them in a conflict of interest with their employer, they should immediately communicate all facts to the Executive Director.

Conflicts of Interest are not limited to arrangements with organizations that benefit an employee but apply to any business agreement in which the outside organization and the School are not

completely independent of one another; that is, Employees, officers, and directors are required to disclose conflicts, whether Personal Conflicts of Interest (PCI) or Organizational Conflicts of Interest (OCI). This obviously includes occasions in which an employee of the School also has a relationship with the organization doing business with the School. Conflicts of interest also potentially arise in Interested Party Transaction/Related Party Transactions (i.e., arrangements in which the School does business with a relative of an employee/Board member or with former employees/Board members or their relatives).

Any agreement between the School and another organization that presents the potential for a conflict of interest of any sort—including but not limited to PCI, OCI, and/or Interested/Related Party Transactions—requires scrutiny prior to obligating the School in any manner. Any arrangement with potential conflicts of interest that involves payments of less than \$1,000/fiscal year (including arrangements in which no fees are paid, such as a partnership with a company or nonprofit) requires the advance written approval of the Executive Director, and any arrangement involving payments of \$1,000 or more during a fiscal year requires approval of the Executive Director and the Board of Trustees.

Failure to abide by Conflict of Interest policies may be grounds for disciplinary action, including but not limited to termination.

Outside Activities, Employment, and Directorships

All employees share a serious responsibility for Thurgood Marshall Academy's good public relations, especially at the community level. Their readiness to help with charitable, educational, and civic activities brings credit to the School and is encouraged. Employees must, however, avoid acquiring any business interest or participating in any activity outside the School that would, or would appear to:

- Create an excessive demand upon their time and attention, thus depriving Thurgood Marshall Academy of their best efforts on the job.
- Create a conflict of interest—an obligation, interest, or distraction—that may interfere with the independent exercise of judgment in the School's best interest.
- Use School programs, models, work-products, or resources for any business or activity that does not *directly* support Thurgood Marshall Academy without increasing demands on the School (regarding those outside projects that use School models that employees believe *do* aid the School and its mission, see the Grants, Donations, and Partnerships section).

The School reserves the right to redress or disciplinary action in cases in which employees' outside activities, in the administration's sole determination, undermine the School's work or sap its resources. Employees engaging in outside employment or business opportunities are strongly advised to secure written approval from the Executive Director prior to committing to such work.

Relationships with Clients and Suppliers

Employees should avoid investing in or acquiring a financial interest for their own accounts in any business organization that has a contractual relationship with Thurgood Marshall Academy or that provides goods or services, or both, to the School if such investment could influence or

create the impression of influencing their decisions in the performance of their duties on behalf of the School.

Gifts, Entertainment, and Favors

Employees must not accept entertainment, gifts, or personal favors that could in any way influence or appear to influence business decisions in favor of any person or organization with whom or with which Thurgood Marshall Academy has, or is likely to have, business dealings. Similarly, employees must not accept any other preferential treatment under these circumstances because their position with the School might be inclined to, or be perceived to, place them under obligation.

Grants, Awards, and Partnerships

The School neither discourages nor encourages teachers and staff seeking resources to enhance their work at the School. *All* such applications (including solicitations for goods or services through resources like Donors Choose), however, must be coordinated *in advance* with and vetted by the Executive Director to ensure that the School accounts for them properly in financial records and that the resources do not create unreasonable burdens or expectations. Any grant, donation of funds or goods, award, partnership, new or expanded program, or initiative of any kind involving the School or its students must be communicated to the Executive Director well in advance of application, programming dates, etc. The endeavor must be approved in writing by the Executive Director. Furthermore, prior to contacting the Executive Director, refer questions regarding grants, donations, and partnerships to the Director of Development & Strategic Partnerships.

Kickbacks and Secret Commissions

Regarding Thurgood Marshall Academy's business activities, employees may not receive payment or compensation of any kind, except as authorized under the School's policies. In particular, the School strictly prohibits the acceptance of kickbacks and secret commissions from suppliers or others. Any breach of this rule will result in immediate termination and prosecution to the fullest extent of the law.

Whistle-Blower Policy

Thurgood Marshall Academy is committed to maintaining a workplace where employees are free to raise good faith concerns regarding the School's business practices, specifically:

- 1) reporting suspected violations of law on the part of the School, including but not limited to federal laws and regulations;
- 2) providing truthful information in connection with an inquiry or investigation by a court, agency, law enforcement, or other governmental body; and
- 3) identifying potential violations of Thurgood Marshall Academy policy, specifically the policies contained in the School's *Faculty & Staff Handbook* or this *Personnel Policy Manual*.

Thurgood Marshall Academy expressly prohibits any form of retaliation, including harassment, intimidation, adverse employment actions, or any other form of retaliation, against employees who raise in good faith suspected violations of law, cooperate in inquiries or investigations, or in

good faith identify potential violations of School policies. Any employee who engages in retaliation will be subject to disciplinary action.

Detailed procedures for reporting and resolving issues at the School—including issues covered by this policy—appear under “Grievance Procedure.” In addition, any employee who wishes to report a suspected violation of law or policy may:

- report it to her or his supervisor;
- report it to the next level of management if the issue involves a supervisor;
- report issues anonymously to the mailbox of either the Executive Director or the Chief Operating Officer.

Thurgood Marshall Academy Funds and Other Assets

Employees who have access to Thurgood Marshall Academy funds in any form must follow the prescribed procedures of recording, handling, and protecting money as detailed in the School’s *Internal Controls, Policies & Procedures* manual and other explanatory materials (including but not limited to expense forms and guidance in the *Faculty & Staff Handbook*). Thurgood Marshall Academy imposes strict standards to prevent fraud and dishonesty. If employees become aware of any evidence of fraud and dishonesty, they should immediately advise their superior so that the School can promptly investigate further.

When an employee’s position requires spending School funds or incurring any reimbursable personal expenses, that individual must use good judgment on the School’s behalf to ensure that good value is received for every expenditure. All contracting and procurement must follow applicable laws and policies, including but not limited to the contract and procurement policies of the DC Public Charter School Board as well as the Uniform Guidance for obligation and expenditure of federal funds (as detailed in the School’s *Internal Controls* manual).

Thurgood Marshall Academy funds and all other assets of the School are for School purposes only and not for personal benefit. This includes the personal use of School assets, such as computers.

Obligating School Resources

Note that only the School’s leaders—not teachers, department chairs, or groups of teachers—have the authority to create obligations for the School. Any activity—even for out-of-class-time activities or activities officially sponsored by an “outside” group—must be approved by the School’s leaders in advance if it:

- obligates the School in any way;
- works with students in any way;
- requires any commitment of the School’s funds, staff time, facilities, or any other resources;
- creates a public relations message about the School; or
- entails any activity of any kind that creates any obligation or liability for the School (no matter how apparently small).

Failure to provide timely notice and await approval of an obligation of the School may result in disciplinary action determined at the School's sole discretion on a case-by-case basis that may include, but may not be limited to, cancelation of the event, purchase, or product and/or termination of employment.

ORGANIZATIONAL CODE OF CONDUCT

PART III: RECORDS, CONFIDENTIALITY & COMMUNICATIONS

Organization Records and Communications

Accurate and reliable records of many kinds are necessary to meet Thurgood Marshall Academy's legal and financial obligations and to manage the affairs of the School. The School's books and records must reflect in an accurate and timely manner all business transactions. The employees responsible for accounting and recordkeeping must fully disclose and record all assets, liabilities, or both and must exercise diligence in enforcing these requirements.

Employees must not make or engage in any false record or communication of any kind, whether internal or external, including but not limited to:

- False expense, attendance, production, financial, or similar reports and statements, and
- False advertising, deceptive marketing practices, or other misleading representations.

Dealing with Outside People and Organizations

Employees must take care to separate their personal roles from their School positions when communicating on matters not involving School business. Employees must not use organization identification, stationery, supplies, or equipment for personal or political matters.

When communicating publicly on matters that involve School business, employees must not presume to speak for the School on any topic, unless they are certain that the views they express are those of the School, and it is the School's desire that such views be publicly disseminated.

When dealing with anyone outside the School, including public officials, employees must take care not to compromise the integrity or damage the reputation of the School or any outside individual, business, or government body.

Media Relations

Any communication from a person affiliated with the media, including written media, radio, television, and the Internet, that is received by an administrator, teacher, staff member, or member of the Board of Trustees that expresses an interest in reporting on Thurgood Marshall Academy in any regard must be referred immediately to the Executive Director or the Chair of the Board of Trustees. To the degree possible, anyone reporting a request for information or other communication from a representative of the media should provide the Executive Director or Chair of the Board with as much information as possible, including contact information, specific areas of inquiry, and the nature of the communication.

Before responding to any inquiry or participating in any interview with a representative of the media, whether “on” or “off” the record, all administrators, teachers, staff members, and members of the Board of Trustees must seek and receive approval from the Executive Director or the Chair of the Board. Only the Executive Director and the Chair of the Board of Trustees are authorized to express comments or viewpoints on behalf of Thurgood Marshall Academy without explicit pre-approval. Likewise, administrators, teachers, staff members, and members of the Board of Trustees must seek and receive approval from the Executive Director or Chair of the Board before initiating any contact with representatives of the media regarding anything related to Thurgood Marshall Academy. Failure to secure approval for media communications may result in disciplinary action, up to and including termination.

A second area of media relations is the School’s use of images of and statements/work-products by employees in its own communications efforts. Presenting the School’s work and our employees’ and students’ accomplishments in public is a critical element of the School’s work in areas including but not limited to dissemination of best practices, fund-raising, and collegiality with organizations pursuing similar work. Therefore, note that:

- the School reserves the right to use images of, statements by, and work produced by employees in public relations materials
- this includes any representation of employees’ work with the School in all forms and media—photographs; written summaries and quotations; video; print publications; radio; television; Web; blogs and all other media in all languages and editions
- this policy applies to representations of activities on School grounds or at any school-sponsored event, as well as representation created by employees in relation to or as a result of work for the School;
- images may be used by the School and may also be sent to the media and/or to other organizations granted permission by the School to use images in their public relations materials;
- employees who have concerns must communicate in writing with the Director of Development within 10 business days of either the first day of orientation or their date of hire, and they may be asked to discuss their concerns further either in writing or in meetings with School leadership.

Prompt Communications

In all matters relevant to students, parents, suppliers, government authorities, the public, and others in the School, all employees must make every effort to achieve complete, accurate, and timely communications—responding promptly and courteously to all proper requests for information and to all complaints.

Privacy and Confidentiality

General Provisions

When handling financial and personal information about students, parents, or others with whom Thurgood Marshall Academy has dealings, observe the following principles:

- 1) Collect, use, and retain only that personal information necessary for School business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
- 2) Retain information only for as long as necessary or as required by law and smooth conduct of School business. Protect the physical security of this information.
- 3) Limit internal access to personal information to those with a legitimate business reason for seeking that information. Use personal information only for the purposes for which it was originally obtained. Obtain the consent of the person concerned before externally disclosing any personal information, unless legal process or contractual obligation provides otherwise.

Protecting Student Information & Family Educational Rights and Privacy Act (FERPA)

Staff and faculty are strictly prohibited from providing any identifiable information including, but not limited to: names, addresses, grades, courses, or any other individually identifiable information to parties outside of Thurgood Marshall Academy unless specifically authorized by the Head of School or Executive Director. Employees should also be aware of the Family Educational Rights and Privacy Act (FERPA), a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student ("eligible student"). The FERPA statute is found at 20 U.S.C. § 1232g and the FERPA regulations are found at 34 CFR Part 99. Employees not involved in FERPA administration must refer requests to the Executive Director or Head of School.

PERSONNEL RECORDS

Thurgood Marshall Academy maintains personnel records for applicants, employees, and past employees in order to document basic employee data, employee selection information, status changes, training development data, and performance documentation. Confidential information such as, but not inclusive of, dependent and beneficiary information, demographic data, the I-9, medical certifications and other medical-related documents, workers' compensation forms, requests for reasonable accommodations, etc., are maintained in a confidential file or files to protect the privacy of the employee.

Employees have a responsibility to keep their employee data current relative to name; address; telephone number; marital status (for benefits and tax purposes only); number of dependents; addresses and phone numbers of dependents, spouse, former spouse (for insurance purposes only); and emergency contact(s).

Employees may inspect their personnel files and may request a copy of—but not remove—documents in the file. Inspections by employees must be requested in writing to the Executive

Director's office and must be conducted in the presence of a designated member of the staff. The School will make a good faith effort to promptly schedule access to the file, but such scheduling is subject to staff availability and may require lead time.

Employees who believe that any file material is incomplete, inaccurate or irrelevant may submit a written request for file revisions to the Executive Director's office. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the standard grievance procedure.

Only supervisory and management employees who have an employment-related need-to-know about the employee may inspect the files of that employee.

GRIEVANCE PROCEDURE

Complaint Process—General

Thurgood Marshall Academy takes measures to maintain a harmonious environment as set forth in the "Work Environment" section of the handbook. **Thurgood Marshall Academy expressly prohibits any form of unlawful employee harassment, retaliation, discrimination, or inharmonious behavior as covered by the policies set forth in the "Work Environment" section of this manual.** It is incumbent upon every employee to abide by such environmental policies. Any employee who feels that the conduct of management or another employee is inappropriate or not in compliance with set policies is obligated to report their complaint in writing to their immediate supervisor. If the complaint is against the immediate supervisor, the employee should share their concerns with the next level of management. If the complaint entails discrimination or violation of laws protecting against discrimination, see "Notice of Procedural Safeguards" and "504 Grievance Procedure," below.

All complaint reports will be thoroughly addressed by management and be subject to the determination of timing, scope, and extent by Thurgood Marshall Academy management on a case-by-case basis considering the nature of the complaint. In order to reach a fair resolution, all involved parties of the complaint will be requested to provide their interpretation of the complaint.

Complaint Resolution Process—General

Except when otherwise indicated in the "Notice of Procedural Safeguards" and "504 Grievance Procedures" sections, below, Thurgood Marshall Academy follows the complaint resolution process described in this section. Following an investigation, Thurgood Marshall Academy will take such action that it deems necessary to reach a resolution:

- **No Violation.** In the event that the investigation discloses no violation of policy or is inconclusive, all parties deemed necessary by Thurgood Marshall Academy, including the complainant and the alleged offender, will be so advised.
- **Violation.** In the event that the investigation discloses a violation of policy, Thurgood Marshall Academy will normally communicate its findings to both the complainant and the alleged offender. Based upon the totality of the circumstances, appropriate disciplinary and/or other corrective action, up to and including termination, will then be taken. The action taken will be reasonably calculated to

prevent any further unacceptable conduct. It is within Thurgood Marshall Academy's discretion to determine the appropriate corrective action. While Thurgood Marshall Academy may choose to inform the complainant about the outcome of its investigation, the school is under no obligation to inform the complainant about any disciplinary action taken.

If the complainant or alleged offender is not satisfied with the resolution, he or she is encouraged to contact Thurgood Marshall Academy's Executive Director, who will render a final decision.

In the event an investigation of a complaint fails to reveal a violation of policy and instead reveals that any person, including the complainant, has abused the policy by lodging a knowingly false or frivolous complaint by fabricating facts, by failing to tell the truth, or by knowingly omitting important facts, Thurgood Marshall Academy may take appropriate disciplinary and/or other corrective action.

Notice of Procedural Safeguards

Any person who believes that Thurgood Marshall Academy has engaged in discrimination and/or harassment on the basis of race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, veteran status, or otherwise may submit a complaint pursuant to Thurgood Marshall Academy's Grievance Procedures. A copy of the grievance procedures can be obtained by request through:

Elena Roberts, Director of Special Education
Thurgood Marshall Academy
2427 MLK Jr. Ave SE
Washington, DC 20020
(202) 563-6862

Notice of Grievance Procedures for Employees

Any employee who believes that Thurgood Marshall Academy has engaged in discrimination and/or harassment on the basis of race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, or veteran status, or otherwise may submit a complaint pursuant to Thurgood Marshall Academy's Grievance Procedures. A copy of the grievance procedures can be obtained by request through:

David Schlossman, COO
Thurgood Marshall Academy
2427 MLK Jr. Ave SE
Washington, DC 20020
(202) 563-6862

Title IX

The Chief Operating Officer—David Schlossman, whose contact information appears immediately above—serves as the Primary Contact for Title IX matters. Contact the COO to reach additional contacts, particularly the Special Education Title IX contact and the Athletics Coordinator.

504 Grievance Procedures

Any person who believes that Thurgood Marshall Academy has violated the regulations of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, Title VI, Title IX, and/or the Age Act may submit a complaint to the designated individuals below.

Complaints involving students who attend Thurgood Marshall Academy may be submitted to:

Elena Roberts, Director of Special Education
Thurgood Marshall Academy
2427 MLK Jr. Ave SE
Washington, DC 20020
(202)563-6862

Complaints involving employees of Thurgood Marshall Academy may be submitted to:

David Schlossman, COO
Thurgood Marshall Academy
2427 MLK Jr. Ave SE
Washington, DC 20020
(202)563-6862

The grievance procedures outlined below establish how complaints will be investigated and resolved. These grievance procedures are intended to provide for a prompt and equitable resolution of complaints. These grievance procedures may be used by employees, students, parents, or third parties. These grievance procedures do not bar individuals from filing claims in other forums to the extent permitted by state or federal law.

Thurgood Marshall Academy encourages individuals to discuss their concerns with appropriate school officials before resorting to a formal complaint. However, individuals are not required to do so before filing a formal complaint.

Thurgood Marshall Academy prohibits retaliation against individuals who file a complaint or participate in a complaint investigation.

A formal complaint may be filed by following the steps outlined below:

Step 1

Within 90 days of the alleged discrimination or harassment, written notice of the complaint must be filed with the individual designated above. Complainants may use the complaint form attached to the grievance procedure. The written notice must include the nature of the complaint, the date(s) of the occurrence, the desired result, and must be signed and dated by the person making the complaint.

Upon receipt of the written notice of the complaint, the designated individual to whom the complaint was submitted will immediately initiate an adequate, reliable and impartial investigation of the complaint. Each investigation will include, as necessary, interviewing witnesses, obtaining documents and allowing parties to present evidence. All documentation related to the investigation will remain confidential.

Within thirty (30) business days of receiving the written notice of the complaint, the individual investigating the complaint will respond in writing to the complainant. The response will summarize the course and outcome of the investigation, and identify an appropriate resolution. If, as a result of the investigation, it is determined that discrimination or harassment have occurred, appropriate corrective and remedial action will be taken.

Step 2

If the complainant wishes to appeal the decision from Step 1, he/she may submit a signed statement of appeal to the Executive Director within ten (10) business days after receipt of the response. The Executive Director will review all relevant information and meet with the parties involved, as necessary. Within twenty-one (21) business days of receiving the statement of appeal, the Executive Director will respond in writing to the complainant summarizing the outcome of the appeal and any corrective or remedial action to be taken.

Step 3

If the complainant is not satisfied with the decision of the Executive Director he/she may appeal through a signed written statement to the school Board of Trustees within ten (10) business days of the receipt of the Executive Director's response. In an attempt to resolve the grievance, the Board shall review all relevant information and meet with the concerned parties and their representatives within thirty (30) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within fifteen (15) business days of this meeting.

Grievants can contact the Thurgood Marshall Academy Board of Trustees via Board Chair Jonathan Stoel at 202-637-5600.

Grievants also have the right to file a complaint with the Office for Civil Rights by: (1) mailing the complaint to Director, District of Columbia Office, Office for Civil Rights (OCR), U.S.

Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475; (2) faxing it to (202) 453-6021; or (3) filing it electronically at: www.ed.gov/ocr/complaintprocess.html.

For more information, you can contact OCR at (202) 453-6020 (voice), (877) 521-2172 (TDD), or ocr.dc@ed.gov.

Notice of Procedural Safeguards and Grievance Procedures for Parents and Students

Thurgood Marshall Academy places a high value on the input of family and guardians and encourages parents to offer feedback on any aspect of the school program. If you become aware of a parent/guardian who has a grievance, you are expected to contact the appropriate school staff to address the concern. Note that parents who feel their complaint, whether administrative or programmatic, is not properly addressed at the school level may consider submitting a complaint via the Office of the State Superintendent of Education. Parents are informed that information about how to submit a complaint can be found at:

<https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/ESEA%20Complaint%20Procedure.pdf>.

Parents and guardians who want to learn more about their rights under Section 504 of the Rehabilitation Act can obtain a copy of their procedural safeguards from the Section 504 Coordinator:

Elena Roberts, Director of Special Education
Thurgood Marshall Academy
2427 MLK Jr. Ave SE
Washington, DC 20020
(202)563-6862

Any person who believes that Thurgood Marshall Academy has engaged in discrimination and/or harassment on the basis of race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, source of income, disability, veteran status, or otherwise may submit a complaint pursuant to Thurgood Marshall Academy's Grievance Procedures. A copy of the grievance procedures can be obtained by request through:

Elena Roberts, Director of Special Education
Thurgood Marshall Academy
2427 MLK Jr. Ave SE
Washington, DC 20020
(202)563-6862

Notice of Grievance Procedures for Employees

Any employee who believes that Thurgood Marshall has engaged in discrimination and/or harassment on the basis of race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities,

matriculation, political affiliation, genetic information disability or otherwise may submit a complaint pursuant to Thurgood Marshall Academy's Grievance Procedures. A copy of the grievance procedures can be obtained by request through:

David Schlossman, COO
Thurgood Marshall Academy
2427 MLK Jr. Ave SE
Washington, DC 20020
(202)563-6862

Section 504 - Notice of Parental Rights *

This is a notice of your rights under Section 504. These rights are designed to keep you fully informed about the school's decisions about your child and to inform you of your rights if you disagree with any of those decisions.

If your child is in the process of being considered for Section 504 eligibility or has been identified for Section 504 accommodations/services, you may have the right to the following:

- Have your child participate in and benefit from the school's education program without discrimination based on disability.
- Receive notice with respect to any action taken regarding the identification, evaluation, or placement of your child.
- Refuse consent for the initial evaluation and initial placement of your child.
- Have your child receive a free appropriate public education. This includes your child's right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school provide related aids and services to allow your child an equal opportunity to participate in school activities.
- Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
- Have evaluation, educational, and placement decisions for your child based upon information from a variety of sources, by a group of persons who know your child, your child's evaluation data, and placement options.
- Have your child be provided an equal opportunity to participate in non-academic and extracurricular activities offered by the school.
- Have educational and related aids and services provided to your child without cost except for those fees imposed on the parents/guardians of non-disabled children.
- Examine your child's education records and obtain a copy of such records at a reasonable cost unless the fee would effectively deny you access to the records.
- A response to your reasonable requests for explanations and interpretations of your child's education records.

- Request the school to amend your child's education records if you believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school refuses this request, you have the right to challenge such refusal.
- Request mediation or an impartial due process hearing to challenge actions regarding your child's identification, evaluation, or placement. You and your child may take part in the hearing and have an attorney represent you. Hearing requests can be made pursuant to the school's grievance procedure.
- File a local grievance or a complaint with the District of Columbia Office for Civil Rights within the U.S. Department of Education. The regional office is located at 400 Maryland Avenue, SW, Washington, DC 20202 and can be reached at 202-453-6020 (phone), 202-453-6021 (fax), OCR.DC@ed.gov (email), and <http://www2.ed.gov/about/offices/list/ocr>.

The Section 504 Coordinator for Thurgood Marshall Academy who is responsible for Section 504 compliance is:

Elena Roberts, Director of Special Education
Thurgood Marshall Academy
2427 MLK Jr. Ave SE
Washington, DC 20020
(202)563-6862

* The "Notice of Parental Rights" applies to guardians of students rather than employees but is included in this *Personnel Policy Manual* in order to provide the complete 504 Grievance Procedures.

DISCRIMINATION/HARASSMENT COMPLAINT FORM

Date: _____

I. Name of Person on Whose Behalf Complaint is Being Brought: _____
Name of Person Bringing Complaint: _____
Relationship/Title: _____
Address: _____
Phone: _____
Alternate Phone: _____ Email Address: _____

SUMMARY OF COMPLAINT:

II.

If others are affected by the possible violation, please give their names and/or positions: _____

Your suggestions on resolving the complaint: _____

III. Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this complaint.

Signature of Complainant Date

Signature of Person Receiving Complaint Date

MANDATORY REPORTING OF CHILD ABUSE, NEGLECT, OR SEXUAL VIOLATION CONCERNS

This section states Thurgood Marshall Academy's protocol, policies, and procedures for mandatory reporting of and responding to concerns regarding child abuse, neglect, or sexual violation. Pursuant to District of Columbia law, all school personnel are required to participate in the District of Columbia Mandated Reporter Training. Specifically, all school employees who know or have reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally, sexually, or physically abused or neglected, must immediately report or have a report made of such knowledge or suspicion to either the Metropolitan Police Department of the District of Columbia or the Child Protective Services Division of the Department of Human Services. ***Every Thurgood Marshall Academy employee must complete the DC Mandated Reporter certification annually.*** This certification is done online and is a required of all new employees prior to beginning work.

The following procedures shall be followed when a staff member has a concern that a child is being/in danger of being harmed:

- 1) When a staff member receives a disclosure of abuse or neglect from a student, or is a witness to something (incident, marking on child, etc.) concerning, they are to ***immediately*** report their concern to their immediate supervisor, who shall then report to the Head of School or Executive Director, school social worker, and the appropriate grade-level dean. (If supervisor is not available, employee should report directly to Head of School or Executive Director.)
- 2) The team will then convene to decide if further interviews of the student are necessary. If so, a member of the team will be identified to talk to the student.
- 3) The team shall determine next steps (call to parent, report to CFSA or other jurisdiction, etc.). *A parent should be notified if, in doing so, no further harm will come to the student.*
- 4) If a call to CFSA or other Child Protection agency is warranted, the staff member who originally initiated the report will call to make the report with support from relevant team members.
- 5) After a call is placed, it should be documented: when the call was made, the Agent number of the hotline worker who you spoke with, what the response was from the hotline worker (accepted the report, did not accept the report, etc.), and what follow-up can be expected (CFSA will investigate report, CFSA to come see the student at the school, etc.) This should be reported to the Executive Director for record keeping. It will not be released to families at any point.

Note: Reporting is an individual responsibility. If a staff member reports a concern and their supervisor and the team does not think a call to CFSA is warranted or for some reason cannot be contacted, it remains the responsibility of that staff member to make the report if they feel it should be done.

*** DC Children and Family Services Agency (CFSA) may be reached at a 24-hour/7-days-a-week hotline: (202) 671-SAFE (202-671-7233). A national Child Abuse Hotline may be reached at 1-800-4-A-CHILD.**

MANDATORY REPORTING OF CONDUCT IMPACTING CREDENTIALING

This section states Thurgood Marshall Academy's protocol, policies, and procedures for mandatory reporting of conduct that impacts an individual's teaching or administrative services credentialing.

Pursuant to District of Columbia law, all school personnel are required to notify the Office of the State Superintendent of Education (OSSE) in writing if they become aware of a person with a current teaching or administrative services credential who has engaged in any of the following conduct:

- (a) Fraudulently or deceptively obtained or attempted to obtain the credential;
- (b) Pled guilty or *nolo contendere* with respect to, or received probation before judgment with respect to, or been convicted of, one of the following crimes as defined in the District of Columbia Official Code or a comparable crime in another state or federal law:
 - (1) Murder;
 - (2) Child abuse;
 - (3) Rape or sexual abuse;
 - (4) A sexual offense involving a minor or non-consenting adult;
 - (5) Child pornography;
 - (6) Kidnapping or abduction of a child;
 - (7) Illegal possession, use, sale, or distribution of controlled substances;
 - (8) Illegal possession or use of weapons;
 - (9) A felony involving moral turpitude to be defined as one characterized by behavior or acts that gravely violate moral sentiments or accepted moral standards of this community and are of a morally culpable quality; or
 - (10) A crime of violence as defined in District of Columbia Official Code Section 23-1331(4);
- (c) Failed to report suspected child abuse or neglect, as required by District of Columbia Official Code Section 4-1321.02; or
- (d) Been denied a credential or had his/her credential denied, suspended, or revoked in another jurisdiction within the previous five (5) years for a cause which would be grounds for denial, suspension, or revocation under this section.

The written notice to OSSE should include the following information:

- Name and current or last known address of the person being reported;
- Type of credential held or applied for by the person; and
- The specific act identified above engaged in by the individual at issue.

Any school employee who knows or has reasonable cause to suspect that an individual has engaged in any of the above conduct should ***immediately*** report their concern to the Executive Director, the Head of School, or the Chief Operating Officer. School leadership will determine whether further information is needed and whether to submit a written notification to the OSSE.

Note: Reporting is an individual responsibility. If an employee reports a concern and TMA leadership does not think a notification to OSSE is warranted or for some reason cannot be contacted, it remains the responsibility of that employee to make the report if he or she feels it should be done.

This concludes the Thurgood Marshall Academy Personnel Policy Manual.

Employees are advised that they are responsible for abiding by the policies and procedures discussed above, as well as those in the Faculty & Staff Handbook (which covers academic and operating procedures) and announced periodically by the administration, including but not limited to policies distributed via e-mail.

DC Family and Medical Leave Act

- Know Your Rights in the District of Columbia -



Work Leave for Family or Medical Purposes

The District of Columbia Family and Medical Leave Act (DCFMLA) requires employers with 20 or more employees to provide eligible employees with 16 weeks of unpaid family leave *and* 16 weeks of unpaid medical leave during a 24 month period.

Family Leave

Eligible circumstances for family leave under DCFMLA include the birth of a child, adopting a child, or caring for a child in foster care. Caring for a seriously ill family member is also eligible for family leave.

Medical Leave

Eligible circumstances for medical leave under DCFMLA includes recovering from a serious illness rendering the employee unable to work.

Leave under DCFMLA may be taken in blocks of time, intermittently, and in certain circumstances, at a reduced schedule. Employees can also use any accrued time instead of unpaid leave.

The employer may require medical certification and reasonable prior notice when applicable.

Employee Eligibility

An employee is eligible under the Act if she or he has been employed by the employer for at least one year without a break in service, and worked at least 1,000 hours during the 12 month period immediately preceding the requested leave. The one year of service requirement does not need to have immediately preceded the request for leave.

The District government is considered a single employer. The above eligibility requirements can be met by considering employment at more than one District agency.

Employer Posting Requirements

The employer must post and maintain this notice in a conspicuous place. An employer that willfully fails to post this notice may be ordered to pay a fine of up to \$100 for each day the employer fails to post the notice.

Filing a Complaint of a Violation

If you believe an employer has wrongfully denied you family or medical leave, or retaliated against you under this statute, you can file a complaint within one year of the incident with the Office of Human Rights (OHR). To file a complaint, visit:

- **Online** at ohr.dc.gov; or
- **In-Person** at 441 4th Street NW, Suite 570N, Washington, DC 20001.

Questions about the OHR process can also be answered by phone at (202) 727-4559.



Public Charter High School

ADDENDUM: SCHOOL SAFETY OMNIBUS ACT POLICIES & PROCEDURES

Thurgood Marshall Academy employees are responsible for knowing and abiding by the school policies complying with the DC School Safety Omnibus Act of 2018 (“SSOA”), found at the following links:

- [School Safety Act–Staff-Student Sexual Abuse Prohibition](#)
- [School Safety Act–Student-to-Student Sexual Harassment Prohibition](#)

These policies were published via email and the school’s website for SY2020-21 and will be integrated into policy manuals in subsequent years.