


# staff handbook



TWO RIVERS PUBLIC CHARTER SCHOOL



Directives set forth in this Handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind between TWO RIVERS PCS and any of its employees. The provisions of this Handbook have been developed at the discretion of the administration. No employee handbook can anticipate every circumstance or question. As the need may arise, TWO RIVERS PCS, in its sole and absolute discretion, reserves the right to revise, supplement, or rescind any directive or portion of this Handbook. When appropriate and/or necessary, modification may occur at any time, with or without prior notice. Actual policies and procedures will control if they should be different than those set forth in this Handbook. No individual has the authority to alter, revise, amend, or revoke any policy or procedure orally or in writing without the express written consent of Two Rivers PCS's Executive Director.

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## TWO RIVERS PUBLIC CHARTER SCHOOL

Two Rivers Public Charter School Staff:

You are a part of a talented team of devoted educators and employees. Our mission is to nurture a diverse group of students to become lifelong, active participants in their own education, develop a sense of self and community, and become responsible and compassionate members of society. I thank you in advance for your commitment to our mission and willingness to work together as a team to achieve it!

This Handbook is designed to acquaint you with Two Rivers Public Charter School (“Two Rivers PCS” or the “School”), its policies and procedures, and general information concerning working conditions, employee benefits, and expectations regarding your employment. Every effort has been made to make the information in this Handbook as accurate as possible. This Handbook describes many of your responsibilities as an employee and outlines the programs developed by Two Rivers PCS to benefit its employees. All employees bring to our organization an array of valuable skills and experiences, and we are so grateful to have each of you as part of our “crew.”

Directives set forth in this Handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind between Two Rivers PCS and any of its employees. The provisions of this Handbook have been developed at the discretion of the administration. No employee handbook can anticipate every circumstance or question. As the need may arise, Two Rivers PCS, in its sole and absolute discretion, reserves the right to revise, supplement, or rescind any directive or portion of this Handbook. When appropriate and/or necessary, modification may occur at any time, with or without prior notice. Actual policies and procedures will control if they should be different than those set forth in this Handbook. No individual has the authority to alter, revise, amend, or revoke any policy or procedure orally or in writing without the express written consent of Two Rivers PCS’ Executive Director. Should you have any questions regarding any matter within this Handbook, please confer with your supervisor or the HR Team.

Two Rivers PCS is a place for children and adults to learn, excel, be challenged, and grow. I look forward to your contribution to our mission and to your personal success as a valued member of our team.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristina Kyles-Smith', written in a cursive style.

Kristina Kyles-Smith, Ed.D.  
Executive Director

Updated: September 2020

## **ACKNOWLEDGEMENT**

I acknowledge that I have received a copy of the Two Rivers PCS Staff Handbook, adopted September 2020. I understand that I am responsible for reading, understanding, and abiding by the contents of these policies and procedures. I further understand that all of the policies and procedures contained herein are subject to change at the sole discretion of Two Rivers PCS' Executive Director. I understand these policies are not intended to be all-inclusive. I further understand that nothing in these policies and procedures creates a contract of employment, that I am an employee at-will, and that my employment may be terminated at any time, either by me or the school, with or without cause. I recognize that changes in these policies will in no way alter the at-will nature of my employment.

I understand and acknowledge that any accrued but unused paid time off will not be paid upon termination of employment. I further acknowledge that I have received written notice of my right to request a reasonable accommodation under the Protecting Pregnant Workers Fairness Act of 2014.

I understand and acknowledge that nothing in this manual or in any other document or policy is intended to prohibit me from reporting concerns, making lawful disclosures, or communicating with any governmental authority about conduct I believe violates any laws or regulations.

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Printed Employee Name

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Employee Signature

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Date

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## **SECTION 1: GENERAL EMPLOYMENT POLICIES**

### **A. Introduction and Purpose**

This Staff Handbook has been prepared to introduce you to Two Rivers PCS and its policies and procedures. This Handbook summarizes the current policies, procedures, and benefits that generally apply to your employment at the School and is intended to serve as a guide to you during your employment.

Directives set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind between Two Rivers PCS and any of its employees. Employment with Two Rivers PCS is at-will. This means that employment may be terminated at any time, for any reason, with or without cause or notice by you or by Two Rivers PCS. Nothing in this Handbook or any oral statement shall limit the right to terminate at will. The provisions of this handbook have been developed at the discretion of the administration. No employee handbook can anticipate every circumstance or question. As the need may arise, Two Rivers PCS, in its sole and absolute discretion, reserves the right to revise, supplement, or rescind any directive or portion of this handbook. When appropriate and/or necessary, modification may occur at any time, with or without prior notice. Actual policies and procedures will control if they should be different than those set forth in this handbook. No individual has the authority to alter, revise, amend, or revoke any policy or procedure orally or in writing without the express written consent of Two Rivers PCS's Executive Director. If and/or when modification of this Handbook occurs, replacement pages generally will be provided to you and it will be your responsibility to keep your copy of this Handbook updated.

This Handbook has been prepared to acquaint employees with the School and to provide a ready reference to answer most questions regarding employment. One of your first responsibilities is to become familiar with the contents of this Staff Handbook. Please carefully read the Handbook in its entirety and keep it handy for future reference. The contents of this Handbook constitute only a summary of certain employee benefits, personnel policies, and employment practices in effect at the time of publication. Where there are questions about insurance or other benefits, the benefit plan documents govern.

This Handbook supersedes all previous Staff Handbooks, as well as all memoranda which may have been issued on subjects covered herein. In addition, this Handbook replaces all policies that were in effect prior to the printing of this Handbook.

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## **B. Issue Reporting**

Two Rivers PCS strives to create a supportive and transparent work environment that fairly recognizes the expertise of our staff and allows them to bring their whole selves to work each day. Two Rivers PCS believes that the working conditions, wages, and benefits it offers to its employees are competitive with those offered by other charter/independent schools in this area. If employees have concerns about working conditions or compensation, they are encouraged to voice such concerns openly and directly to their supervisor or HR Specialist. Experience has shown that when employees work openly and directly with supervisors, it strengthens communication, trust, and relationships and results in an excellent work environment.

Two Rivers PCS does not require that employees refrain from disclosing the amount of their wages to other Two Rivers PCS employees and will not discharge, discipline, or otherwise discriminate against employees because they make such disclosures. Certain exceptions apply for employees who have access to other employees' wage information as part of their job responsibilities. Furthermore, nothing in this Handbook prohibits an employee from reporting concerns, making lawful disclosures, or communicating with any governmental authority about conduct the employee believes violates any laws or regulations. Employees who have questions about this policy should contact the HR Team.

If concerns regarding safety, wage and hour, or discrimination are not appropriately addressed by the administration, the Department of Employment Services, specifically the Office of Wage-Hour (OWH), is to be contacted as that office is the designated enforcement agency for the concerns about safety, wage and hour, or discrimination. The OWH can be contacted at 202-671-1880 or via e-mail at [owh.ask@dc.gov](mailto:owh.ask@dc.gov). The office is located at 4058 Minnesota Avenue, NE, Suite 4300 Washington, D.C. 20019. The office is open Monday –Thursday 8:30-4:30 and Friday 9:30-4:30.

## **C. Equal Employment Opportunity (EEO) Policy**

Two Rivers PCS is an equal opportunity employer. All employment decisions are made without regard to race, color, gender, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health decisions) national origin, religion, citizenship, age, marital status (including a domestic partnership), sexual orientation, disability, veteran status, personal appearance, gender identity and expression, genetic information, familial status, family responsibilities, matriculation, political

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affiliation, lawful use of tobacco products, unemployment status, or any other basis prohibited by law. Any employee's failure to comply with the above policies could result in corrective action, including termination of his or her employment.

Two Rivers PCS includes "gender identity and expression" in its equal employment opportunity policy to clarify that discrimination against transgender and gender non-binary individuals is prohibited. This policy is consistent with our workplace philosophy that all employees should be treated fairly and with respect. "Gender identity and expression" is included in the list of characteristics that are protected under Two Rivers' policies and documents prohibiting discrimination, including but not limited to the Equal Employment Opportunity, and Policy Against Workplace Discrimination and Retaliation.

Two Rivers PCS's policy is that all employees shall be treated with respect and dignity. Acts of discrimination, including retaliation, by an administrator or co-worker will not be tolerated in the workplace under any circumstances.

Two Rivers PCS will make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee and to the religious obligations of an employee as required by law, unless to do so would cause an undue hardship on the operation of the School.

#### **D. Americans With Disabilities Act (ADA) Policy**

Two Rivers PCS is committed to providing equal opportunity in employment to qualified individuals with disabilities. A disability is a physical or mental impairment that substantially limits a major life activity of an individual, including certain episodic impairments and conditions in remission. The School agrees to employ, advance in employment, and otherwise treat qualified individuals without regard to disability in all employment practices including the following: employment, upgrading, demotion or transfer, recruitment, layoff or terminations, rates of pay or other forms of compensation and benefits and selection for training.

Two Rivers PCS will attempt to reasonably accommodate disabled employees and job applicants to permit them to perform the essential functions of their jobs in a safe and efficient manner. The School will afford reasonable accommodations to qualified applicants and employees with a known disability provided that the accommodation does not cause undue hardship to the School or, irrespective of the accommodation, that such

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individuals do not pose a direct threat to the health and safety of themselves or others.

A reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential job functions, or enjoy an equal employment opportunity, or obtain equal job benefits. Depending on the circumstances, a reasonable accommodation might involve the restructuring of a job to modify non-essential functions, providing modified work schedules or extended leaves of absence, modifying facilities to make the workplace more readily accessible, providing or modifying equipment, or reassignment of a current employee to a vacant position for which the individual is qualified.

To permit Two Rivers PCS an opportunity to attempt to reasonably accommodate them, employees with disabilities must inform their supervisor and/or the designated HR Specialist of the disability and suggest, on a confidential basis, how Two Rivers PCS may reasonably accommodate them. Two Rivers PCS may require medical confirmation (either from the employee's healthcare provider or a healthcare provider chosen by the School) in evaluating the employee's condition, applicable work limitations, and potential accommodations as a part of this process. In addition, Two Rivers PCS expects its employee to participate with it in the process of trying to achieve an accommodation that is reasonable from the standpoint of both the employee and Two Rivers PCS. All information will be kept confidential, to the extent possible.

Employees with life-threatening illnesses, such as cancer, heart disease, and HIV disease, often wish to continue their normal pursuits, including work, to the extent allowed by their condition(s). Two Rivers PCS enthusiastically supports this endeavor so long as employees are able to meet performance standards. As with other disabilities, Two Rivers PCS will make reasonable accommodations to employees with such conditions, will keep medical information confidential, and will treat employees with a disability in a manner consistent with the treatment of others.

Employees are expected to cooperate with colleagues with disabilities and should be aware that employees with the life-threatening illnesses listed above do not pose a threat to their co-workers or those with whom they interact in ordinary workplace contact. Employees with questions or concerns about life-threatening illnesses are encouraged to contact their supervisor and/or the HR Specialist.

## **E. Policy Against Workplace Discrimination & Retaliation**

### **1. Discrimination, Including Harassment, & Retaliation Prohibited**

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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 the District of Columbia Human Rights Act of 1977, it is Two Rivers PCS’s policy that employees and their work environment should be free from all forms of prohibited discrimination, including harassment, and retaliation. Two Rivers PCS does not, and will not, permit employees to engage in prohibited discrimination, harassment, or retaliation. Discrimination, harassment (sexual or otherwise), and retaliation by any employee, administrator, or visitor of Two Rivers PCS is strictly prohibited.

It is the School’s policy that no employee is to engage in discrimination or harassment based upon race, color, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health decisions), national origin, religion, age, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information, protected status (i.e., opposition to prohibited discrimination or participation in a statutory complaint process), or any other status protected by federal, state, or local law. Consequently, discrimination or harassment of any kind based upon verbal or physical conduct that denigrates or shows hostility towards an individual because of his/her race, color, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health decisions), national origin, religion, age, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information or other status protected by federal, state, or local law and that creates an intimidating, hostile, or offensive working environment, is strictly prohibited.

Prohibited discrimination and harassment may include, but is not limited to, epithets, slurs, jokes, or other verbal or physical conduct relating to an individual’s race, color, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health decisions), national origin, religion, age, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information, or other status protected by federal, state, or local law.

Moreover, prohibited sexual harassment includes unwanted sexual advances,

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requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

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

Sexual harassment is defined by the D.C. School Safety Omnibus Act as:

Any unwelcome or uninvited sexual advances, requests for sexual favors, sexually motivated physical conduct, stalking, or other verbal or physical conduct of a sexual nature that can be reasonably predicted to:

- A. Place the victim in reasonable fear of physical harm to his or her person;
- B. Cause a substantial detrimental effect to the victim's physical or mental health;
- C. Substantially interfere with the victim's academic performance or attendance at school; or
- D. Substantially interfere with the victim's ability to participate in, or benefit from, the services, activities, or privileges provided by a school.

DC Law 22-94 § 38-952.02(5).

Sexual harassment is defined by Title IX of the Education Amendments of 1972 as:

- (1) the conditioning of an aid, benefit or service of the institution on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);
- (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; and
- (3) sexual assault, dating violence, domestic violence and stalking.”

34 C.F.R. § 106.30(a).

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Sexual harassment includes various forms of offensive behavior. The following is a partial list:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, posters, websites, emails or text messages.
- Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, comments about an employee's body or dress.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
- Physical conduct: touching, assault, impeding or blocking movements.
- Retaliation for making harassment reports or threatening to report harassment.

This policy also protects employees from harassment by parents, vendors or other visitors. If harassment occurs on the job by someone not employed by Two Rivers PCS, the procedures in this policy should be followed. This policy applies to males who sexually harass females or other males, and for females who sexually harass males or other females. Additional details can be found in section EE. Sexual Harassment Policy.

## **2. Reporting Violations**

Any employee who believes that he/she is being discriminated against, harassed or retaliated against by a co-worker, administrator, visitor or another individual, whether employed by Two Rivers PCS or not, or who believes his/her employment is being adversely affected by such conduct, whether directed at that employee or another employee, must immediately report the concerns to their supervisor or the HR Team. All employees, including supervisors, have an obligation to stop all forms of discrimination, harassment, and retaliation from occurring and must report conduct which they observe that violates this Policy to their supervisor or the HR Team. If an employee believes it is not appropriate to discuss his/her situation or someone else's situation with their supervisor or the HR Team then the employee must inform the Executive Director, any other member of the administration with whom the employee feels comfortable, or

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current President of the Board of Trustees of Two Rivers PCS. The employee must provide their supervisor, the HR Team, the Executive Director, or President of the Board enough information so that he or she knows that the employee is making a complaint of discrimination, harassment and/or retaliation. The employee may initially make a verbal complaint of discrimination, harassment and/or retaliation, but it must be followed up in writing.

Two Rivers PCS's procedure for resolving complaints is available to all employees without fear of retaliation. All employees should be aware that they will not be subjected to any adverse and/or retaliatory action as a result of reporting any conduct believed to be in violation of this Policy Against Workplace Discrimination & Retaliation or being related to or in close association with a complaining employee. Further, Two Rivers PCS will not take action against any employee because he or she makes a good faith report of inappropriate conduct. However, an employee is still subject to performance management expectations and procedures. An employee who believes that retaliation has resulted from the reporting of prohibited conduct must immediately report this in the manner set forth above.

If you have a concern or problem, do not assume that Two Rivers PCS is aware of it. It is every employee's responsibility to bring complaints and concerns to Two Rivers PCS's attention so that the School can help resolve them.

## **F. Whistleblower Policy**

It is the intent of Two Rivers PCS to operate at all times in compliance with applicable federal, state and local laws and requirements as well as in compliance with the policies of the DC Public Charter School Board, and in an ethical manner. This policy is intended to encourage employees to raise any serious concerns with regard to compliance and/or ethical behavior, and thereby further this intent. Nothing in this Handbook prohibits an employee from reporting concerns, making lawful disclosures, or communicating with any governmental authority about conduct the employee believes violates any laws or regulations.

### **1. Reporting Responsibility**

It is the responsibility of all employees to report legal and ethical violations or

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suspected violations in accordance with this Whistleblower Policy.

## **2. Reporting Process**

If any employee reasonably believes that a practice or action of Two Rivers PCS is in violation of law or ethical behavior, and is not being addressed in accord with existing policies, e.g., the Staff Handbook, a formal verbal complaint citing the Whistleblower Policy must be made by the employee to the Executive Director or the President of the Board of Trustees. Within three (3) workdays, this formal verbal complaint must be put in writing by the employee and filed with the Executive Director or President of the Board of Trustees.

Any employee making such a complaint must be acting in good faith and have reasonable grounds to believe that the information disclosed indicates a violation. An allegation by an employee proven to be malicious or knowingly false will be viewed as a serious disciplinary offense and subject to established procedures.

## **3. Handling of Reported Violations and the Investigation Process**

The recipient of the written complaint, i.e. the Executive Director or the President of the Board of Trustees, must acknowledge receipt of the complaint to the sender, in writing, within five (5) workdays.

All complaints must be promptly investigated and appropriate actions must be taken as warranted by the investigation. No party charged in a complaint with a violation under the Whistleblower Policy may investigate that complaint. The Executive Director or the President of the Board of Trustees may employ outside resources to assist in the investigation if deemed necessary.

Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an investigation.

## **4. No Retaliation for Good Faith Reporting of Violations**

Two Rivers PCS will not retaliate against an employee who, in good faith, reports a legal or ethical violation or suspected violation, or against anyone participating in an investigation of an alleged violation. However, an employee is still subject to performance management expectations and procedures.

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Any employee or Board member who retaliates against an individual who has reported a violation or suspected violation in good faith, or against anyone having participated in an investigation of an allegation, will be subject to discipline.

#### **G. Problem Solving Policy**

If there is something about your job that is bothering you, you should get it out in the open and discuss it with the appropriate individuals. The School cannot address your concerns or questions unless you tell us what we can do to help.

Employees should feel free to discuss any work-related issues they wish with the administrators. If you have a problem, we recommend that you utilize the following steps to try to resolve it:

- You must first discuss any concerns with your supervisor. Your supervisor, most often, is in the best position to handle your concern(s).
- If your supervisor cannot resolve your concern(s), if you are not satisfied with the resolution offered by your supervisor, or you do not feel comfortable discussing the concern with your supervisor, you should discuss the matter with a member of the HR Team.
- If a member of the HR Team cannot resolve your concern(s), if you are not satisfied with the resolution, or you do not feel comfortable discussing your concern with a member of the HR Team, you should then discuss the matter with the Executive Director or any other member of the administration that you feel comfortable.

In the event that you do not feel that you can discuss a problem with your supervisor, a member of the HR Team, or the Executive Director, you must contact the current President of the Board of Trustees, whose contact information may be obtained from the school's website.

If you inform us of any concern or problem, we will try to respond to it as quickly as possible under the circumstances and will keep any information shared during the process confidential to the extent possible under the circumstances. The School will take whatever action it deems necessary or appropriate before, during, or after the procedures set forth in this Policy. The School's decision concerning the resolution of issues raised pursuant to this Policy is final.

This Problem Solving Policy is not intended to be a substitute for the normal employee-

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supervisor relationship, nor can it be substituted for a spirit of collaboration and goodwill. Ongoing communication remains the most effective way to develop and enhance favorable working relationships.

The procedures set forth in this Problem Solving Policy do not apply to incidents of discrimination, harassment, or retaliation. All incidents of discrimination, harassment, and retaliation must be reported to and will be investigated by the School in accordance with the procedures set forth in the School's Policy Against Workplace Discrimination & Retaliation.

## **H. Policy Against Workplace Violence**

Two Rivers PCS is very concerned about the increased incidents of workplace violence in our society and, therefore, has taken steps to help prevent incidents of violence from occurring in your place of employment. To that end, Two Rivers PCS expressly prohibits any acts or threats of violence by any current or former employee against any other employee in or around that workplace or elsewhere at all times. The School will not tolerate any acts or threats of violence against employees, students, visitors, vendors, or other persons at the worksite at any time or while its employees are engaged in business on behalf of the school, whether at or away from the worksite.

Examples of workplace violence include, but are not limited to, the following:

- Threats or acts of violence occurring on Two Rivers PCS premises, regardless of the relationship between the parties involved in the incident.
- Threats or acts of violence occurring off Two Rivers PCS premises involving someone who is acting in the capacity of a representative of the School.
- Threats or acts of violence occurring off Two Rivers PCS premises involving an employee if the threats or acts affect the business interests of the School.
- All threats or acts of violence occurring off Two Rivers PCS premises of which an employee is a victim if we determine that the incident may lead to an incident of violence on Company premises.
- Threats or acts resulting in the conviction of an employee or agent of Two Rivers PCS, or of an individual performing services for the School on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affects the legitimate business interests of the School.

Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:

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- Threatening physical or aggressive contact directed toward another individual.
- Threatening an individual or his/her family, friends, associates, or property with harm.
- The intentional destruction or threat of destruction of Two Rivers PCS or another's property.
- Harassing or threatening phone calls.
- Surveillance.
- Stalking.
- Veiled threats of physical harm or similar intimidation.
- Communicating an endorsement of the inappropriate use of firearms or weapons

The School will take prompt and remedial action, up to and including immediate discharge, against any employee who engages in any threatening behavior or acts of violence or who uses any threatening language or makes any threatening gestures.

Any employee who becomes aware of a display of violent, abusive, or threatening behavior or a threat or tendency to engage in such behavior by another employee is to report such behavior to their supervisor or the HR Team. In addition, employees have an obligation to inform their supervisor, or the HR Team of any activity in the workplace involving current or former employees, students, visitors, vendors, or other persons, which they believe could result in violence. This includes, by way of example, threats of violence, aggressive or confrontational behavior, offensive acts, and threatening or hostile comments or gestures. To the extent possible, such reports will be handled confidentially. No employee will suffer any retaliation as a result of complying with this policy.

The purpose of this policy is preventative, not punitive. It is the responsibility of each employee to contribute to the safety of his/her working environment. The School cannot do its part to prevent workplace violence without the full cooperation of its employees.

Important Note: No provision of this policy statement or any other provision in this policy, shall alter the at-will nature of employment with Two Rivers PCS. We will make the sole determination of whether and to what extent, threats, or acts of violence will be acted upon by the School. In making this determination we may undertake a case-by-case analysis in order to ascertain whether there is a reasonable basis to believe that workplace violence has occurred.

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## **I. Family and Medical Leave Act (“FMLA”) and District of Columbia Family and Medical Leave Act (“DC FMLA”) Policy**

Two Rivers PCS complies with the federal Family and Medical Leave Act (“FMLA”), the District of Columbia Family and Medical Leave Act of 1990 (“DC FMLA”), and any other applicable state or local laws in providing a leave of absence without pay for eligible employees. No greater or lesser leave benefits will be granted than those set forth in the state or federal laws. In certain situations, federal law requires that provisions of state law apply. In any case, employees will be eligible for the most generous benefits available under applicable law.

Please contact your supervisor as soon as you become aware of the need for FMLA leave. Employees are expected to provide prompt notice to the School of any change(s) to an employee’s return to work date. Accepting other employment, continuing to work in another job, or filing for unemployment insurance benefits while on leave may be treated as voluntary resignation from employment, unless you and the School have agreed, in writing, otherwise.

### **Federal Family and Medical Leave - Employee Eligibility**

To be eligible for FMLA Leave benefits, you must: (1) have worked for the School for a total of at least 12 months prior to the date of the request for leave; (2) have worked at least 1,250 hours over the previous 12 months as of the start of the leave; and (3) work at a location where at least 50 employees are employed by the School within 75 miles, as of the date the leave is requested.

### **Reasons for Leave**

State and federal laws allow FMLA Leave for various reasons. Because an employee’s rights and obligations may vary depending upon the reason for the FMLA leave, it is important to identify the purpose or reason for the leave. FMLA Leave may be used for one of the following reasons:

- (1) the birth, adoption, or foster care of an employee's child within 12 months following birth or placement of the child (“Bonding Leave”);
- (2) to care for an immediate family member (spouse, child, or parent with a serious health condition (“Family Care Leave”);
- (3) an employee’s inability to work because of a serious health condition (“Serious Health Condition Leave”);
- (4) a “qualifying exigency,” as defined under the FMLA arising out of a

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- spouse's, child's, or parent's active duty or call to active duty as a member of the military reserves or National Guard in support of a "contingency operation" declared by the U.S. Secretary of Defense, President of Congress, as required by law ("Military Emergency Leave"); or
- (5) to care for a spouse, child, parent or next of kin (nearest blood relative)—who is an Armed Forces member (including the military reserves and National Guard) undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list—with a serious injury or illness incurred in the line of duty while on active duty that may render the individual medically unfit to perform his or her military duties ("Military Caregiver Leave").

### **Length of Leave**

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

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

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

Under some circumstances, you may take FMLA Leave intermittently—which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule.

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

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## Notice and Certification

### **(i) Bonding, Family Care, Serious Health Condition, and Military Caregiver Leave Requirements**

Employees are required to provide:

1. when the need for the leave is foreseeable, 30 days advance notice or such notice as is both possible and practical if the leave must begin in less than 30 days (normally this should be the same day the employee becomes aware of the need for leave or the next business day);
2. when the need for leave is not foreseeable, notice must be given within the time prescribed by the School's normal absence reporting policy, unless unusual circumstances prevent compliance, in which case notice is required as soon as is otherwise possible and practical;
3. when the leave relates to medical issues, a completed Certification of Health-Care Provider form within 15 calendar days of when it is sent to the employee by the school and the form must be turned into the HR Specialist (for Military Caregiver Leave, an invitational travel order or invitational travel authorization may be submitted in lieu of a Certification of Health-Care Provider form);
4. periodic recertification (upon request); and
5. periodic reports during the leave.

Certification forms are available from the Human Resource Specialist. At the School's expense, the School may also require a second or third medical opinion regarding your own serious health condition. Employees are expected to cooperate with the School in obtaining additional medical opinions that the School may require.

When leave is for planned medical treatment, you must try to schedule treatment so as not to unduly disrupt the School's operation. Please contact the HR Team prior to scheduling the planned medical treatment.

### **(ii) Military Emergency Leave Requirements**

Employees are required to provide:

1. as much advance notice as is reasonable and practicable under the circumstances;
2. a copy of the covered military member's active duty orders when the

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- employee requests leave; and
3. a completed Certification of Qualifying Exigency form within 15 calendar days, unless unusual circumstances exist to justify providing the form at a later date.

Certification forms are available from the HR Team.

### **(iii) Failure to Provide Certification and to Return from Leave**

Absent unusual circumstances, failure to comply with these notice and certification requirements may result in a delay or denial of the leave. If you fail to return to work at your leave's expiration and have not obtained an extension of the leave, the School may presume that you do not plan to return to work and have voluntarily terminated your employment.

### **Compensation During Leave**

Generally, FMLA leave is unpaid. However, you may be eligible to receive benefits through State-sponsored or School-sponsored wage-replacement benefit programs. If you are eligible to receive these benefits, you may also choose to supplement these benefits with the use of accrued PTO, to the extent permitted by law and School policy. All such payments will be integrated so that you will receive no more than your regular compensation during this period. If you are not eligible to receive any of these wage-replacement benefits, the School may require you to use accrued PTO to cover some or all of the FMLA leave with pay. The use of paid benefits will not extend the length of an FMLA leave.

### **Benefits During Leave**

The School will continue making contributions for your group health benefits during your leave on the same terms as if you had continued to work. This means that if you want your benefits coverage to continue during your leave, you must also continue to make any premium payments that you are now required to make for yourself or your dependents. For those employees not on intermittent FMLA leave, all employee premium payments for the anticipated period of leave will be deducted in advance on the final paycheck before FMLA leave. If the deductions exceed the amount to be paid, the balance will be deducted from the employee's first paycheck upon returning from leave. In some instances, the School may recover premiums it paid to maintain health coverage if you fail to return to work following an FMLA leave.

### **Job Reinstatement**

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

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a health care provider that certifies the employee can perform the essential functions of the job as those essential functions related to the employee's serious health condition. For an employee on intermittent FMLA leave, such a release may be required if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took the intermittent leave.

“Key employees,” as defined by law, may be subject to reinstatement limitations in some circumstances. If you are a “key employee,” you will be notified of the possible limitations on reinstatement at the time you request leave.

A [Notice to Employees Of Rights Under FMLA](#) is attached to this policy.

### **District of Columbia Family and Medical Leave**

Under the District of Columbia Family Medical Leave Act, employees who have worked at least 1,000 hours during the preceding 12-month period are eligible for 16 weeks of unpaid family leave **and** 16 weeks of unpaid medical leave during any 24 month period. Family leave may be used for the birth of a child of the employee, the placement of a child with the employee for adoption or foster care, placement of a child with the employee for whom the employee permanently assumes responsibility, or for the care of a family member who has a serious health condition.

“**Family member**” is defined as: (1) a person to whom the employee is related by blood, legal custody, or marriage; (2) a child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility; or (3) a person with whom the employee shares or has shared, within the last year, a mutual residence and with whom the employee maintains a committed relationship. A “**child**” includes a person under the age of 21, a person, regardless of age, over the age of 21 who is substantially dependent on the employee due to a physical or mental disability, or a person under the age of 23 who

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is a full-time student at an accredited college or university.

A “**committed relationship**” is a domestic partnership (as defined in section 2(4) of the Health Care Expansion Act of 1992; D.C. Official Code § 32-701(4)); a familial relationship between two people, established by certain factors, such as mutual economic interdependence (e.g., joint bank accounts, shared leasing); domestic interdependence, including the public presentation of the relationship and the exclusivity of the relationship; the length of the relationship; and the intent of both people to stay committed in the relationship, as evidenced by things such as a will or life insurance

If the necessity for leave is foreseeable, employees must provide reasonable prior notice. Certification by a healthcare provider may be required. Employees are entitled to return to their previous or equivalent positions unless during such leave a reduction in force or layoff has resulted in the loss of their positions. Employees may elect to substitute any paid leave for family and medical leave. During family or medical leave, employees are entitled to the continuation of available group health benefits subject to continued payment by employees of their premium contributions.

This leave generally will run concurrently with qualifying Federal Family and Medical Leave.

#### **J. Transfers and Promotions**

Two Rivers PCS believes in giving employees opportunities to realize their full potential. Accordingly, it is generally our preference to fill vacant positions through transfers or promotions of current, qualified employees. We reserve the right to hire external applicants when, in our judgment, it is in the best interests of the School.

#### **K. Employment At Will**

Unless otherwise provided for in writing, in no event should an individual consider his/her employment or continued employment as creating a contractual relationship between the employee and the School. The relationship between the School and its employees will, at all times, be defined and considered as “employment at will” where either party may terminate the employment relationship at any time, with or without cause and with or without notice. Moreover, nothing in this Handbook is intended or should be construed as creating any contractual obligation or undertaking on the part of the School or ensuring employment with the School for a definite period of time. This policy may be modified only in writing, signed by the Executive Director or her designee.

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## **L. Drug and Alcohol Policy**

The School is dedicated to protecting the safety, health, and well-being of its employees and students. We recognize that drug and alcohol abuse poses a direct and significant threat to this safe workplace goal, and to the goal of providing a productive and efficient working environment for all employees. Through the implementation and enforcement of this policy, we seek to achieve a workplace free of the effects of substance abuse. In applying this policy, the School will comply with all relevant federal, state, and local laws.

1. It is the intent of Two Rivers PCS to provide a working environment free from the use of non-prescribed drugs and alcohol. Given the risks that arise if employees are attempting to perform their duties while using or having used drugs or alcohol, Two Rivers PCS has adopted a zero-tolerance policy. As such, Two Rivers PCS strictly prohibits the illegal sale, purchase, use, or possession of or reporting to work under the influence of any intoxicating substances, non-prescribed narcotics, hallucinogenic drugs, marijuana, or other non-prescribed controlled substances while on Two Rivers PCS's premises and/or property and/or during working hours. In addition, employees are prohibited from using alcohol during working hours and from reporting to work under the influence of alcohol. The violation of this policy is grounds for immediate dismissal.
2. To help ensure a safe and healthy working environment, employees may be asked to provide body substance samples (such as urine, saliva and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing will be considered to be a positive result, with disciplinary action, up to and including termination of employment, as a consequence. A positive drug or alcohol test may also result in disciplinary action up to and including termination from employment. Additionally, employees may be asked to cooperate in personal and/or facility searches. Refusal to cooperate with these procedures may result in disciplinary action up to and including termination.
3. The proper use of medication prescribed by your physician is not prohibited; however, we do prohibit the misuse of prescribed medication. Employees' drug use may affect their job performance, such as by causing dizziness or drowsiness. It is the employee's responsibility to determine from his/her physician whether a prescribed drug may impair safe job performance and to notify the Executive

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Director or his/her supervisor of any job restrictions that should be observed as a result, so that a determination can be made regarding their capacity to perform the essential functions of their jobs, either with or without reasonable accommodation. Employees will not be required to disclose the medication they are on or the medical condition for which they are taking the medication except for job-related reasons and business necessity. To the extent possible, Two Rivers PCS will keep this information confidential. The School reserves the right to transfer, reassign, and/or place on leave of absence an employee, or to take other appropriate action as necessary, during the time such employee uses medication that may affect his or her ability to safely perform assigned duties. The School will comply with all requirements pertaining to providing reasonable accommodations to the extent required by applicable law

#### **M. Conflicts of Interest**

1. **In General** – As a Two Rivers PCS employee, you owe a strict duty of loyalty to the School. You may not directly or indirectly benefit from or possess any interest in any contract, agreement, or transaction relating to the property, facilities, or operation of Two Rivers PCS. The failure to comply with this policy is grounds for disciplinary action, up to and including immediate termination of employment.
2. **Outside Employment** – Employment outside the School is allowed to the extent that the outside employment does not pose a conflict with employment by the School. Conflicts of interest, time, competition, or confidentiality will not be tolerated because any conflict would be detrimental to Two Rivers PCS as a whole. Outside employment is strictly prohibited whenever it conflicts with the business or other interests of the School or raises the appearance of, or potential for, any conflict of interest. Outside employment must be fully disclosed to and discussed with your supervisor or the HR Team and any questions regarding outside employment should be directed to your supervisor or the HR Team. The failure to comply with this policy is grounds for disciplinary action, up to and including immediate termination of employment.
3. **Employment of Relatives** – The School does not prohibit the employment of persons who are related either by marriage or blood or whose relationship with the employee is similar to that of persons who are related by blood or marriage. However, the administration may disallow employment placement where one would be directly supervised by a relative, or the relationship creates the potential for favoritism or conflict of interest. Therefore, employees must disclose to the

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Executive Director a relationship by marriage or blood to another employee or other similar relationship.

4. **Employment Discussions** – Employees should refrain from discussing matters of employment such as wages, performance evaluations, or grievances with persons in their capacity as parents and/or guardians of the School’s students. However, Two Rivers PCS does not require that employees refrain from disclosing the amount of their wages to other Two Rivers PCS employees and will not discharge, discipline, or otherwise discriminate against employees because they make such disclosures. Certain exceptions apply for employees who have access to other employees’ wage information as part of their job responsibilities. Furthermore, nothing in this Handbook prohibits an employee from reporting concerns, making lawful disclosures, or communicating with any governmental authority about conduct the employee believes violates any laws or regulations. Employees who have questions about this policy should contact the Human Resource Specialist. Failure to comply with this policy is grounds for disciplinary action, up to and including immediate termination of employment.

#### **N. Contracts/Budgetary Commitments**

Two Rivers PCS employees cannot, and have no authority to, obligate the expenditure of Two Rivers PCS funds, sign contracts, or enter into agreements on behalf of the School. The Executive Director or Finance Director must approve all non- budgeted items requisitioned from the current and approved fiscal budget. Whether within approved budgetary allotment, or not, no one is permitted to commit or promise dollars for any reason, to any source, without prior approval from the Executive Director or Finance Director

#### **O. Dress Code**

Two Rivers PCS recognizes that educators are often involved in movement and activities that necessitate casual attire. While casual attire is permitted, the School expects all employees to dress in a neat and professional manner and to use sound judgment and discretion in dressing and grooming.

#### **P. Pregnancy and Lactation Accommodation**

[Employees and applicants may request a reasonable accommodation for pregnancy, childbirth or related medical conditions or breastfeeding.](#) A reasonable accommodation will be provided unless the accommodation would impose an undue hardship on the School’s business

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operations.

Reasonable accommodations may include but are not limited to: more frequent or longer breaks; time off to recover from childbirth; the acquisition or modification of equipment or seating; the temporary transfer to a less strenuous or hazardous position; other job restructuring, such as light-duty or a modified work schedule; avoidance of heavy lifting; relocation of the employee's work area; or the availability of private, non-bathroom space for the expression of breast milk.

Employees who take leave or are provided a temporary transfer as an accommodation under this policy will be reinstated to their original job or to an equivalent position with equivalent pay, accumulated seniority and retirement, benefits and other applicable service credits upon their notification to the School of their intent to return to work or when the employee's need for a reasonable accommodation ends.

The School may require that employees provide a certification from their health care provider regarding the medical advisability of a reasonable accommodation. The School will not take adverse employment actions against employees or applicants who request or use reasonable accommodations in accordance with this policy. The School will also not require an employee to accept an accommodation or require an employee to take leave if a reasonable accommodation can be provided.

Employees who are nursing will be permitted a reasonable number of unpaid break times each day to express breast milk for their nursing child or to nurse. Where the employee already is allowed paid and unpaid breaks and mealtimes, the lactation break will run concurrently. The frequency of lactation breaks for exempt employees may be limited, where the break time would impose an undue hardship on the School.

Employees should give notice, before returning to work after a birth, of their intent to use this benefit. The School will provide nursing employees with a sanitary room or other location in close proximity to the nursing employee's work area, where she may express breast milk or nurse in privacy and security. The School will not tolerate discrimination against nursing employees electing to take break time to express breast milk or nurse in the workplace.

Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact their Executive Director, Human Resource

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Specialist, or their supervisor.

**Q. No-Smoking Policy**

Smoking at Two Rivers PCS (on grounds or in buildings) is prohibited. The School's intent to provide a safe and healthful work environment includes no smoking in all campus public areas, including, but not limited to, the faculty lounge and School grounds, including personal vehicles parked on campus. This policy applies equally to all employees, students, parents, and visitors. Smoking by employees is never, under any circumstances, permitted in the presence of students, including off-campus School trips and/or events. Employees who are found to be in violation of this policy will be subject to disciplinary action, up to and including termination of employment.

**R. Expectations**

**What Employees Can Expect** - All Two Rivers PCS employees can expect the following:

- To be treated with respect and courtesy in all matters.
- To be free from harassment or discrimination of any kind from any School employee, parent, guardian, or visitor.
- To be treated fairly in the event of any employment-related dispute and to be able to express personal points of view without fear of retaliation.
- To be paid, on a regular basis, the amounts due for the work performed.
- To receive all employment benefits for which one is eligible, in accordance with the provisions of this Handbook and the applicable benefits plan documents.

**What Two Rivers PCS Expects of Employees** - The School expects that its employees will:

- Be at work on time every working day. Two Rivers PCS's normal work hours begin between 8:00 a.m. and 9:00 a.m., and end between

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3:30 p.m. and 5:00 p.m. You are expected to be available to work during the core hours outlined in your offer letter. Daily and weekly work schedules may be changed from time-to-time, as required to meet the School's operational needs. While Two Rivers PCS may allow flexible work schedules, some jobs/departments need to operate with a standard schedule, that requires the majority of employees to begin and end work at the same time each day.

- Observe proper decorum, including adherence to dress codes and proper courtesies and respect in all dealings with students, parents, guardians, visitors, and fellow employees.

- Avoid discussing employment-related matters with other staff members as well as School parents and guardians. However, Two Rivers PCS does not require that employees refrain from discussing employment-related matters with other Two Rivers PCS employees and will not discharge, discipline, or otherwise discriminate against employees because they make such disclosures.

- Be responsible for individual work areas, keeping them neat and in a manner presentable to the School's parents, guardians, and visitors.

- Not abuse employment benefits and allowances.

- Be punctual and focused on your duties and responsibilities.

- Adhere to all Two Rivers PCS policies and rules.

- Ask questions when unsure of the School's policy or procedure in any situation, no matter how trivial the situation may seem.

- Maintain the School's reputation and community standing when at or when away from the School.

- Maintain a professional relationship at all times with students, and avoid engaging in any conduct with a student which creates the appearance of impropriety or inappropriate conduct.

- Report to your supervisor or the HR Team staff or student conduct which is adverse to Two Rivers PCS's effort to create a nurturing, welcoming, and safe environment for all students.

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## S. Work Habits

For the benefit of Two Rivers PCS and its employees, instances of insubordination, absenteeism, and tardiness will not be tolerated. These conditions are difficult to define and will be considered on an individual basis of circumstance and fact. Such offenses may be subject to disciplinary action, up to and including immediate termination of employment. Questions regarding the School's policies regarding work habits should be directed to your supervisor or the HR Team.

1. **Attendance** – Your job is extremely important. The School and its students, parents, guardians, and employees depend upon you to handle your share of the responsibilities. For this reason, if you find it necessary to be absent from or late for work, it is imperative that you notify your supervisor in advance unless health or other reasons makes it impossible, or on or before the time you are scheduled to report for work unless health or other reasons make it impossible. Always discuss your absence or tardiness directly with your supervisor.
  - (a) **Absenteeism** – Abuse of the School's policies regarding Paid Time Off ("PTO"), including, but not limited to, absences beyond those allowed by policy, may be regarded as absenteeism. Every employee is an important part of the daily operation of the School and absences impair efficiency. While extenuating circumstances may sometimes occur, employees are expected to report to work according to the terms and conditions of employment. Absenteeism will be discussed with an employee by his/her supervisor and may be cause for discipline, up to and including termination of employment, depending upon the individual circumstances and facts.
  - (b) **Tardiness** – All Two Rivers PCS employees are expected to report to work promptly and punctually according to their set schedules. Occasionally, unforeseen circumstances may disrupt punctuality, but employees are expected to maintain their set schedules. Excessive tardiness will be discussed with an employee by his/her supervisor and may be cause for discipline, up to and including termination of employment, depending upon the individual circumstances and facts.
  - (c) **Early Departures** – It is important that each employee arrives at work when expected and remains until the end of the workday. When you are not at work when required, it can have an adverse effect on the performance of the School and your co-workers. Excessive early departures will be discussed

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with an employee by his/her supervisor and may be cause for discipline, up to and including termination of employment, depending upon the individual circumstances and facts.

(d) ***School Closures Caused by Inclement Weather*** – Two Rivers PCS follows the District of Columbia Public Schools (“DCPS”) regarding school closures caused by inclement weather:

- If DCPS is open, Two Rivers PCS is open;
- If DCPS is closed, Two Rivers PCS is closed; and
- If DCPS has a delayed opening, Two Rivers PCS has the same delayed opening.

(e) ***Doctor/Dentist Appointments*** – Personal appointments for doctors or dentists should be made on the employee’s personal time. If appointments during scheduled work hours cannot be avoided, several days advance notice of your absence to your supervisor is required, and an employee will have to use accrued, unused PTO to the extent permitted by law.

2. **Insubordination** – Insubordination occurs when an employee refuses to comply with the instructions of his/her supervisor(s), and/or when an employee is rude to or disrespectful of his/her supervisor(s). An act of insubordination may be cause for discipline, up to and including termination of employment, depending upon the individual circumstances and facts.

## T. **School Property**

### 1. **Maintenance and Use of School Property**

- Employees are responsible for all School property, materials, or written information issued to them while employed by the School. Employees must maintain and use properly all School property, facilities, and equipment. Employees should treat these School assets with care and respect and guard against loss, damage, waste, or abuse. We want employees to be cost-conscious and to consider opportunities to improve operations and control expenses.
- Report any faulty equipment or damage to equipment to your supervisor immediately. This information could save a big repair job later and help keep

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the equipment in good condition. Also, it could prevent a possible injury to you or a fellow employee. Take

- care of the equipment you use and don't misuse it. Willful damage will result in termination of employment.
- Using School time, property, or facilities for reasons not directly related to School business or removing or borrowing School property without permission is strictly prohibited. Employees must return all School property to the School immediately upon the request of the administration or upon the termination of employment. The School may take any appropriate action to recover its property.
- Two Rivers PCS recognizes that, on occasion, employees need to make local or long-distance telephone calls, use the copier, or use the fax machine. Two Rivers PCS trusts that employees will only use these services and supplies when necessary and will keep their use to a minimum.

## **U. Communicable Disease**

Two Rivers PCS provides a work environment that promotes employee and student wellness and supports employees, who suffer from serious infectious diseases. All employees being diagnosed with an infectious disease must report this to the HR Team immediately. An employee, who has been diagnosed with an infectious disease, must obtain a release from his/her doctor before the employee will be permitted to return to work. The following is a list of diseases, which have been identified by the Department of Health and Human Services, CDC to be infectious and communicable diseases.

- Hepatitis (all types) – affects liver
- Salmonella – typhoid fever
- Noroviruses – gastroenteritis
- Shingella – intestinal virus
- Staphylococcus infections – nose or skin infection
- Streptococcus infections – strep throat
- Campylobacter Jejuni – intestinal virus
- Cryptosporidium Parvum
- Entamoeba Histolytica – intestinal parasite
- Escherichia Coli – intestinal virus
- Giardia Lamblia – intestinal parasite
- Taenia Solium – tapeworm
- Vibrio Cholerae – intestinal virus
- Yersinia Enterocolitica – intestinal plague

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## V. Safety

Prevention is the key to safety. To make Two Rivers PCS a safe place to work, it is important that you observe the following safety rules:

1. Do not smoke.
2. Always ask for instruction before using any type of equipment with which you are not entirely familiar and experienced.
3. Immediately pick up anything you drop on the floor or any foreign object you see on the floor (“clean as you go”).
4. Wet floors – even a few drops of liquid – cause more accidents than anything else. To help prevent accidents caused by wet floors, please observe the following:
  - Wipe up any spills at once, using proper materials.
  - Pick up spilled ice and mop dry.
  - Report all leaks to the Executive Director or Principal.
  - If you must walk on wet, slippery floors, slow down and take shorter steps than you normally would.
  - If a floor must be left damp, be sure to post adequate notification to that effect in a conspicuous place.
  - Keep aisles, halls, and walkways free from electric cords or hoses.
  - Ask your supervisor for instructions in lifting heavy objects so as to avoid serious injury. Get help if an object is too heavy or bulky to handle safely alone.

There are instances when, no matter how careful you are, you may have an accident. If an accident happens, please notify your supervisor immediately. It will also be necessary for you to complete the appropriate reports and forms.

## W. Emergencies

1. **In Case of Fire** – Call 911 and give the operator the information necessary for the fire department to respond. Then call or otherwise speak with the Executive Director or Principal and notify him/her of your call.
2. **In Case of Medical Emergency** – Identify the condition of the victim to

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determine the correct course of action. If the situation appears serious, or, if there is any doubt, call 911 and ask for emergency medical assistance. Then call or otherwise speak with the Executive Director or Principal and notify him/her of your call. Then do what you can to respond to the victim.

## **X. Security Policy**

1. **General** – The School prohibits the possession, transfer, sale, or use of illegal drugs, alcohol, firearms, explosives, and other improper materials. Offices, desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the School. Accordingly, they, as well as vehicles on School premises, or any other articles found with an employee, can be inspected by any agent or representative of the School at any time, either with, or without, prior notice, in accordance with federal, state, and local law.
2. **Environmental Expectations** – It is incumbent upon every employee to extend a concerted effort in maintaining a litter- and trash-free environment. The appearance of our school buildings, classrooms, hallways, and grounds depends on every person's conscientious effort to be responsible for maintaining an attractive campus.
3. **Protection of Property** – The School wishes to discourage theft or unauthorized possession of the property of its employees, parents, guardians, students, vendors, and guests. Thus, all individuals who enter the School should take special care to secure all items of value, including purses, laptop computers, backpacks, and the like. The School assumes no liability for items stolen or missing from the School.

## **Y. Visitors in the Workplace**

1. To provide for the safety and security of students, employees, and the facilities at the School, only authorized visitors are allowed on the campus grounds. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures the security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

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2. All visitors should enter the School at the designated entrance and proceed to the Main Office to register their presence on the grounds of the School. An employee is responsible for the conduct and safety of his/her visitor and the employee must accompany his/her guest throughout the School at all times. Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.
3. If an unauthorized individual is observed on the School premises, ask the individual why he/she is in the School, and immediately notify a member of the Operations Team
4. If the safety of any employee or student becomes threatened by any individual, whether a visitor or an unknown intruder, that individual should be asked to leave the school grounds. Employees should never attempt to expel such individuals. Rather, the Metropolitan Police Department should be called to handle and evaluate the situation if the individual refuses to leave. If trespassers resist an instruction to leave the School or disobey a reasonable, repeated request, immediately call 911.
5. **Former Employees and Dismissed Students** – Former employees who are terminated for cause by the School are not permitted to return to the School for any type of visitation for any reason. Former dismissed students will not be allowed access to the School without the approval of the School Administration Team

## **Z. Use of Equipment and Vehicles**

Equipment in the School's possession may be expensive and may be difficult to replace. Therefore, when using such property, employees are required to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Employees shall notify the Operations Team if any equipment (copy machines, computers, telephones, and the like) appear to be damaged, defective, or in need of repair.

The use of an employee's personal vehicle while acting in the scope of his/her employment is prohibited, unless approved, in writing, in advance, by the Executive Director, Director of Operations, or Principal or is an essential responsibility of an employee's position. The School strictly prohibits an employee from providing transportation to a student in his/her personal vehicle. The failure to comply with this policy may be grounds for disciplinary action, up to and including termination of employment.

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If an employee chooses to use an employee-owned vehicle during work hours for company business, the employee should obey all traffic laws and refrain from the prohibited behaviors outlined in our Drug and Alcohol Policy. For those employees whose primary job responsibilities require them to use an employee-owned vehicle during work hours for company business, Two Rivers will conduct driving record checks every two years.

## **AA. Confidentiality Policy**

It is vital to the continued success of the School that information in student files, proprietary information, and trade secrets be kept confidential. Both during and after their employment, employees may not directly or indirectly use or disclose the School's confidential information and/or student information to coworkers, individuals, School parents or guardians, or entities outside the School, except as necessary to the performance of their duties for the School and authorized by the Executive Director or the law. Such confidential information includes, but is not limited to: School records, papers, and files, including student files; information regarding new projects or anticipated projects; personal information regarding student, parent, or guardian; internal operational issues (including costs, pricing information, and budgets); student lists; financial data; business plans and proposals; and data and other information received in confidence from any other entity. Additionally, relationships and transactions with students' parents and/or guardians are considered privileged and should not be discussed outside of the School without prior express permission.

Similarly, the School's documents and other information should be protected from the sight of unauthorized individuals. Unless permitted by law, under no circumstances may the contents of School documents or other documents prepared for a student, parent, or guardian be disclosed to third parties without the prior approval of the Executive Director. Documents reflecting information about a student, parent, or guardian of the School may not, as a rule, be used as forms in other transactions with third parties if such use might reveal the name of (or other identifying or confidential information about) a student, parent, or guardian of the School.

Further, School information shall not be shared with other employees of the School when that information is not required in the official conduct of the other employee's duties or does not relate to the terms and conditions of their employment. This also applies to the information contained in the School's computer network, and employee files, whether paper or electronic, shall not be accessed without an official requirement for such access.

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Two Rivers PCS does not require that employees refrain from disclosing the amount of their wages to other Two Rivers PCS employees and will not discharge, discipline, or otherwise discriminate against employees because they make such disclosures. Certain exceptions apply for employees who have access to other employees' wage information as part of their job responsibilities. Furthermore, nothing in this Handbook prohibits an employee from reporting concerns, making lawful disclosures, or communicating with any governmental authority about conduct the employee believes violates any laws or regulations.

Unauthorized disclosure of confidential information will result in discipline, up to and including immediate termination of employment. If you have any questions as to whether particular information is confidential, please discuss this with the Executive Director.

## **BB. Communications and Media Relations Policy**

1. No communications on behalf of Two Rivers PCS (other than standard reporting or form letters approved by the Executive Director, Principal, or Director of Development) to parents, guardians, and/or external contacts shall be made without the consent and prior approval of the Executive Director, Principal, Director of External Relations, or Director of Development.
2. Because much of the information we work with is confidential or sensitive in nature, this policy equally applies to communications with the mass media (i.e. radio, television, newspaper, Internet, reporters, *etcetera*), and under no circumstances shall any contact be made with or received from the mass media on behalf of Two Rivers PCS without first contacting and receiving approval of the request from the Executive Director, Director of Development, Director of External Relations, or current President of the Board of Trustees.
3. All papers, articles, speeches, media responses, or presentations to persons or entities on behalf of Two Rivers PCS must be first approved by the Executive Director, Director of Development, Director of External Relations, or current President of the Board of Trustees, prior to communication, publication, or presentation. This policy covers information set forth in the School's Confidentiality Policy, as well as any data, research,

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or general opinions about TWO RIVERS PUBLIC CHARTER SCHOOL INC., Two Rivers PCS, and/or Two Rivers PCS's employees, students, parents, guardians, and/or programs.

## **CC. Electronic Communications Policy**

1. Two Rivers PCS uses e-mail and other electronic equipment to conduct its business. All of these services and equipment, including information transmitted or stored on them (collectively, “information network” or “network”), are the sole property of the School. Although the School respects the privacy of its employees, there may be times when it may have to access employee communications and computer files, as it considers appropriate and in accordance with applicable law, for operational, security, and other reasons.
2. Employees should have no expectation of privacy regarding their use of Two Rivers PCS-provided communications equipment, systems, or networks. The School expressly reserves the right to monitor and examine any communications made using Two Rivers PCS-provided equipment, systems, network traffic or other aspects of the School's communications systems, without employees' permission, including, but not limited to, voice mail, email, Internet usage, computer files, and employees' computers, to the extent permitted by federal, state, and local law.
3. The use of the School's information systems is intended for business purposes. The use of any communication services and equipment (including, but not limited to, mail; email; courier services; facsimiles; telephone and voicemail systems; pagers; computer networks; computers; copy machines; on-line services; the Internet; the world wide web; social media platform; computer and data files; video equipment, tapes, and discs; tape recorders and recordings; cellular telephones; and bulletin boards) for private and/or personal purposes is strictly prohibited.
4. Each day that the School is open, employees are expected to check and respond to email and voicemail messages once in the morning and once in the afternoon.
5. Employees (and students) are not permitted to install any software or courseware on any computer without approval from the Executive Director or Director of Operations.

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6. All passwords and codes are the property of Two Rivers PCS. No employee may use a password or code that has not been issued to that employee or that is unknown to the School. Employees who violate this policy or attempt to circumvent any electronic security measure are subject to disciplinary action, up to and including termination of employment.
  
7. Unacceptable uses of the School's communication services and equipment (collectively, "information network" or "network") is grounds for disciplinary action, up to and including immediate termination of employment. Examples of such unacceptable uses are:
  - using the network for any illegal activity, including violation of copyright laws
  - using the network for financial or commercial gain
  - degrading or disrupting system performance equipment
  - vandalizing the data of another user
  - gaining unauthorized access to resources or entities
  - invading the privacy of individuals
  - logging into and/or using another user's account
  - posting another person's communications without consent
  - sending or posting anonymous, derogatory, obscene; or inflammatory messages
  - destruction of computer hardware or software
  - using the network to view, read, or display offensive, sexual, or otherwise pornographic material
  - playing games
  - offering or providing products or services through the School's network
  - political lobbying
  - making deliberate attempts to spread computer viruses
  - attempting to circumvent any filtering or administration control
  - sending anonymous messages
  - Creating and/or distributing any message that may constitute intimidating, hostile, defamatory, or offensive material based on race, color, sex, national origin, religion, age, marital status, sexual orientation, disability, veteran status, and any other factor protected by applicable law. The School's policy prohibiting harassment applies fully to the operation of the email system, Internet postings, and or School computer use.
  - in general, and any violation of that policy is grounds for discipline, up to and including immediate termination of employment.

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- posting chain letters or engaging in spamming
  - adjusting, connecting or disconnecting components without authorization
  - using the School’s network to engage in any other illegal act
8. The School, in its discretion, reserves the right to monitor and access any matter created on, received through, or sent from the network. Employees do not have a privacy right in any matter created on, received through, or sent from the network. Any employee who becomes aware of misuse of the network or this policy should promptly contact the Executive Director or Director of Operations.
9. The School recognized the growing importance of online social media and networks as a communication tool. The School takes no position on employees’ decisions to participate in the use of social media networks. The School has developed the following guidelines for the personal use of social media:
- (a) Employees are prohibited from disclosing information on any social media network that is confidential or proprietary to the School or to a third party that has disclosed information to the School (e.g. personally identifiable student information)
  - (b) Employees are prohibited from acting as a spokesperson for the School or posting as a representative of the School.

Nothing in the policy is intended to prevent employees from union organizing activity or from discussing the terms and conditions of employment for the purposes of concerted action, consistent with the National Labor Relations Act and other applicable laws.

**DD. Miscellaneous Policies**

1. **Lawful and Ethical Conduct of Business** – All business must be conducted in a lawful and ethical manner in accordance with applicable laws and regulations in the respective jurisdictions.
2. **Non-Solicitation During Working Hours** – In order to maintain efficient operations and to respect the rights of its employees, the School prohibits solicitations of any kind for any cause when the soliciting or solicited employee is on School property during working

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time. Solicitation includes, but is not limited to, the solicitation for membership in any organization, the solicitation of gifts, money pledges or subscriptions, circulation of petitions, and/or the sale of merchandise, tickets, or raffles. Similarly, the School prohibits the distribution of literature (which is not required to be distributed in the course of School operations) in working areas or during times when the distributor or recipient is working on the School business. The distribution includes, but is not limited to, the distribution of such things as merchandise, leaflets, pamphlets, newspapers, petitions, pictures, pins, buttons, and/or handbills. Non-employees are prohibited at all times from entering the School to solicit or distribute literature. The School may make limited exceptions to this policy for certain charitable causes.

3. **Political Activities** – The School will make no contribution to a political party or candidate for political office.

## **EE. Title IX and Sexual Harassment Policies**

Sexual harassment, sexual assault, stalking, domestic violence, and dating violence are strictly prohibited on school grounds, the property immediately adjacent to school grounds, at school-sponsored or school-related activities, functions, or programs whether on or off school grounds, on or off the school bus or other vehicles owned, leased or used by the school, or through the use of technology or an electronic device owned, leased or used by the school.

Sexual harassment, sexual assault, stalking, domestic violence, and dating violence are also prohibited at a location, activity, function, or program that is not school-related or through the use of technology or an electronic device that is not owned, leased, or used by the school, if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of the victim at school or materially and substantially disrupt the education process or the orderly operation of a school.

Taking any adverse action against students, volunteers, or staff members because they report sexual harassment, sexual assault, stalking, domestic violence, and dating violence, provide information about any such acts, witnesses any such acts, or testify, assist, participate or refuse to participate in an investigation, proceeding or hearing constitutes retaliation and is prohibited.

Administrators will make expectations clear to students and staff that sexual harassment, sexual assault, stalking, domestic violence, and dating violence will not be tolerated and will be the grounds for disciplinary action up to and including suspension and dismissal for students and up to and including termination for staff.

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## 1. Title IX Coordinator

Two Rivers PCS has designated two individuals to coordinate the school's response to reports or complaints of sexual harassment, sexual assault, stalking, domestic violence, and dating violence and for overseeing the school's compliance with Title IX as it relates to students and employees. The contact information for the Title IX coordinators can be found below.

Reports related to both students and employees should be reported to both Title IX Coordinators. Two Rivers' Title IX Policy is located at [tworiverspcs.org](http://tworiverspcs.org).

Nichel Bryant, Director of Student Support/Title IX Coordinator

[nbryant@tworiverspcs.org](mailto:nbryant@tworiverspcs.org) or 202-546-4477

Mary Gornick, Director of Human Resources and Business Operations/Title IX Coordinator

[mgornick@tworiverspcs.org](mailto:mgornick@tworiverspcs.org) or 202-810-5517

## 2. Response to Reports

Any individual may report sexual harassment, sexual assault, stalking, domestic violence, and dating violence – reports do not have to be made by the victim. Such reports can be made in person, by mail, by telephone, or by email, using the contact information listed for the Title IX coordinator or by any other means that result in the Title IX coordinator receiving the report.

All staff members are required to report any sexual harassment, sexual assault, stalking, domestic violence, and dating violence they witness or are made aware of. Staff members should immediately record all such incidents in accordance with school procedures and notify the appropriate Title IX Coordinator.

Any student or staff member who believes that they have been the target of sexual harassment, sexual assault, stalking, domestic violence, and dating violence or who is aware of such acts is strongly encouraged to promptly report the matter orally or in writing to the Title IX Coordinator an administrator, or to any other faculty or staff member or member with whom the student or staff member is comfortable speaking. Also, any student or staff member who is subject to retaliation in violation of this policy or who knows of another student or staff member who has been subject to retaliation is urged to report it as soon as possible. Staff members should never promise confidentiality or anonymity to someone who reports sexual misconduct to them because the staff member is required to report it.

Anyone else who witnesses or becomes aware of sexual harassment, sexual assault, stalking, domestic violence and dating violence is also strongly urged to promptly notify the Title IX Coordinator.

- When a report is made without a formal complaint, the Title IX Coordinator will:

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- Promptly contact the complainant to discuss the availability of supportive measures;
- Consider the complainant’s wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint;
- Explain to the complainant the process for filing a formal complaint.

If the complainant does not wish to proceed with a formal complaint, the complainant’s wishes will be respected unless the Title IX Coordinator determines that initiating an investigation over the wishes of the complainant is necessary in light of the known circumstances.

The school will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school’s ability to provide supportive measures.

The school may not impose disciplinary sanctions (or other sanctions that are not “supportive measures”) against the respondent without conducting a formal investigation. However, the school may remove a respondent on an emergency basis if:

- It undertakes an individualized safety and risk analysis;
- Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

A formal complaint may be filed by the complainant, the complainant’s parent/legal guardian (for students), or the Title IX coordinator if he/she determines that a formal investigation is needed.

### **3. Mandatory Reporting**

If the school becomes aware of a report or allegation of sexual assault or sexual abuse, in addition to its own response, the school will also make a referral to CFSA and/or MPD pursuant to mandatory reporting requirements.

### **4. Informal Resolution Processes**

The Title IX Coordinator may offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. The school will not require participation in informal resolution as a condition of enrollment or employment. The school will not condition informal resolution on the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The school will not require the parties to participate

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in an informal resolution process and will not offer an informal resolution process unless a formal complaint is filed. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation process with respect to the formal complaint.

## **5. Investigations of Formal Complaints**

Details on the investigations of formal complaints, information for complainants and respondents on the investigation process, the decision-making process, and the appeals process can be found in our Preventing and Addressing Sexual Abuse and Harassment policy and our Title IX policy, which can be found on our website.

## **SECTION 2: MAJOR POLICIES CONCERNING STUDENTS**

### **A. Corporal Punishment**

Under **no** circumstances will physical means of discipline or correction of any student by any employee, dependent, or guest be permitted. This includes, but is not limited to, slapping, shaking, strong-arming, pushing, hitting, pinching, and physical restraint. The only exception to this policy is when physical restraint is necessary under extreme situations of violence which compromise the safety and well-being of staff and students. Any form of corporal punishment that is administered to any student by any employee, dependent, guest or visitor may result in disciplinary action, up to and including termination of employment, referral for counseling services or reporting the individual to “cease and desist”, with a promise of having to report this to the proper authorities if the individual refuses to do so. Any employee must immediately report observation or knowledge of any type of physical means of correction to the Executive Director or the Principal.

### **B. Legal Requirements for Reporting Child/Student Sexual Abuse, Physical Abuse, Verbal Abuse, Et Cetera**

D.C. Code § 16-2301(23) defines the term “abused child” to mean a child whose parent, guardian, custodian or caretaker inflicts, or fails to make reasonable efforts to prevent the infliction of, physical or mental injury upon the child, including excessive corporal punishment, an act of sexual abuse, molestation or exploitation, physical abuse, or an injury that results from exposure to a drug-related activity in the child’s environment.

In addition, negligence which leads, or could lead, to physical injury including non-provision of food, clothing, shelter, medical attention, or reasonable supervision is considered to be abusive. Therefore, it is incumbent that any School personnel who are aware of matters concerning this type of negligence report such information to the proper authorities, appropriate Two Rivers PCS administrator (Principal, AP, Dean or Director of Student Support or supervisor). The Executive Director should be made aware of all reports by the Two Rivers PCS administrator.

Pursuant to D.C. Code § 4-1321.02, “any person . . . who knows or has 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 or physically abused or neglected child, . . . shall 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 and Family

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Services Agency.”

Persons required to report such abuse or neglect include every physician, psychologist, medical examiner, dentist, person involved in the care and treatment, school official, teacher, social services worker, daycare worker, mental health professional, and residential child care worker.

In addition to those persons who are required to make a report, any other person may make a report to the Metropolitan Police Department of the District of Columbia or the Child Protective Services Division of the Department of Human Services.

**TO REPORT ABUSE/NEGLECT, CALL (202) 671-7233**

**FOR 24-HOUR CRISIS COUNSELING, CALL (888) 793-4357**

Schools are an important source for referrals of child sexual or physical abuse. When injuries or behaviors are observed that lead anyone to believe the student may have been abused, or if a child voluntarily discloses the nature of abuse, the teacher or other staff person should report such suspicion and/or allegation immediately to the school administrator (Principal, AP, Dean or Director of Student Support or supervisor), who will assist the staff member in contacting the Metropolitan Police Department or Child Protective Services. It is not the duty of School personnel to validate the abuse, but rather to report it.

All school personnel should be mindful of the importance of **minimizing the number of interviews** to which a child is subjected regarding the incident or the abuse. Therefore, the person who first obtains the disclosure is the only person at the School who should speak to the child, unless otherwise authorized by an administrator. The adult to whom the disclosure was made or who observed the injuries should thereafter communicate with other adults as necessary to report the known or suspected physical or sexual abuse to School authorities, who will convey such information to the appropriate authorities.

You should also immediately report any suspicious observations to an administrator. However, reporting suspected or known abuse or neglect internally within the school does not relieve an individual of their legal obligation to make an external report to CFSA.

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### C. Abuse Prevention

Two Rivers PCS prohibits actions of student sexual abuse by school staff. Any behavior by school staff toward a student that is unwelcome conduct of a sexual nature and would reasonably cause the student to feel uncomfortable is prohibited, regardless of whether such behavior is complained of by the student, the behavior is overtly sexual, or such behavior could constitute a crime. These behaviors may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. The school takes seriously all allegations of student sexual abuse. When the school knows or reasonably should know that such an act has occurred, the school shall take immediate action and follow the procedures outlined in this policy. The school shall act upon any knowledge of abuse, regardless of whether the student who was abused has filed a complaint or has otherwise notified the school.

Below is a list of appropriate and inappropriate interactions with students that all employees are expected to abide by and understand if inappropriate behaviors are observed, employees should report the observations to the appropriate administrator (Principal, AP, Dean or Director of Student Support or supervisor).

#### 1. Physical Interactions with Students

Appropriate Physical Interactions	Inappropriate Physical Interactions
<ul style="list-style-type: none"> <li>● Side hugs</li> <li>● Shoulder-to-shoulder or “temple” hugs</li> <li>● Pats on the shoulder or back</li> <li>● Handshakes</li> <li>● High-fives and hand slapping</li> <li>● Verbal praise</li> <li>● Pats on the head when culturally appropriate</li> <li>● Touching hands, shoulders, and arms</li> <li>● Arms around shoulders</li> <li>● Holding Hands (with young students in escorting situations)</li> <li>● Allowing pre-school or kindergarten students to sit on personnel’s knees</li> </ul>	<ul style="list-style-type: none"> <li>● Full-frontal hugs</li> <li>● Kisses</li> <li>● Showing affection in isolated areas</li> <li>● Personnel sleeping in a bed with a student</li> <li>● Allowing students, older than kindergarten, to sit on personnel’s knees</li> <li>● Wrestling</li> <li>● Piggyback rides</li> <li>● Tickling</li> <li>● Allowing a child to cling to a personnel’s leg</li> <li>● Any type of massage given by or to a student</li> <li>● Any form of affection that is unwanted by the student or the personnel</li> <li>● Touching stomach, bottom, chest, or genital areas</li> </ul>

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## 2. Verbal Interactions with Students

Appropriate Verbal Interactions	Inappropriate Verbal Interactions
<ul style="list-style-type: none"> <li>● Positive reinforcement</li> <li>● Appropriate jokes</li> <li>● Encouragement</li> <li>● Praise</li> </ul>	<ul style="list-style-type: none"> <li>● Name-calling</li> <li>● Compliments relating to physique or body development</li> <li>● Discussing sexual encounters or in any way involving students in the personal problems or issues of personnel</li> <li>● Secrets</li> <li>● Cursing</li> <li>● Off-color or sexual jokes</li> <li>● Shaming</li> <li>● Belittling</li> <li>● Derogatory remarks</li> <li>● Harsh language that may frighten, threaten or humiliate students</li> <li>● Derogatory remarks about the student or his/her family</li> </ul>

## 3. Contact Outside of School

Appropriate Outside Contact	Inappropriate Outside Contact
<ul style="list-style-type: none"> <li>● Taking groups of students on an outing, with parents' knowledge and written permission</li> <li>● Attending functions at a student's home, with parents present for the duration</li> <li>● Home visits, with parents present</li> </ul>	<ul style="list-style-type: none"> <li>● Taking one student on an outing</li> <li>● Taking any number of students on an outing without the parents' written permission</li> <li>● Visiting a student in the minor's home without a parent present</li> <li>● Entertaining a student in the home of a staff member</li> <li>● A lone student spending the night with a staff member</li> </ul>

#### **4. One-on-One Interactions**

When meeting one-on-one with a student, do so in a public place where you are in full view of others. If meeting in a room or office, leave the door open or move to an area that can be easily observed by others passing by. A staff member should never be alone in a room with a student with the door locked. If you need to be in a room that is not observable from the outside (e.g. during counseling), you should:

- a. Share your meeting schedule with your supervisor; only meet with students during scheduled times
- b. Invite your supervisor to randomly drop by unannounced
- c. Document and immediately report any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that might be misinterpreted

#### **5. Gift Giving**

Adults that engage in sexual abuse often groom minors by giving gifts, thereby endearing themselves to the minor. They might instruct the student to keep the gifts a secret, which then starts teaching the student to keep secrets from parents.

For this reason, staff should only give gifts to large groups of students (i.e., an entire crew or team), and only if administrators are made aware of and approve the gift.

#### **D. Student Medication**

1. Any medication taken in School must have a parent- or guardian-signed authorization; some medications also require physician orders. Medication must be kept in the school-approved location during the School day. The parent or guardian must transport medications to and from the School.
2. No medication may be accepted by School personnel without receipt of completed and appropriate medication forms.

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3. A physician may use office stationery or a prescription pad in lieu of completing Part 2 of the School's Permission for the Administration of Medication Release & Indemnification Agreement form. The physician must include the following information written in lay language with no abbreviations:
  - a. name of student
  - b. date of birth
  - c. reason for medication or diagnosis
  - d. name of medication
  - e. exact dosage to be taken in School
  - f. time to take medication and frequency or exact time interval dosage is to be administered
  - g. sequence in which the medications should be taken, in cases where more than one medication is prescribed
  - h. if medication is given on an as-needed basis, specify the exact conditions or symptoms when medication is to be taken and the time at which it may be given again ("repeat as necessary" is unacceptable)
  - i. duration of medication order or effective dates
  - j. physician's signature
  - k. date
4. All prescription medications, including physician's prescription drug samples, must be in their original containers and labeled by a physician or pharmacist. Over-the-counter medication must be in the original container with the name of the medication visible. The parent or guardian must label the original container with the following:
  - a. name of student
  - b. exact dosage to be taken in School
  - c. frequency or time interval dosage is to be administered
5. The first dose of any new medication must be given at home.
6. The parent or guardian is responsible for submitting a new form to the School at the start of the school year and each time there is a change in the dosage or in the time at which medication is to be taken.

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7. Medication kept in the School will be stored in a locked area accessible only to authorized personnel.
8. Within one week after expiration of the effective date on the physician order, or on the last day of school, the parent or guardian must personally collect any unused portion of the medication. Medications not claimed within that period will be destroyed.
9. The student must come to the predetermined location at the prescribed time to receive medication. **Medication can be given no more than one-half hour before or after the prescribed time.**
10. Two Rivers PCS does not assume responsibility for authorized medication taken independently by the student himself or herself.
11. In no case may any Two Rivers PCS personnel administer any medication outside the framework of the procedures outlined herein and/or in the applicable District of Columbia charter school regulations.
12. All student medications shall be administered by staff who have received medication administration training.

#### **E. Student Files Policy**

The confidentiality of students' files is of the highest priority. Student files are secured in the Main Office. There are appropriate employees who have a justifiable need for specific access to such files, and only the Executive Director and Principal may determine the right to examine any file. A log shall be maintained by the Office Staff for purposes of recording the name of the individual checking-out a file, the time and date the file was checked out, the name of the student whose file was checked out, and the time and date the file was returned. Absolute caution must be exercised in not allowing other staff/students/parents to have access to a student's file(s). Failure to maintain student files confidentially will result in disciplinary action, up to and including termination of employment.

#### **F. Visitation**

It is the practice of Two Rivers PCS to promote active, healthy, ongoing contact and teamwork between students and families. Parents and guardians are welcome to visit Two

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Rivers PCS and need not call in advance to schedule a visit. However, parents and guardians are encouraged to contact their child's teacher in advance whenever possible so the teacher can plan accordingly.

#### **G. Guidance on Breaking Up Student Fights**

Two Rivers does not condone physical violence by teachers, staff, students, or families. Teachers and staff must refrain from using physical force as the primary technique to stop fights. If students are being physically aggressive, you initially should attempt to redirect the students verbally. If the students ignore your instruction, you may use physical intervention as is necessary to protect a student or others from imminent, physical harm. If you do not feel comfortable physically intervening, you should summon another adult immediately.

## **SECTION 3: EMPLOYMENT STATUS AND EMPLOYMENT RECORDS**

### **A. Employment Requirements**

After making an employment offer, Two Rivers PCS will conduct a reference check on all employees. In compliance with all applicable District laws, including the School Safety Omnibus Act of 2018, all employees will be required to go through a fingerprinting and background check process with the DC Metropolitan Police Department (DCMPD), twenty-year review of employment history where the scope of employment involved direct interaction with children, a character reference, review of child abuse and neglect registries for every state the employee lived or performed work in, and review of the National Associate of State Directors of Teacher Education and Certification Clearinghouse. Additionally, DC MPD background checks will be conducted every other year during employment.

### **Employment Application**

Two Rivers PCS relies upon the accuracy of the information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process, such as resumes, interviews, verification of previous employment, and letters of recommendation. Any misrepresentations, falsifications, or material omissions in any of this information or data will result in Two Rivers PCS's exclusion of the individual from further consideration for employment. If the person has been hired and is actually working in his/her position, employment may be terminated.

As required by the School Safety Omnibus Amendment Act of 2018, all applicants and employees must provide the following:

1. Name, address, phone number, and other relevant contact information for current employer and previous employers for the preceding 20 years where the scope of employment involved direct interaction with children;
2. Contact information for at least one character reference;
3. Authorization/consent for disclosure of complete history records by previous employers and a release of those employers from liability that may arise from the disclosure or release of records;
4. Written affirmations as to whether or not the individual:
  - a. Has ever been the subject of any child abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement agency, or CFSA (or other state's equivalent) that did not result in a finding that the

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- allegations were false or the alleged incident was not substantiated;
- b. Has ever been disciplined, discharged, nonrenewed, asked to resign, resigned from or otherwise separated from employment while allegations of child abuse or sexual misconduct were pending or under investigation or due to an adjudication or finding of child abuse or misconduct;
  - c. Has ever had a license, professional license, or certificate suspended, surrendered or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

## **B. Verification of Employment Eligibility**

As required by law, all employees of Two Rivers PCS must complete the Employment Eligibility Verification form (i.e., Form I-9) within the first three (3) business days of employment. Employees must provide evidence of their right to work and verification of identification. This information and documentation will be used only for compliance with the Immigration Reform and Control Act of 1986 and not for any other purpose. The School must be informed immediately by any employee whose employment eligibility changes or terminates after the start date of his/her employment. Any employee who is unable to provide appropriate documentation within the first three (3) days of employment, as determined by the HR Team, will be immediately separated from the School in accordance with School policy. Changes in immigration status must be reported to the HR Specialist as soon as they occur. Failure to make such report or any misrepresentations, falsifications, or material omissions in any of this information or data may result in the School's exclusion of the individual from further consideration for employment, or if the person has been hired, the School's termination of their employment.

**Worker's Permit:** If you are a minor, you must have a current Worker's Permit before you begin work.

**Tax Status Consideration:** All employees must fill out a W-4 Employee's Withholding Allowance Certificate and a State equivalent of a Federal W-4, where applicable.

**New Hire Forms:** All employees must complete all employment-related forms and return them to the HR Team.

## **C. Offer Letters**

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Where applicable, a formal agreement specifying details of employment, salary, benefits, basic job description, and the like, will be prepared upon intent to hire. Signatures and dates will be required from the employee and the Executive Director or his/her designee. However, nothing in an offer letter shall alter the at-will nature of your employment with Two Rivers PCS. This means that employment may be terminated at any time, for any reason, with or without cause or notice by you or by Two Rivers PCS.

#### **D. Personnel Data Changes**

It is the responsibility of each employee to promptly notify the HR Team of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, beneficiaries, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

#### **E. Personnel Records**

1. If you would like to review your official personnel file while you are employed by Two Rivers PCS, you must make this request, in writing, to the HR Team. Your request will be granted or denied at Two Rivers PCS's discretion. If granted, the review of your records will be accommodated at a mutually convenient time in the presence of an HR Team member. Personnel records may not leave the school because they are confidential and the property of Two Rivers PCS. Only authorized members of the administration have access to personnel files. Removal or alteration of any personnel documentation, including the file itself, or information pertaining to any individual, will result in disciplinary action, up to and including termination of employment.
2. It is important that the School's personnel records are correct, complete, and up-to-date. Please notify the HR Team of any changes in employee information including, but not limited to, the name and contact information for the person to call in case of an emergency, and changes in name, marital status, address, telephone number, beneficiaries, or dependents.

#### **F. Employment Classifications**

1. **Regular Full Time:** Regular Full Time employees are those individuals who are working the equivalent of 40 hours per week. These employees are eligible for full
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benefits offered by the School.

2. **Regular Part-Time:** Regular Part-Time employees are those individuals who work fewer than 40 hours per week. These employees are eligible for benefits at a reduced rate or in accordance with a respective benefit plan allowances. If an employee works fewer than 30 hours per week he/she will not be eligible for health or dental benefits.
3. **Temporary:** Temporary [full- or part-time] employees are those individuals who are hired for a specific task over a limited, defined period of time. These employees may be eligible for benefits offered by the School or in accordance with respective benefit plan allowances.
4. **Exempt and Non-exempt Designation:** The Fair Labor Standards Act (“FLSA”) provides for two categories of employees – exempt and non-exempt.
  - a. **Exempt:** An exempt employee is one who works in a bona fide executive, administrative or professional position, as defined by the FLSA and applicable state law. The nature of an exempt position may require an exempt employee to work beyond regularly scheduled hours in a given workweek. Exempt employees are not eligible for overtime pay and are not covered by the overtime pay provisions of the federal FLSA and applicable state law.
  - b. **Non-exempt:** A non-exempt employee is one who does not meet the standards for exempt status under the FLSA. Non-exempt positions are eligible to receive overtime pay, in accordance with the FLSA and applicable state laws, and are required to account on an hourly basis for all time worked, as well as PTO and other leave time used. A supervisor must approve overtime work before it is performed, and such approval must be in writing. Working overtime without prior written approval will result in disciplinary action, up to and including termination of employment.

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## **SECTION 4: EMPLOYEE COMPENSATION**

### **A. Payroll Procedures**

1. Prior to the end of an employee's first month of employment, all necessary benefit information must be completed, forms processed, offer letter signed, resume on file, signed employee handbook, and new employee orientation must have been completed.
2. Paychecks - Employees of Two Rivers PCS are paid twice a month (semi-monthly) on the 7th and 22nd of each month.
3. Salaried employees are paid in arrears, which means that time worked for the 1st - 15th of the month is included on the second paycheck of the month and the 16th - the end of the month on the first paycheck of the month.
4. In the event that a regularly scheduled payday falls on a holiday or weekend, employees will receive payment on the last day of work before the regularly scheduled payday.
5. Employees may have pay directly deposited into their chosen bank accounts. Employees will receive an itemized statement of wages when a direct deposit is used. If an employee does not elect to use direct deposit and his/her paycheck is lost, stolen, or destroyed, a fee will be assessed to cover the costs associated with replacing such paychecks.
6. Any LIVE checks will be mailed directly to the employee's home address on file unless otherwise notified.
7. In order to receive the entire yearly salary specified in the offer letter, employees are required to fulfill the duties outlined in the offer letter. Employees who resign their position or are asked to leave before the end of the school year receive only those wages earned through their last day of employment.
9. Non-returning, school-year employees will be terminated in June of their final school year, unless the employment is terminated prior to the end of the school year. Benefits for non-returning, school-year employees will end as of June 30.

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## **B. Payroll Corrections**

Two Rivers PCS takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid on the scheduled payday. In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the HR Team so that corrections can be made as quickly as possible.

## **C. Pay Deductions**

1. The law requires that Two Rivers PCS make certain deductions from every employee's compensation. Among these are applicable federal, District of Columbia, and local income taxes. Two Rivers PCS must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." Two Rivers PCS matches the amount of Social Security taxes paid by each employee.
2. If employees have questions concerning why deductions were made from their paychecks or how they were calculated, the HR Team can assist in providing answers.

## **D. Timekeeping**

1. Accurately recorded time worked is the responsibility of every hourly, nonexempt employee (this Section 4.D. does not apply to Teachers, Assistant Teachers, and all other exempt employees). Federal and District of Columbia laws require Two Rivers PCS to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Nonexempt employees must accurately record the time they begin and end their work. Nonexempt employees must also accurately record the time they begin and end breaks.
2. Your supervisor must approve overtime work before it is performed, and such approval must be in writing. Working overtime without prior written approval will result in disciplinary action, up to and including termination of employment.
3. A schedule is provided for all who submit time records and it is expected

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that employees will adhere to scheduled hours.

4. Altering, falsifying, or tampering with time records or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment. Nonexempt employees should report to work no more than seven (7) minutes prior to their scheduled starting time and should not stay more than seven (7) minutes after their scheduled stop time without express prior written authorization from your supervisor.

## **SECTION 5: EMPLOYEE BENEFITS**

This section provides a brief description of the employee benefit plans in effect. To the extent that the information in this section conflicts with the benefit plan documents, the benefit plan documents control. If you have any questions about Two Rivers PCS's employee benefits programs or need further clarification of the benefits described, please contact the HR Team. Additionally, employees can access additional information about the employee benefit plans on the employee documents intranet.

**The benefits programs described in this section are subject to change, either with or without notice, at the discretion of the administration of Two Rivers PCS.**

### **A. Length of Service and Hire Date**

Your hire date and length of service are important factors in determining your eligibility for Two Rivers PCS's benefits programs. Your date of hire will be the date used to determine eligibility for benefits. Prior service in the same or different employment category may not count toward eligibility for benefits.

Your length of service is the period of continuous employment with the School since your most recent hire date.

### **B. Health Insurance**

Two Rivers PCS offers health insurance for eligible employees and their dependents. Please consult with the HR Team for the current information on the coverage and costs for the employee and dependent health insurance. In the event the plan documents differ from any of the descriptions contained herein, the language in the plan documents will prevail.

### **C. Continuation of Health Insurance Coverage (COBRA)**

Health insurance coverage expires on the last day of the month during which termination, leave of absence, or another qualifying event occurs. In accordance with the provisions of COBRA, employees who are covered under the School's health insurance plan at the time of a qualifying event may elect to continue health insurance coverage for themselves, their spouses, and/or their dependents at their own expense.

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A notification of COBRA continuation will be provided to employees at the beginning of a qualifying event.

#### **D. Workers' Compensation Insurance**

The School provides workers' compensation insurance, covering all employees while working. Although you should use caution in your work and follow all safety requirements and procedures set forth by the School, any kind of injury while on the job should immediately be brought to the attention of your immediate supervisor and Human Resources. An accident report must be completed as soon as possible. An employee must be out for the first 3 days to receive worker's compensation benefits.

#### **E. Paid Leave**

1. **Paid Time Off** – Unless otherwise specified, Teachers, Assistant Teachers, and all other full-time exempt employees will be given Paid Time Off (“PTO”) to use for vacations, sick leave, leave under the District of Columbia Accrued Safe and Sick Leave Act (ASSLA) and Earned Sick and Safe Leave Amendment Act (ESSLA), and personal days. School-year staff, including teachers, assistant teachers, counselors, and student support teachers will be given nine (9) days per school year. All 12-month staff will be given fifteen (15) days per year.

PTO will be calculated based on the employee's base rate of pay at the time PTO is taken and will not include any special forms of compensation. Two Rivers PCS advances PTO to employees at the beginning of the school year for school-year staff and July 1<sup>st</sup> for 12-month staff. If an employee resigns or is terminated from employment before he or she has earned the PTO, he or she must pay back any PTO used that they had not earned.

Two Rivers PCS does not provide monetary payment to its employees for unused PTO days upon the termination of employment. If an employee terminates employment and is rehired within one (1) year of the termination, Two Rivers will reinstate accrued, but unused PTO to the extent required by law. Unused PTO days in any given year do not carry over to the next year (if you do not use them, you lose them). For school-year staff, PTO allotment will begin accruing at the start of the school year and stop accruing the final duty-day of the school year. Twelve-month staff's PTO will accrue from July 1 to June 30. A grace period will be given to 12-month staff, allowing them

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to use a previous year's PTO for up to but not including the first day of teacher orientation. The availability of PTO does not override the application of Two Rivers PCS's attendance policy, which is designed to help ensure a dependable and consistent workforce. Employees may be disciplined, including termination of employment, for violating Two Rivers PCS's attendance policy even though they still have available PTO.

- (a) ***Requesting and Usage of PTO*** – If an employee wishes to use PTO for vacation or other personal purposes, the employee must submit a PTO request for the proposed day(s) off to an employee's supervisor through the current system used for payroll and time-off requests. Requests for use of PTO for vacation/personal purposes must be made in writing submitted and approved in advance by the employee's supervisor.

Vacations/personal days must be scheduled in such a way that work responsibilities can be assigned to others and on-going operations will not be disrupted. To ensure that this occurs, employees must schedule their vacations/personal days with the employee's supervisor at least ten (10) workdays in advance of the desired leave. Any preferences in the granting of PTO for vacation purposes will be based upon the employee's length of service with the School and the situation. The School reserves the right to deny or reschedule requests for PTO for vacation/personal purposes based on the needs of the School. Failure to comply with the denial of a request for scheduled PTO may result in discipline, including termination of employment. PTO for vacation/personal purposes will be included with base pay in the paycheck covering the days in which the vacation/personal day was taken. Two Rivers PCS does not provide monetary payment to its employees for unused PTO days upon the termination of employment.

- (b) ***Illness or Injury (Unscheduled PTO)*** – If an employee is unable to report for work due to illness or injury, the employee may use PTO days if he/she properly notifies the School of his/her inability to report for work before his/her reporting time, preferably the night before the PTO for illness or injury is taken, but in no event no later than 7:00 am on the day of the absence.

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Properly notifying the School means calling, texting, or emailing your supervisor at the contact number or email address designated by your supervisor. If PTO is used for 3 or more consecutive days, substantiating medical documentation (“reasonable certification”) must be provided to Two Rivers PCS upon request. Failure to comply with the directives set forth herein may result in discipline, including termination of employment.

- (c) ***Accrued Sick and Safe Leave*** (District of Columbia Employees) – Two Rivers PCS complies with the District of Columbia Accrued Sick and Safe Leave Act of 2008, as amended, and the Earned Sick and Safe Leave Amendment Act (ESSLA).

Employees may use available PTO to cover absences related to their own or a family member’s illness or for absences related to sexual abuse, stalking, or domestic violence.

PTO may be used when: (1) the employee or his/her family member is sick (resulting from physical or mental illness or injury); (2) the employee or his/her family member needs routine or preventative medical care; or (3) the employee needs time off to seek medical care, shelter, counseling, a court order, or other services related to the employee or employee’s family member being a victim of sexual abuse, stalking or domestic violence.

*A family member* includes a spouse, domestic partner, parents of a spouse, children (including foster children and grandchildren), spouses of children, parents, brothers and sisters, and the spouses of brothers and sisters.

Employees should follow the process for requesting PTO for vacation/personal purposes when time off under ASSLA and ESSLA is foreseeable. If the need for ASSLA and ESSLA leave is unforeseeable, the employee should notify his or her supervisor orally within 24 hours of the employee learning of the need for time off.

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Two Rivers will not discipline or take any other adverse action against an employee for proper use of ASSLA and ESSLA leave. Any employee who believes in good faith that he or she has been retaliated against for exercising rights under ASSLA and ESSLA, or for, in good faith, filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted regarding a perceived violation of ASSLA and ESSLA should report that concern to the School in accordance with the procedures set forth in the School's Policy Against Workplace Discrimination & Retaliation.

- (d) ***Instructional Staff PTO Exclusions*** – Unless legally required, a PTO day **will not** be granted to Instructional Staff on the following days. Instructional Staff includes teachers, assistant teachers, principals, assistant principals, Deans, Instructional Guides, counselors, special education coordinators, and directors of instructional programming.
- (i) The first scheduled day of the school year;
  - (ii) The last scheduled day of the school year;
  - (iii) The day preceding or the day following any holiday or break;
  - (iv) Staff orientation and in-service days;
  - (v) Staff development program days, including Wednesday afternoons;

***All Staff PTO Exclusions*** - Unless legally required, a PTO day will not be granted for any staff member on the following days:

- (i) Compliance review days;
- (ii) Program development review days;
- (iii) Enrollment or program audit days

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2. **Bereavement Leave** – Exempt and Regular Full-Time employees will be granted, with pay, one (1) day of bereavement leave in the event of the death of an immediate member of the employee’s family. Immediate family members are mother, father, spouse, children, siblings, spouse’s parents, spouse’s child by a previous marriage, grandparent, spouse’s grandparent, spouse’s grandchild, or grandchild. An additional two (2) days of PTO will be granted in the event of the death of an immediate family member. In the event of the death of a family member other than an immediate member or a close friend, you may be granted bereavement leave without pay or use of PTO at the discretion of your supervisor.
3. **Religious Holidays** – An employee may use available PTO to attend special religious services or to observe religious holidays.
4. **Holidays** – Two Rivers PCS observes the following holidays:
  - New Year’s Day
  - Martin Luther King, Jr. Day
  - Presidents’ Day
  - Emancipation Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Columbus Day
  - Thanksgiving Day and the day after Thanksgiving
  - Christmas Day

Regular Full-Time employees and Regular Part-Time employees will receive regular pay for these recognized holidays. A recognized holiday that falls on a Saturday will usually be observed on the preceding Friday. A recognized holiday that falls on a Sunday will usually be observed on the following Monday.

5. **School Breaks** – Employees may receive additional paid time off during school breaks, such as Winter Break and Spring Break, as determined annually by School management based on the school calendar and the required responsibilities of the position.

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6. **Jury Duty** – If called for jury duty, Two Rivers PCS will pay the employee for the actual days spent serving on the jury. An employee is not eligible for paid leave if he or she would not have earned wages while serving on jury duty.
  - (a) An employee must provide the School with reasonable notice of time off needed for jury duty. As such, the School asks that employees request leave at least three (3) days in advance of the date for jury duty, and requires that employees submit a copy of his/her jury duty notice to his/her immediate manager with the leave request. In addition, upon returning to work, an employee must provide his/her immediate supervisor with a copy of a release form signed by the Court.
  - (b) Exempt (salaried) employees may be required to continue to meet their assigned responsibilities while serving on jury duty.
  - (c) All employees must report for work during court recesses of four (4) hours or more.

#### **F. Other Types of Leave**

In addition to the types of leave described above, Two Rivers PCS provides the following types of leave:

1. **Military Leave** – The School will grant military leave to eligible employees in accordance with all applicable state and federal laws.
2. **Leave for Appearance as Witness**
  - (a) If subpoenaed to appear in court as a witness, an employee will be granted unpaid leave. Under such circumstances, an employee may use any of his/her accumulated PTO days.
  - (b) An employee must provide the School with reasonable notice of time off needed for a court appearance required by a subpoena. As such, the School asks that employees request leave at least three (3) days in advance of the date for the

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court appearance and requires that employees submit a copy of his/her subpoena to his/her immediate supervisor with their leave request.

- (c) All employees must report for work during court recesses of four (4) hours or more.
  - (d) If an employee is a party to a legal proceeding, the School will consider requests for leave on a case-by-case basis, subject to the D.C. Accrued Sick and Safe Leave Act.
3. **Voting** – Employees should make every effort to complete their voting for federal, state, or local elections during non-work hours. If this is impossible, an employee needing time off to vote must obtain the Executive Director's or supervisor's approval. Approval for such time off is left to the discretion of the employee's supervisor.
4. **Parental Leave** – Employees working in the District of Columbia are entitled to parental leave. Unless granting leave would disrupt the School's business and leave would make the achievement of production or service delivery unusually difficult, qualifying employees may take a total of 24 hours of leave during any 12- month period to attend or participate in school-related events for their children. The following individuals qualify for parental leave: (1) a parent, legal guardian, or individual with legal custody of a child; (2) an aunt, uncle or grandparent of a child; or (3) a person married to a parent, legal guardian, individual with legal custody, aunt, uncle or grandparent of a child. Employees wishing to take parental leave must provide their supervisor with 10 days notice of the need for leave, unless the leave is not reasonably foreseeable. Parental leave is unpaid, but employees may substitute PTO for unpaid leave. Employment benefits and seniority shall not be lost during leave.
5. **Family and Medical Leave** – See Family and Medical Leave Act ("FMLA") Policy (Section 1.H.).
6. **Leave of Absence** – There is no "Leave of Absence," unless required by law (or, where applicable, employment contract). If you are not legally or contractually entitled to a leave of absence, you may leave your employment with the School at any time. We expect that you will give proper notice. However, the School is under no obligation to rehire you

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in the same position or a similar position should you desire to return as a School employee. Your re-employment will depend upon, but not be limited by, the needs of the School for an employee such as yourself and the circumstances under which you left the School. Any benefits you enjoy as an employee will not continue, except as provided by COBRA. Any seniority you accumulate while employed by the School will be forfeited upon your termination, and will not be credited to your status should you return as a School employee.

7. **Flextime** - The operating days and hours of Two Rivers PCS are generally Monday through Friday, 8:00 a.m. to 5:00 p.m. All employees are expected to be at work during their prescribed core hours unless approval is granted by your immediate supervisor for a flexible work schedule for a specific date or dates. Supervisors approve flextime on a case-by-case basis. The supervisor will approve or deny the flextime request based on staffing needs, the employee's job duties, and the employee's work record. A flextime arrangement may be suspended or canceled at any time. Exempt employees must depart from any flextime schedule to perform their jobs. Non-exempt employees may be asked to work overtime regardless of a flextime schedule.
  
8. **DC Paid Family Leave** - On July 1, 2020, the District of Columbia began administering paid leave benefits. [DC workers can now apply for paid family leave](#). The Paid Leave Act provides up to:
  - 8 weeks to bond with a new child
  - 6 weeks to care for a family member with a serious health condition
  - 2 weeks to care for your own serious health condition

For inquiries regarding the Paid Family Leave program, please contact the Office of Paid Family Leave at [does.opfl@dc.gov](mailto:does.opfl@dc.gov) or visit our website [dcpaidfamilyleave.dc.gov](http://dcpaidfamilyleave.dc.gov). Individuals that require assistance due to hearing impairment, please call 711 to access TTY services.

## G. Retirement Plan

If employees meet the eligibility requirements they can participate in the School's retirement plan. Details concerning the requirements for eligibility and the benefits provided by this plan

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are set forth in a summary booklet and the plan documents, all of which can be obtained from the HR Team. In the event the plan documents differ from any of the descriptions contained herein, the language in the plan documents will prevail.

## **H. Travel Policy**

Various travel expense limitations and guidelines have been established and are detailed below. Staff are authorized to travel or to incur expenses on behalf of the organization when, in the judgment of the Executive Director or designee, the best interests of the organization will be served. The Executive Director, or designee, shall approve all travel expenses before any expense is incurred. After incurring travel expenses, employees shall attest to all expenses reported on the expense form, except where noted, below.

1. **Air Travel** - The Program Associate or his/her designee will make air travel arrangements. Air travel arrangements should be made at least two weeks before the flight date. The Program Associate or his/her designee will use the organization's credit card to purchase air tickets. Confirmation of purchase will be included with the expense form documenting use of the credit card. The same policy applies for train or bus travel.
  
2. **Hotel/Motels** - The Program Associate or his/her designee will make hotel/motel reservations using the organization's credit card. The organization will pay or reimburse reasonable room charges, generally within the per diem rate as established by the U.S. General Services Administration (GSA) for one person. All hotel rates in excess of the published per diem rate for the city must be approved by the Executive Director or designee. Receipts for hotel rooms must be turned in with an expense form to be reimbursed.

Other expenses billed to the hotel room will be reimbursed only if they are specifically related to the organization's business. Deductions for any personal expenses that appear on a hotel bill should be made on the employee expense report form. Hotel and motel rooms, as well as incidental expenses, are authorized one night before and/or one night after a meeting as travel conditions require. An extra hotel night will be reimbursed if it allows for significant airfare savings due to a Saturday night stay.

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3. **Meals** - No receipts are necessary for meals and incidental expenses (for example, purchasing a replacement toothbrush). Instead, staff traveling for professional development will be reimbursed at the Federal Government per diem rates for the locality (per diem rates are set by GSA). The first and last days of travel are eligible for 75% of the per diem rate. When meals are provided and employees do not have to pay for those meals, the per diem rate reimbursed to the employee will be reduced based on the Federal Government Meals and Incidental Breakdown. If a trip includes meals paid for through a registration fee for a conference, those meals should be deducted from the reimbursement request. The separate amounts for breakfast, lunch, and dinner are listed on the [GSA website](#).
4. **Bus, Rail, Taxis, Local Transportation, and Parking** - Charges for these are reimbursable with an original receipt, where possible. An expense form must be filed.
5. **Car travel** - When personal automobiles are used for business-related travel, mileage reimbursement shall be at the level approved by the U.S. Internal Revenue Service. Mileage must be documented with the date of travel, place of origin, destination, the total number of miles, mileage reimbursement rate, and the total amount of reimbursement. Reimbursement for car rentals and associated gas expenses are authorized when necessary for business-related purposes. Commuting mileage will not be reimbursed. The cost of gas will only be reimbursed when using a rental car.
6. **Miscellaneous** - Gratuities for services related to the organization's business will be reimbursed up to but no higher than 20% gratuity. The date, amount, and purpose must be noted on the travel expense report. Reasonable laundry and valet services will be reimbursed for stays of over five days or in emergency situations. Two Rivers will not pay for in-room movies, minibar expenses, health club access, or other hotel services charged to staff. Staff will be responsible for any charges made outside of the room rate. Two Rivers will not pay for telephone calls made from hotel rooms. If staff invite non-staff to travel with them, staff are expected to pay the difference in hotel rate from single to double as well as any other travel costs for the non-staff member. Additional hotel nights beyond the length of the conference or workshop will be at staff expense.

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7. **Reimbursement process** - Expense reports must be submitted within 30 days of the end date of travel in order to be reimbursed. Receipts are required for all expenses except metro fare, tolls, and non-restaurant tips under \$10.00. Tips, tolls, and metro fare over \$10.00 must be documented with receipts. The following items shall be included on the travel reimbursement form:
  - Name of employee
  - Itemization of expenses with original invoice documentation regardless of the amount of expense.
  - Date of travel
  - Purpose of Travel
8. **Unallowable Expenses** - Reimbursement will not be made for items of a personal nature or for entertainment unless approved by the Executive Director. These expenses include but are not limited to movies and alcohol expenses.

## I. Remote Telework

1. **General Provisions** - Employees who telework must maintain compliance with all Two Rivers PCS policies, procedures, and guidelines. This includes, but is not limited dress code, attendance, and timeliness. Professional practices should be upheld while teleworking, ensuring to the extent possible that the background activity and images are appropriate.
2. **Compensation** - In accordance with company policy, Two Rivers PCS will compensate employees as required by the Fair Labor Standards Act and the company's policies and pay practices. Two Rivers sets the workday requirement and employees are expected to work the set hours regardless of the location. The supervisor and employee may agree to a modified schedule to accommodate other responsibilities, the focus of the teleworking arrangement must remain on job performance and meeting work obligations during work hours.
3. **Injuries and Workers Compensation** - Injuries sustained by the employee while at their alternate work location and in conjunction with

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their regular work duties are normally covered by the company's workers' compensation policy. Employees are responsible for notifying Two Rivers Public Charter School of any accident or injury suffered in accordance with the company workers' compensation procedures. The employee is liable for any injuries sustained by visitors to their alternate work location. Visits by co-workers for business reasons must have prior supervisor approval.

## **SECTION 6: EMPLOYEE DISCIPLINE**

Violation of the School's rules, policies, and procedures or the failure to adhere to the standards as set forth in this Handbook, or as otherwise communicated to an employee, may result in disciplinary action, which may take the form of an oral or written warning, suspension, or immediate discharge, depending upon the facts and circumstances of the situation. Disciplinary action will be instituted at the discretion of the Executive Director in accordance with the severity of the violation committed by the employee. Any disciplinary action taken against an employee will be documented in the employee's personnel file.

In general, the following are conduct, which will result in immediate discipline, up to, and including termination of employment (this list is illustrative and is in no way exhaustive):

- Discourtesy to a student, parent, and/or guardian
- Insubordination
- Intoxication
- Corporal punishment
- Misconduct
- Dishonesty
- Possession, distribution, sale, transfer, or use of firearms or illegal substances on the School's property
- Theft or removal or possession of the School's property
- Violation of School policies and/or procedures
- Falsification of School records, including time records
- Working under the influence of alcohol or recreational/illegal drugs
- Fighting or threatening violence in the workplace
- Any sexual and/or inappropriate contact by an employee with a student or other minor child
- Unacceptable job performance, conduct, and/or attendance
- Conduct which is injurious to the School

## SECTION 7: TERMINATION

### **A. Voluntary Terminations**

Unless otherwise agreed upon in writing, you are an employee at will. As an employee at will, you have the right to terminate your employment with the School at any time and for any reason, with or without notice. Voluntary termination of employment by you can be accomplished in the following ways:

1. **Resignation** – Resignation occurs when you officially ask to be separated from employment. As a general rule, employees should, whenever possible, submit written notice of their resignation to their immediate supervisor at least two (2) weeks in advance of the intended last day of employment. The last day of employment cannot end on a holiday. In addition, once an employee has submitted a notice of his/her resignation, the School will not grant paid leave to the employee, unless the employee provides the School with a physician's note documenting the inability to work. The School reserves the right to relieve resigning employees of their duties immediately in situations where, in the School's sole discretion: (1) the notice period is unnecessary; (2) employment through the notice period could result in disruption of the operations of the School; or (3) the School has other valid business reasons.
  
2. **Failure to Report to Work** – If an employee fails to report to work as scheduled without calling in to report the absence for two (2) or more consecutive workdays, the employee will be considered to have voluntarily abandoned his/her job, and employment will be terminated.

### **B. Involuntary Terminations**

Unless otherwise agreed upon in writing, you are an employee at will, and, as such, the School has the right to terminate your employment at any time, with or without cause, and with or without notice.

### **C. Return of Property**

Updated: September 2020

If employment is terminated for any reason, employees will be required to return all School property (including, but not limited to laptops, cell phones, keys, security cards, pagers, radios, and any other School records, documents, materials, data or other proprietary information belonging to the School) to the Operations Team.

#### **D. References and Letters of Recommendation**

Pursuant to the School Safety Omnibus Amendment Act of 2018 (“Omnibus Act”), no employee, contractor, or agent of Two Rivers PCS may assist an individual in obtaining a job involving direct interaction with minors if they know or have probable cause to believe that the individual engaged in sexual misconduct or sexual abuse regarding a child or student in violation of DC or federal law. This prohibition does not apply if the information giving rise to probable cause has been properly reported to law enforcement and any other authorities as required by Federal, State, or local law; AND

- i. the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
- ii. the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
- iii. the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

In order to ensure compliance with this policy, the following steps will be taken:

- All employees will be notified in writing of this policy and the prohibition against assisting employment of perpetrators of sexual abuse upon hiring and at least annually through the Staff Handbook.
- All Two Rivers PCS board members will be notified in writing of this policy and the prohibition against assisting the employment of perpetrators of sexual abuse upon appointment to the board and at least annually.
- All contractors will be notified in writing of this policy and the prohibition against assisting the employment of perpetrators of sexual abuse upon hiring and at least annually.

Any school employee, contractor, or agent who knowingly assists another school employee, contractor, or agent who is known or believed to have engaged in sexual misconduct regarding a minor or student shall be subject to appropriate disciplinary action in accordance with the Two Rivers PCS staff handbook, up to and including termination of employment.

Updated: September 2020

The Two Rivers PCS human resources team shall maintain records of all allegations of sexual misconduct, child abuse, or the failure to report child abuse, as well as the outcome of any subsequent investigation for all school employees, contractors, or agents. The human resources team shall provide this information when contacted by another LEA or school that is considering hiring the applicant.

References and/or letters of recommendation for departed or departing employees are not provided as a matter of right. To ensure compliance with the Omnibus Act, requests for references and/or letters of recommendation should only be completed by the direct supervisor. No other employee, except for a member of the human resources team, should complete references and/or letters of recommendation. The School will only provide a departed or departing employee's prospective employers with his/her dates of employment, rate of pay, and job classification. The School will not provide further information to prospective employers unless the former employee provides written and signed authorization to the direct supervisor.

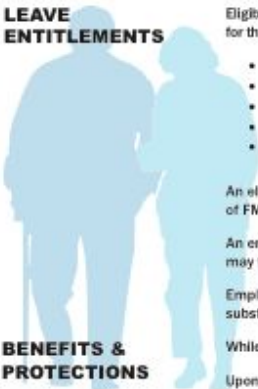
No board member of Two Rivers PCS should provide an employment verification or recommendation, either verbal or written, on behalf of a current or former Two Rivers PCS employee. Requests for employment verification or recommendations received by a board member should be forwarded to the human resources team at [HR@tworiverspcs.org](mailto:HR@tworiverspcs.org).

## ADDENDUM

# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

### LEAVE ENTITLEMENTS



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

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

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

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

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

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

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

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

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

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

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

### BENEFITS & PROTECTIONS

### ELIGIBILITY REQUIREMENTS

### REQUESTING LEAVE

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

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

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

### EMPLOYER RESPONSIBILITIES

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

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

### ENFORCEMENT

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

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

For additional information or to file a complaint:

**1-866-4-USWAGE**

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

**www.dol.gov/whd**

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



2020

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# Protecting Pregnant Workers Fairness Act

- Know Your Rights in the District of Columbia -



## Accommodations for Pregnancy, Childbirth and Breastfeeding

The Protecting Pregnant Workers Fairness Act (PPW) requires District of Columbia employers to provide reasonable workplace accommodations for employees whose ability to perform job duties is limited because of pregnancy, childbirth, breastfeeding, or a related medical condition.

The employer must engage in good faith and in a timely and interactive process to determine the accommodations.

## Types of Accommodations

Employers must make all reasonable accommodations,\* including but not limited to:

- More frequent or longer breaks;
- Time off to recover from childbirth;
- Temporarily transferring the employee to a less strenuous or hazardous position;
- Purchasing or modifying work equipment, such as chairs;
- Temporarily restructuring the employee's position to provide light duty or a modified work schedule;
- Having the employee refrain from heavy lifting;
- Relocating the employee's work area; or
- Providing private (non-bathroom) space for expressing breast milk.

## Prohibited Actions by Employers

Employers may not:

- Refuse an accommodation unless it would cause significant hardship or expense to the business;
- Take adverse action against an employee for requesting an accommodation;
- Deny employment opportunities to the employee because of the request or need for an accommodation;
- Require an employee to take leave if a reasonable accommodation can be provided; or
- Require employees to accept an accommodation unless it's necessary for the employee to perform her job duties.

## Certification from Health Care Provider

The employer may require an employee to provide certification from a health care provider indicating a reasonable accommodation is advisable. The certification must include: (1) the date the accommodation became or will become medically advisable; (2) an explanation of the medical condition and need for a reasonable accommodation; and (3) the probable length of time the accommodation should be provided.

### Filing a Complaint of a Violation

If you believe an employer has wrongfully denied you a reasonable accommodation or has discriminated against you because of your pregnancy, childbirth, need to breastfeed or a related medical condition, you can file a complaint within one year with the DC Office of Human Rights (OHR). To file a complaint, visit:

- **Online** at [ohr.dc.gov](http://ohr.dc.gov); or
- **In-Person** at 441 4th Street NW, Suite 570N, Washington, DC 20001.

A case can also be initiated through the Department of Employment Services (DOES) Office of Wage and Hour Compliance by calling (202) 671-1880. All cases must be filed and investigated by OHR. Once OHR issues a decision, a DOES administrative law judge will decide if a violation of the statute occurred. The DOES decision may be appealed to the DC Office of Administrative Hearings.

\* A "reasonable accommodation" is one that does not require significant difficulty in the operation of the employer's business or significant expense for the employer, with consideration to factors such as the size of the business, its financial resources and the nature and structure of the business.



dc paid family leave 

# DC Paid Family Leave is here for **you.**

You don't have to choose between caring for yourself or your loved ones and your job security in DC. The well-being of our communities and our workforce is supported by Paid Family Leave.

**The Paid Leave Act provides up to:**

-  **8 weeks**  
to bond with a new child
-  **6 weeks**  
to care for a family member with a serious health condition
-  **2 weeks**  
to care for your own serious health condition

## The Office of Paid Family Leave

The DC Department of Employment Services (DOES) provides comprehensive employment services to ensure a competitive workforce, full employment, lifelong learning, economic stability, and the highest quality of life for all District residents.

At DOES, the Office of Paid Family Leave (OPFL) is working with employers and workers to support the implementation of the Paid Family Leave benefit, and to ensure that our communities are a meaningful part of the process. We are:

- Engaging with the employer and employee communities
- Developing an infrastructure to manage the benefit for employers and employees
- Learning from other states that have Paid Family Leave programs
- Managing rulemaking and public input

Learn more about Paid Family Leave at [dcpaidfamilyleave.dc.gov](https://dcpaidfamilyleave.dc.gov).

**OFFICE OF PAID FAMILY LEAVE**  
 4058 Minnesota Avenue, NE dcpaidfamilyleave.dc.gov  
 Washington, DC 20019 does.opfl@dc.gov | 202.899.3700




*Pending final regulations—items are subject to change.*



Updated: September 2020



Across DC, employers and residents aim to thrive each day. The Office of Paid Family Leave is working to design and implement a program that meets the needs of children, families, people in need of care, caregivers, employers, and healthcare providers.

## Our Focus

DC is currently working to engage employers to define how the Paid Leave Act will be implemented.

Starting July 1, 2019, the District began collecting taxes from all private sector employers to fund the Paid Family Leave benefit.

On July 1, 2020, the District will begin administering paid leave benefits.

The Office of Paid Family Leave is committed to meaningful and ongoing community engagement as the program is developed and launched. We invite you to **connect with us!**

## About DOES

It is the Department of Employment Services (DOES) mission to connect District residents, job seekers, and employers to opportunities and resources that empower fair, safe, and effective working communities. DOES provides comprehensive employment services to ensure a competitive workforce, full employment, life-long learning, economic stability, and the highest quality of life for all DC residents.

Contact the Office of Paid Family Leave with questions at [does.opfl@dc.gov](mailto:does.opfl@dc.gov).



### OFFICE OF PAID FAMILY LEAVE

4058 Minnesota Avenue, NE  
Washington, DC 20019

[dcpaidfamilyleave.dc.gov](http://dcpaidfamilyleave.dc.gov)  
[does.opfl@dc.gov](mailto:does.opfl@dc.gov) | 202.899.3700



GOVERNMENT OF THE  
DISTRICT OF COLUMBIA  
MURIEL BOWSER, MAYOR

*Pending final regulations—items are subject to change.*

Updated: September 2020



## TWO RIVERS PUBLIC CHARTER SCHOOL

### TITLE IX POLICY

#### I. NONDISCRIMINATION ON THE BASIS OF SEX

The U.S. Department of Education has published regulations for implementing Title IX of the Education Amendments of 1972, which prohibits sex discrimination in federally assisted education programs.

Title IX states, in part: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance.”<sup>1</sup>

Two Rivers PCS (“Two Rivers”) ensures compliance with Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964 and the regulations promulgated through the U.S. Department of Education.

#### II. TITLE IX COORDINATOR

Two Rivers has designated two individuals to coordinate the school’s response to reports or complaints of sexual harassment as it relates to students and employees.<sup>2</sup> The contact information for the Title IX Coordinators can be found below.

For reports or complaints related to students:

Nichel Bryant, Director of Student Support/Title IX Coordinator  
1227 4<sup>th</sup> Street NE, Washington, DC 20002  
(202) 546-4477  
[nbryant@tworiverspcs.org](mailto:nbryant@tworiverspcs.org)

For reports or complaints related to employees:

Mary Gornick, Director of Human Resources and Business Operations/Title IX Coordinator  
1227 4<sup>th</sup> Street NE, Washington, DC 20002  
(202) 810-5517  
[mgornick@tworiverspcs.org](mailto:mgornick@tworiverspcs.org)

Reports related to both students and employees should be reported to both Title IX Coordinators.

#### III. SEXUAL HARASSMENT

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<sup>1</sup> Education Amendments of 1972, Title IX; 20 USC 1681 *et seq.*; 34 C.F.R. § 106.31(a); *see also* [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html#:~:text=Title%20IX%20states%20that%3A,activity%20receiving%20Federal%20financial%20assistance.](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html#:~:text=Title%20IX%20states%20that%3A,activity%20receiving%20Federal%20financial%20assistance.)

<sup>2</sup> 34 C.F.R. § 106.8.

Two Rivers does not discriminate on the basis of sex in any education program or activity that it operates, including admission and employment. Two Rivers is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to Two Rivers may be referred to Two Rivers' Title IX Coordinators, to the Assistant Secretary for Civil Rights of the Department of Education, or both. Two Rivers has designated the individuals reference in Section II. above to serve as Two Rivers' Title IX Coordinators.

Any person may report sex discrimination, including sexual harassment, at any time, including during non-business hours. All employees of Two Rivers must report to a Title IX Coordinator possible sexual harassment, sexual assault, dating violence, stalking or domestic violence. Such a report may be made in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinators, or by any other means that results in the Title IX Coordinator(s) receiving the person's verbal or written report.

For purposes of this policy and the grievance process, "sexual harassment"<sup>3</sup> means conduct on the basis of sex that satisfies one (1) or more of the following:

1. A Two Rivers employee conditioning the provision of an aid, benefit, or service of Two Rivers on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to Two Rivers' education program or activity; or
3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or "stalking" as defined in 34 USC 12291(a)(30).

When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator will direct the individual to the applicable sex discrimination process for investigation.

#### Retaliation Prohibited

Two Rivers prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding or hearing, if applicable. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

#### Confidentiality

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<sup>3</sup> 34 C.F.R. § 106.30(a).

Two Rivers must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any individual who has been alleged to be the victim or perpetrator of conduct that could constitute sexual harassment, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing or judicial proceeding arising thereunder.

#### Notice Requirements

Two Rivers provides notice to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees and the union(s) with the name or title, office address, email address and telephone number of the Title IX Coordinators and notice of Two Rivers grievance procedures and process, including how to report or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment and how Two Rivers will respond. Two Rivers also posts the Title IX Coordinators' contact information and Title IX policies and procedures in a prominent location on Two Rivers' website and in all handbooks made available by Two Rivers.

#### Training Requirements

Two Rivers ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of Two Rivers' education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. Two Rivers also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on Two Rivers' website.

#### Conflict of Interest and Bias

Two Rivers ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

#### Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in

accordance with the process outlined below. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

#### IV. SEXUAL HARASSMENT GRIEVANCE PROCESS

Two Rivers requires the following grievance process to be followed for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited as sexual harassment by Title IX. Two Rivers directs the process to be published in accordance with all statutory and regulatory requirements.<sup>4</sup>

##### Definitions

The following definitions apply for Title IX policies and procedures:

“Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to Two Rivers’ Title IX Coordinator(s) or any official of Two Rivers who has authority to institute corrective measures on behalf of Two Rivers, or to any employee of an elementary or secondary school.

“Education program or activity:” includes locations, events or circumstances over which Two Rivers exercised substantial control over both the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, and the context in which the sexual harassment occurs.

“Complainant:” an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Respondent:” an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that Two Rivers investigate the allegation of sexual harassment.

“Supportive measures:” non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling; extending deadlines; modifying class or work schedules; placing mutual restrictions on contact between the parties; and providing leaves of absence.

##### Two Rivers Requirements

When Two Rivers has actual knowledge of sexual harassment in an education program or activity of Two Rivers, Two Rivers will respond promptly in a manner that is not deliberately indifferent.<sup>5</sup> When the harassment or discrimination on the basis of sex does not meet the definition of sexual

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<sup>4</sup> 34 C.F.R. § 106.44.

<sup>5</sup> An institution acts with deliberate indifference only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. This standard is set forth in *Davis v. Monroe Board of Education*, 526 U.S. 629 (1999).

harassment, the Title IX Coordinator will direct the individual to the applicable sex discrimination process for investigation.

Two Rivers treats individuals who are alleged to be the victim (Complainant) and perpetrator (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive measures. Supportive measures are designed to restore or preserve equal access to Two Rivers' education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Two Rivers' educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of Two Rivers' property, campus escort services, changes in work locations and other similar measures.

The Title IX Coordinators are responsible for coordinating the effective implementation of supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. If Two Rivers does not provide the Complainant with supportive measures, then Two Rivers must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

### Timelines

Two Rivers will conclude the hearing process and render a decision within 90 days of the formal complaint being filed. Any appeal must be submitted within ten (10) calendar days from the decision and any response from the non-appeal party must be provided within ten (10) calendar days of the party being notified of the appeal. An appeal decision will be issued within thirty (30) calendar days after receiving both parties appeal submissions (or the deadline for such submissions passing), unless additional time is required, in which case the parties will be notified that an extension of time is required to resolve the appeal. The grievance process may be temporarily delayed or extended for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the event the grievance process is temporarily delayed for good cause, Two Rivers will provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

### Response to a Formal Complaint

At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of Two Rivers with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator(s) in person, by mail, by electronic mail, or other means designated by Two Rivers.

Two Rivers must follow the formal complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. However, nothing in this policy precludes Two Rivers from removing a Respondent from Two Rivers' education program or activity on an emergency basis, provided that Two Rivers undertakes an individualized safety and risk

analysis, determines that an immediate threat to the physical health or safety of any student Upon receipt of a formal complaint, Two Rivers must provide written notice to the known parties including:

1. Notice of the allegations of sexual harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;
2. An explanation of Two Rivers' investigation procedures, including any informal resolution process;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence and
5. Notice to the parties of any provision in Two Rivers' code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, Two Rivers decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations must be provided to known parties.

Two Rivers may consolidate formal complaints as to allegations of sexual harassment against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### Investigation of a Formal Complaint

When investigating a formal complaint and throughout the grievance process, Two Rivers must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on Two Rivers and not the parties;
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
4. Allow the parties to be accompanied with an advisor of the party's choice who may be, but is not required to be, an attorney. Two Rivers may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;



5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make creditability determinations based on the individual's status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

#### Dismissal of Formal Complaints

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in Two Rivers' education program or activity, or did not occur against a person in the United States, then Two Rivers must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy.

The Title IX Coordinators also may dismiss the formal complaint or any allegations therein at any time during the investigation or hearing, if applicable, when any of the following apply:

1. A Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by Two Rivers; or
3. Specific circumstances prevent Two Rivers from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties.

#### Evidence Review

Two Rivers provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence provided by Two Rivers must include evidence that is directly related to the allegations in the formal complaint, including evidence upon which Two

Rivers does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or other source.

Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have ten (10) calendar days to submit a written response to the Title IX Coordinator, which the investigator will consider prior to completion of the investigative report.

### Investigative Report

The investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties have ten (10) calendar days to submit a written response to the Title IX Coordinator.

### Decision-Maker's Determination

The investigative report is submitted to the decision-maker. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a hearing or make a determination regarding responsibility until ten (10) calendar days from the date the Complainant and Respondent receive the investigator's report.

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within three (3) calendar days from the date the Complainant and Respondent receive the investigator's report. The decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence standard. The decision-maker's written determination must:

1. Identify the allegations potentially constituting sexual harassment;
2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Include the findings of fact supporting the determination;
4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to the facts;

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanction(s) imposed on the Respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by Two Rivers to the Complainant and
6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.

A copy of the written determination must be provided to both parties simultaneously, and generally will be provided within ninety (90) calendar days from Two Rivers' receipt of a formal complaint.

The determination regarding responsibility becomes final either on the date that Two Rivers provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination of responsibility for sexual harassment has been made against the Respondent, Two Rivers will provide remedies to the Complainant that are designed to restore or preserve equal access to Two Rivers' education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies.

Following any determination of responsibility, Two Rivers may implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated agreement. For students, the sanctions may include disciplinary action, up to and including permanent exclusion. For employees, the sanctions may include any form of responsive discipline, up to and including termination.

### Appeals

Either the Complainant or Respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time that could affect the outcome and
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome.

The request to appeal must be made in writing to the Title IX Coordinator within ten (10) calendar days after the date of the written determination. The appeal decision-maker must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual

Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the decision-maker from the original determination.

The appeal decision-maker must notify the other party in writing when an appeal is filed and any response from the non-appeal party must be provided within ten (10) calendar days of the party being notified of the appeal. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision must be provided to both parties simultaneously, and generally will be provided within thirty (30) calendar days after receiving both parties appeal submissions (or the deadline for such submissions passing), unless additional time is required, in which case the parties will be notified that an extension of time is required to resolve the appeal.

### Informal resolution process

Except when concerning allegations that an employee sexually harassed a student, at any time during the formal complaint process and prior to reaching a determination regarding responsibility, Two Rivers may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility, provided that Two Rivers:

1. Provides to the parties a written notice disclosing:
  - A. The allegations;
  - B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint and
  - C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process generally will be completed within thirty (30) calendar days, unless the parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process. The formal grievance process timelines are stayed during the parties' participation in the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the formal complaint grievance process, including timelines for resolution, at the point they left off.

### Recordkeeping

Two Rivers must maintain for a period of seven (7) years records of:

1. Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the

Complainant designed to restore or preserve equal access to Two Rivers' education program or activity;

2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. Two Rivers must make these training materials publicly available on its website.

Two Rivers must create, and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, Two Rivers must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Two Rivers' education program or activity.

(Approval date: October 5, 2020)