



# **BayTech Employee Handbook**

**2023-2024**

**Bay Area Technology School  
8251 Fontaine Street  
Oakland, California 94605  
Phone: (510) 382-9932  
Fax: (510) 510-369-5758  
[www.baytechschool.org](http://www.baytechschool.org)**

<b>General Policies</b>	<b>5</b>
Introductory Statement	5
Right to Revise	5
Preamble	5
Commitment to the Students	6
Commitment to the Public	7
Commitment to the Profession	7
At-Will Employment Status	8
Equal Employment Opportunity	8
Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy	8
Unlawful Harassment	9
Retaliation	10
Complaint Procedure—Discrimination, Unlawful Harassment, Retaliation	10
Uniform Complaint Procedure	11
Whistle Blower Policy	12
<b>Hiring</b>	<b>14</b>
Employee Classifications	14
Exempt Employees	14
Non-Exempt Employees	14
Full-Time Employees	14
Part-Time Employees	14
Regular Employees	14
Temporary Employees	15
Hiring Requirements	15
Certification	15
Tuberculosis Testing	15
Criminal Background Checks	15
Immigration Compliance	15
Job Duties	16
<b>Leaves Of Absence</b>	<b>17</b>
Bereavement Leave	17
Pregnancy Disability Leave	17
Family/Medical Leave	18
Leave Procedures	19
Returning to Work	20
Carryover	21
Intermittent Leave	21
Paid Sick Leave	21
Eligible Employees	21
Permitted Use	21
Accrual Rate, Maximum, and Carryover	22
Limits on Use	22
Notification	22

Termination	22
No Discrimination or Retaliation	23
Domestic Violence Leave	23
Jury Duty and Witness Leave	23
Military Leave	24
Emergency Duty/Training Leave	24
School Activities	24
Suspended Pupil/Child Leave	25
Time Off for Voting	25
Victims of Crime Leave	25
Military Spouse Leave	25
Adult Literacy Leave	26
Alcohol and Drug Rehabilitation Leave	26
Civil Air Patrol	26
Leave for Bone Marrow and Organ Donors	26
<b>Benefits</b>	<b>28</b>
State Disability Insurance	28
Unemployment Compensation	28
Paid Family Leave (“PFL”)	28
Social Security	28
Workers’ Compensation	28
Worker’s Compensation and FMLA/CFRA	29
Workers’ Compensation and Paid Sick Leave	29
Other Benefits	30
Healthcare Insurance	30
Retirement Plan	30
External Employee Education	30
<b>Management</b>	<b>32</b>
Enrollment Preference Plan	32
Employee Property	32
Employment of Relatives	32
Dispute Resolution Policy	32
Personnel Records	33
<b>BayTech Property And Operational Considerations</b>	<b>34</b>
Employer Property	34
Lactation	34
Housekeeping	34
Off-Duty Use of Facilities	34
Parking	35
Solicitation and Distribution of Literature	35
Electronic and Social Media	35
Social Media	36

Standards of Conduct	36
Creating and Using School Social Media	38
Access	38
Discipline	39
Retaliation Is Prohibited	39
Questions	39
Taking Photographs	39
Email and Voicemail	39
Definitions	40
Ownership and Conditions of Use	40
Confidentiality and Privileges	41
Prohibited Use	41
Access and Disclosure	42
Discipline for Violations of Policy	42
Policy May Be Amended at Any Time	42
News Media Contacts	42
<b>Employee Conduct</b>	44
Employee-Student Relations Policy	44
Boundaries Defined	44
Unacceptable and Acceptable Behavior	44
Reporting Violations	46
Child Abuse and Neglect Reporting	46
Investigating	46
Violations	47
Business Conduct and Ethics	47
Conducting Personal Business	47
Confidentiality	47
Conflict of Interest	47
Relations with Other School Stakeholders	48
Dress Code and Personal Standards	48
Casual Day	48
Punctuality and Attendance	49
Other Employment	49
Charter Compliance	50
Code of Professionalism	50
Prohibited Conduct	50
Drug and Alcohol Abuse	51
Smoking	52
Off Duty Conduct	53
Discipline	53
<b>Wages</b>	54
Payment of Wages	54
Advances	54

Deductions for Exempt Employees	54
Non-Exempt Employees	55
Meal and Rest Periods	55
Overtime for Non-Exempt Employees	55
Pay for Mandatory Meetings/Training	56
Timekeeping Requirements	56
Work Schedules	56
<b>Safety and Health</b>	<b>57</b>
Health and Safety	57
Workplace Violence	57
Employees Who Are Requested to Drive	57
Prohibited Use of Cell Phone While Driving	58
Recreational Activities and Programs	58
<b>Termination</b>	<b>59</b>
Employee References	59
Involuntary Termination	59
Voluntary Resignation	59
Teachers	59
Non-Teachers	59
Bases for Disciplinary Action	60
Staff Procedures	60
Field Trips	62
<b>Appendix A - Uniform Complaint Procedure Form</b>	<b>63</b>
<b>Confirmation of Receipt</b>	<b>65</b>

# GENERAL POLICIES

## Introductory Statement

Welcome! As an employee of Bay Area Technology School (“BayTech Charter School,” or “BayTech”), you are an important member of a team effort. We hope that you will find your position with BayTech rewarding, challenging, and productive.

Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We look to you and the other employees to contribute to the success of BayTech.

This employee handbook is intended to explain the terms and conditions of employment of all full- and part-time employees and administrators. Written employment agreements between BayTech and some individuals may supersede some of the provisions of this handbook. This handbook summarizes the policies and practices in effect at the time of publication. This handbook supersedes all previously issued handbooks and any policy or benefit statements or memoranda that are inconsistent with the policies described here. Your Director/Principal or other site administrators will be happy to answer any questions you may have regarding this handbook and BayTech’s policies and practices.

## Right to Revise

BayTech reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment. However, any such changes must be in writing and must be approved by the Board of BayTech.

Any written changes to this handbook will be available to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

Nothing in this employee handbook or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

## Preamble

All members of BayTech Charter School believe in and support the mission statement, which is:

***Mission Statement:** BayTech infuses assistive technology throughout the school to provide a personalized educational experience for every student to be college and career ready.*

All staff will believe the freedom to learn and to teach, with a guarantee of equal educational opportunity for all, is essential to fulfilling the school’s mission. All staff will recognize and accept the responsibility to educate every student according to the highest ethical standards.

All staff will understand the magnitude of the responsibility in the field of education. They

engage individually and collectively to hold each other accountable in accordance with the provisions of the Code of Ethics.

All staff will hold the core belief that education is the single most important profession and will approach their work every day with a positive and enthusiastic frame of mind. BayTech Charter School students deserve the best we have to offer—our talents, knowledge, and skill—to nurture democratic citizenship and inspire students to become the future world leaders in all occupations. In addition, we believe that education is the profession with the highest expectations and that the only acceptable standard for the education of our youth is the standard of greatness.

All staff will acknowledge the challenges we all face in society today; yet, the expectation is that the family of every single young person who walks through BayTech Charter School holds these same values and high expectations for their child(ren). We support parents in their quest for excellence in the cognitive and affective domains for their child(ren).

## **Commitment to the Students**

BayTech Charter School Staff will be dedicated to developing schoolwide goals. They are:

- High academic achievement;
- Integrity of character;
- A spirit of unselfishness;
- Respect for others;
- Potential for leadership; and
- Physical vigor.

All staff will work to inspire students to develop a spirit of inquiry, the acquisition of knowledge and understanding, and facilitate goal setting for higher education. In fulfilling this commitment, staff will:

- Encourage students to become innovative and creative thinkers in their pursuit of learning;
- Prepare the subject matter collaboratively, presenting it to the students without distortion and, within the limits of time and curriculum;
- Protect the health and safety of students;
- Honor the integrity of students and influence them through motivational techniques;
- Provide for participation in educational programs without regard to race, color, creed, gender, gender identity, and national origin, both in what is taught and how it is taught; and
- Keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

## Commitment to the Public

All staff will believe that democratic citizenship in its highest form requires dedication to the principles of our democratic heritage. All staff will share with all other citizens the responsibility for the development of sound public policy and assume full political and citizenship responsibilities. All staff will bear particular responsibility for the development of policy relating to the extension of educational opportunities for all, and for interpretation of educational programs and policies to the public. In fulfilling these goals, all staff:

- Will have an obligation to support education and BayTech Charter School and not to misrepresent them in public discussion. When being critical in public, all members have an obligation not to distort the facts. When speaking or writing about policies, all members must take adequate precautions to distinguish members' private views from the official position of BayTech Charter School; and
- Will not interfere with a colleague's exercise of political and citizenship rights and responsibilities.

## Commitment to the Profession

All staff will believe that the quality of their services directly influence their community and the children they serve. Therefore, every effort will be made to raise academic standards, promote civic learning, and create a positive school climate. The exercise of sound personal and professional judgment will be required in order to achieve conditions that attract the most effective teachers and persons. In fulfilling these goals, all staff will:

- Accord just and equitable treatment to all staff in the exercise of their rights and responsibilities;
- Refrain from using coercive means or promise special treatment in order to influence professional decisions of colleagues;
- Always communicate in a professional manner;
- Present professional qualifications truthfully;
- Discuss the professional qualifications of their colleagues, fairly and accurately, when discussion serves a professional purpose;
- Apply for, accept, offer, and assign positions of responsibility on the basis of professional preparation and legal qualifications;
- Conduct professional business through proper channels;
- Use time granted for its intended purposes;
- Follow the conditions of employment; and
- Live up to the letter and spirit of contracts.

Administrators will have the responsibility to enforce the Code after checking the validity of any allegation and providing opportunities for representation.



## At-Will Employment Status

BayTech personnel are employed on an at-will basis, unless the employee has a written employment agreement approved by the Board of BayTech and signed by both parties or their designees specifically providing that the employee's employment is other than at-will. Employment at-will may be terminated with or without cause and with or without advance notice at any time by the employee or BayTech. Nothing in this handbook shall limit the right to terminate at-will employment. Nothing in this Handbook or in any document or statement shall limit the right to terminate employment at-will or limit BayTech's right to transfer, demote, suspend, administer discipline, and change the terms and conditions of employment at its sole discretion. Neither the Executive Director, nor any other employee of BayTech has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the Board of BayTech has the authority to make any such agreement, which is binding only if it is in writing.

## Equal Employment Opportunity

BayTech is an equal opportunity employer and makes employment decisions on the basis of merit. BayTech's policy prohibits unlawful discrimination based on based on race, religious creed (which includes religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age, sexual orientation, veteran status, or any other consideration made unlawful by federal, state or local laws, ordinances, or regulations. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful. To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, BayTech will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Director/Principal and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. BayTech will analyze the situation, engage in an interactive process with the individual, and respond to the individual's request.

If you believe you have been subjected to discrimination, please follow the complaint procedure outlined below.

## Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn and negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Bay Area Technology School (BayTech) prohibits any acts of discrimination, sexual

harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

To the extent possible, BayTech will make all reasonable efforts to prevent students from being discriminated against, harassed, intimidated, and/or bullied, and will take action to investigate, respond, address and report on such behaviors in a timely manner. BayTech school staff that witness acts of misconduct prohibited by this Policy will take immediate steps to intervene when safe to do so.

BayTech will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with which BayTech does business, or any other individual, student, or volunteer. This policy applies to all employee, student, or volunteer actions and relationships, regardless of position or gender. BayTech will promptly and thoroughly investigate any complaint of such misconduct prohibited by this policy and take appropriate corrective action, as necessary if warranted.

Title IX, Harassment, Intimidation, Discrimination and Bullying Coordinator:

Dr. Seth Feldman, Executive Director

[sfeldman@baytechschool.org](mailto:sfeldman@baytechschool.org)

8251 Fontaine St.

Oakland, Ca 94605

(510) 382-9932

**This Policy was revised and approved by the Board on 12/3/18. The Policy is located on the school website, [www.baytechschool.org](http://www.baytechschool.org) under the “School Policies” drop down portion of the “About Us” section of the menu. The staff will be trained on this policy annually.**

## Unlawful Harassment

BayTech is committed to providing a work environment free of unlawful harassment. BayTech’s policy prohibits unlawful harassment based on race, religious creed (which includes religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age, sexual orientation, veteran status, or any other consideration made unlawful by federal, state or local laws, ordinances, or regulations. All such harassment is unlawful.

BayTech’s harassment policy as stated below applies to all persons involved in the operation of BayTech and prohibits unlawful harassment by any employee of BayTech, including administrators, as well as vendors, parents, independent contractors and any other persons. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;

- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Other threats and demands based upon any other prohibited basis.
- Retaliation for opposing, reporting, or threatening to report unlawful harassment in good faith or for participating in an investigation, proceeding, or hearing conducted by the Fair Employment and Housing Commission.
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law, or by BayTech policy.

You have a right to redress for unlawful harassment. If you believe you have been subjected to unlawful harassment, please follow the complaint procedure outlined below. Employees must report conduct prohibited by this policy whether or not they are personally involved.

## **Retaliation**

BayTech prohibits retaliation against any employee because of the employee's opposition to a practice or conduct the employee reasonably believes to be unlawful or because of the employee's lawfully protected participation in an investigation or proceeding. Any retaliatory adverse action because of such opposition or participation may be unlawful and will not be tolerated. All such retaliation is unlawful.

If you believe you have been subjected to unlawful retaliation, please follow the complaint procedure outlined below.

## **Complaint Procedure—Discrimination, Unlawful Harassment, Retaliation**

Employees must report all incidents believed to be unlawful discrimination, harassment, or retaliation, regardless of whether they are the alleged victim, a witness, a bystander, or otherwise. If you believe you have been subjected to any form of such unlawful conduct, or if you have knowledge of such unlawful conduct, submit a complaint, preferably in writing, to an BayTech administrator. In the event that you believe that one of these individuals has engaged in inappropriate behavior in violation of these policies, submit a complaint to any other supervisor or the Coordinator of Human Resources, as soon as possible. Supervisors must report any and all conduct of which they are made aware, which violates, or may violate, policies regarding unlawful discrimination, harassment, or retaliation to the Coordinator of Human Resources or to the Board President as appropriate.

All complaints submitted pursuant to this policy should be done in writing. Initial complaints brought to a Supervisor, Coordinator of Human Resources or Board President may be done verbally, but the complaint must still be submitted following the Title IX, Harassment, Intimidation, Discrimination & Bullying Complaint Form (Appendix A). The Supervisor, Coordinator of Human Resources or Board President will be available to assist the employee

in filling out the complaint form. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. BayTech encourages all employees to immediately report any incidents of unlawful discrimination, harassment, and/or retaliation so that complaints can be quickly and fairly resolved. All complaints will be handled as confidentially as possible and information will be disclosed only as it is necessary to complete the investigation and resolve the matter.

Upon notice of such a complaint, BayTech will attempt to resolve the situation by promptly undertaking an effective, thorough, and objective investigation through the use of “qualified personnel” and using methods that provide all parties with “appropriate due process.” During the investigation, BayTech will provide regular progress updates, as appropriate, to those directly involved. BayTech will strive to complete its investigation as efficiently as possible in light of the allegations and will reach any conclusions based on the evidence collected.

BayTech determines that unlawful conduct or a violation of applicable policies has occurred; appropriate remedial measures will be taken in accordance with the circumstances involved. Any employee determined by BayTech to be responsible for unlawful discrimination, harassment, and/or retaliation will be subject to appropriate disciplinary action, up to and including termination. Appropriate action will also be taken to deter future conduct.

There will be no retaliation against any employee who brings a complaint in good faith or who honestly assists in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven.

Employees who believe that they have been unlawfully discriminated against, harassed, or retaliated against may also file a complaint with the local office of the California Department of Fair Employment and Housing (“DFEH”) or the Equal Employment Opportunity Commission (“EEOC”). The DFEH and the California Fair Employment and Housing Council (“FEHC”) as well as the EEOC can also order an employer to hire, reinstate, or promote a victim of discrimination, harassment, and/or retaliation or make other changes in company policies. The address and phone number of the local DFEH and EEOC offices can be found in the government sections of your local telephone directory or online.

## Uniform Complaint Procedure

Bay Area Technology School (Charter School) policy is to comply with applicable federal and state laws and regulations. The Charter School is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. The complaint procedure is in legal compliance and is adopted to provide a uniform system of complaint processing for the following types of complaints:

- Complaints of unlawful discrimination, harassment, intimidation of bullying against any protected group
- Complaints of violations of state or federal law and regulations governing state and federal programs
- A complaint on pupil fees for an educational activity
- Complaints of noncompliance with requirements governing Local Control Funding Formula or LCFF Plans
- Complaints of noncompliance regarding the rights of juvenile court school pupils

Upon the desire to file a complaint, the employee may contact the Coordinator of Human Resources for assistance with filing their complaint by completing the Uniform Complaint Form (Appendix A).

The Board of Directors designates the following compliance officer to receive and investigate complaints and to ensure the Charter School's compliance with law:

Dr. Seth Feldman, Executive Director

[sfeldman@baytechschool.org](mailto:sfeldman@baytechschool.org)

8251 Fontaine St.

Oakland, Ca 94605

(510) 382-9932

**The UCP Policy was Board approved on 12/3/18 and is located on the school's website.**

## Whistle Blower Policy

Bay Area Technology School requires its directors, officers, employees, and volunteers to observe high standards of ethics in the conduct of their duties and responsibilities within the School. As representatives of the School, such individuals must practice honesty and integrity in fulfilling all responsibilities and must comply with all applicable laws and regulations. The purpose of this policy is to create an ethical and open work environment, to ensure that the School has a governance and accountability structure that supports its mission, and to encourage and enable directors, officers, employees, and volunteers of the School to raise serious concerns about the occurrence of illegal or unethical actions within the School before turning to outside parties for resolution.

All directors, officers, employees, and volunteers of the School have a responsibility to report any action or suspected action taken within the School that is illegal, unethical or violates any adopted policy of the School, or local rule or regulation. Anyone reporting a violation must act in good faith, without malice to the School or any individual at the School and have reasonable grounds for believing that the information shared in the report indicates that a violation has occurred. A person who makes a report does not have to prove that a violation has occurred. However, any report which the reporter has made maliciously or any report, which the reporter has good reason to believe is false will be viewed as a serious disciplinary offense. No one who in good faith reports a violation, or who, in good faith, cooperates in the investigation of a violation shall suffer harassment, retaliation, or adverse employment action. Further, no one who in good faith discloses, who may disclose, or who the School believes disclosed or may disclose, information regarding alleged violations to a person with authority over the employee or another employee who had responsibility for investigating, discovering or correcting the purported violation shall suffer harassment, retaliation, or adverse employment action.

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce, or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity (Education Code 44113).

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the school or a school employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, he/she has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity.

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the school's complaint procedures. After filing a complaint with the school, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against him/her, in accordance with Education Code 44114.

The policy ensures no employee shall use his/her official authority to intimidate, threaten, coerce, or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity (Education Code 44113).

# HIRING

## Employee Classifications

Upon hiring, all employees are classified as exempt or non-exempt, full-time or part-time, and regular or temporary. All employees are either exempt or non-exempt according to provisions of applicable wage and hour laws. Because all employees are hired for an unspecified duration, these classifications do not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and BayTech. Accordingly, either the employee or BayTech can terminate the employment relationship at-will, at any time, with or without cause or advance notice. Regardless of classification, employees may have to work hours beyond their normal schedules as work demands require.

### Exempt Employees

Pursuant to applicable state and federal laws, exempt employees are those who exercise the requisite degree of discretion and independent judgment and perform certain administrative, professional, and/or executive duties. Exempt employees are not entitled to overtime pay. Exempt employees are expected to report for work and perform their jobs in a regular and timely manner.

### Non-Exempt Employees

Pursuant to the Fair Labor Standards Act and applicable state laws, non-exempt employees are entitled to overtime pay in accordance with applicable law. Non-exempt employees are required to take meal and rest periods in the manner described in this Handbook.

### Full-Time Employees

Regular full-time employees are those who are scheduled for and do work 40 hours per week. Regular full-time employees are eligible for most employee benefits described in this handbook subject to the policies and procedures of BayTech's insurance providers and retirement systems.

### Part-Time Employees

Part-time employees are those who are scheduled for and do work fewer than 30 hours per week. Part-time employees are not eligible for benefits except those mandated by law.

### Regular Employees

Regular employees are those who are hired to work on a regular schedule and are typically employed for longer assignments (e.g. three months for more). Regular employees may be classified as full-time or part-time. Regular employees may also be eligible for benefits.

## Temporary Employees

Temporary employees are those employed for short-term assignments. Short-term assignments generally are periods of three months or fewer; however, such assignments may be extended. Temporary employees are not eligible for employee benefits except those mandated by applicable law.

## Hiring Requirements

Prior to your first day of employment at BayTech, you will be required to provide all necessary clearances to work for a public charter school in California, including but not limited to state and federal Livescans fingerprint, I-9s and medical clearances.

## Certification

BayTech's teachers are required to hold a current California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in public schools would be required to hold by law. Teachers of non-core subjects may not be required to comply with this policy. However, the non-core teacher must be highly qualified for the position.

## Tuberculosis Testing

No person shall be employed by BayTech unless he or she has submitted proof of an examination within the last four years stating that he or she is free of active tuberculosis (TB) or if the person has submitted a risk assessment conducted by a medical professional within 60 days of hire and no risk factors have been identified. The examination, if necessary, shall consist of an X-ray of the lungs or an approved intradermal tuberculin test that, if positive, shall be followed by an X-ray of the lungs. Each employee shall have a certificate with BayTech from the examining physician showing the employee was examined and found free from active tuberculosis or the risk assessment in their personnel file at all times.

The examination or risk assessment is a condition of initial employment, and the expense incident thereto shall be borne by the applicant.

## Criminal Background Checks

It is the policy of BayTech to require fingerprinting and background checks for its employees consistent with legal requirements prior to their coming to work. Applicants must successfully complete the Department of Justice (DOJ) background check process. The expense of the fingerprint clearance shall be borne by the applicant.

## Immigration Compliance

BayTech is committed to full compliance with federal and state immigration laws. These laws require that all individuals pass an employment verification procedure before they are permitted to work. This procedure has been established by law and requires that every



individual provide satisfactory evidence of his or her identity and legal authority to work in the United States no later than three business days after he begins work. Accordingly, all new hires must go through this procedure.

## **Job Duties**

BayTech administration will explain your job responsibilities and the performance standards expected of you. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects, or to assist with other work necessary or important to the operation of BayTech. Your cooperation and assistance in performing such additional work is expected.

BayTech reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

BayTech certificated staff are required to attend Staff Meetings, Parent Conferences, Back to School Night, Open House and IEPs (Individual Education Plan) as requested.

# LEAVES OF ABSENCE

## Bereavement Leave

BayTech grants leave of absence to full-time employees in the event of the death of the employee's current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. An employee may take up to five (5) scheduled workdays per year off with pay with the approval of BayTech. The Executive Director may approve additional time off without pay.

## Pregnancy Disability Leave

Pregnancy, childbirth, or related medical conditions such as pregnancy loss or postpartum depression, will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave.

Any female employee planning to take pregnancy disability leave should advise the Coordinator of Human Resources and/or Executive Director as early as possible, and make an appointment with the Coordinator to discuss the following:

- Employees who need to take pregnancy disability must inform BayTech when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with the Executive Director (or assigned designee) regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of BayTech. Any such scheduling is subject to the approval of the employee's health care provider;
- If 30 days' advance notice is not possible, notice must be given as soon as practicable;
- Upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child;
- Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached;
- Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons;
- Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide BayTech with a certification from a health care provider. The certification indicating disability should contain:
  - The date on which the employee became disabled due to pregnancy;
  - The probable duration of the period or periods of disability; and
  - A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- Leave returns will be allowed only when the employee's physician sends a release;
- An employee will be allowed to use accrued sick time (if otherwise eligible to take

the time) during a pregnancy disability leave; and

- Duration of the leave will be determined by the advice of the employee’s physician. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee’s pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness, pre- or post-natal care, and bed rest and/or postpartum depression.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed.

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

During leave, the employee’s group health insurance will be maintained under the same terms and conditions that would apply if the employee had continued to work.

If you take pregnancy disability leave and are eligible under the federal or state family and medical leave laws, BayTech will maintain group health insurance coverage, depending on whether you qualify for federal leave, state leave, or both, (if such insurance was provided before the leave was taken) on the same terms as if you had continued to work. In some instances, BayTech may recover premiums it paid to maintain health coverage for you if you fail to return to work following pregnancy disability leave.

## Family/Medical Leave

The California Family Rights Act (“CFRA”) and Family Medical Leave Act (“FMLA”) provide up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- The employee has more than 12 months of service; AND
- The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave.

Leave may be taken for one or more of the following reasons:

- The birth of the employee’s child, or placement of a child with the employee for adoption or foster care so long as the leave is completed within 12 months of the birth or placement of the child; OR
- To care for the employee’s spouse, registered domestic partner, child, or parent who has a “serious health condition”; OR
- For the employee’s “serious health condition” that makes the employee unable to perform his or her job; OR
- The care of the employee’s spouse, child, parent, or next of kin who is a member of the Armed Forces, including a member of the National Guard or Reserves, and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; OR
- Any qualifying exigency as defined by the applicable regulations arising out of the fact that the employee’s spouse, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency

operation.

For purposes of calculating the 12-month period during which 12 weeks of leave may be taken, BayTech begins to track the 12-month period based on the first day the employee takes qualifying leave.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of 12 workweeks of family and medical leave in the designated 12-month period. However, leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under CFRA. Employees who take time off for pregnancy disability and who are eligible for family and medical leave can also apply for additional leave. Once the pregnant employee is no longer disabled, she may apply for leave under CFRA, for purposes of baby bonding.

## Leave Procedures

Please contact the Coordinator of Human Resources as soon as you realize the need for family/medical leave. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify BayTech at least 30 days before leave is to begin, or as soon as practicable. The employee must consult with the Executive Director (or assigned designee) regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to BayTech's operations. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent, or spouse.

If the FMLA/CFRA request is made because of the employee's own serious health condition, BayTech may require, at its expense, a second opinion from a health care provider that BayTech chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by BayTech. If the second opinion differs from the first opinion, BayTech may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on BayTech and the employee.

BayTech requires the employee to provide certification within 15 days of any request for family and medical leave under state and federal law, unless it is not practical to do so. BayTech may require recertification from the health care provider if additional leave is required.

If the leave is needed to care for a sick child, spouse, or parent, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and,
- Confirmation that the serious health condition warrants the participation of the employee.

When both parents are employed by BayTech and request simultaneous leave for the birth or placement for adoption or foster care of a child, BayTech will not grant more than a total of 12 workweeks of family/medical leave for this reason.

If an employee cites his/her own serious health condition as a reason for leave, the employee

must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and,
- Inability of the employee to work at all or perform any one or more of the essential functions of his/her position because of the serious health condition.

## Returning to Work

BayTech will require certification by the employee's health care provider that the employee is fit to return to his or her job. Failure to provide certification by the health care provider of the employee's fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

An employee taking family medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for a maximum of 12 workweeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. BayTech will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins. In some instances, BayTech may recover the equivalent amount of any premiums paid to maintain health coverage, if the employee fails to return to work following family/medical leave, from the employee.

Employees on family/medical leave who are not eligible for continued paid coverage may continue their group health insurance coverage through BayTech in conjunction with the federal COBRA guidelines by making monthly payments to BayTech for the amount of the applicable premium. These include:

- Payment is due when it would be made by payroll deduction.
- Paid leave may be substituted for unpaid leave in the following circumstances:
  - Accrued sick leave may be used by the employee for the employee's own serious health condition.
  - Accrued sick leave may be used for the care of a family member if mutually agreed upon by BayTech and the employee

Employees should contact the Coordinator of Human Resources for further information.

Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he or she not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

In certain circumstances, "key" employees may not be eligible for reinstatement following a family and medical leave. BayTech will provide written notice to any "key" employee who is not eligible for reinstatement. For additional information about eligibility for family/medical leave, contact the Coordinator of Human Resources.

## Carryover

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12 workweek entitlement in a 12-month period. The 12-month period is measured forward from the date any employee's first FMLA/CFRA leave begins. Qualifying leaves to care for a member of the Armed Services who has a serious illness or injury will be calculated on the 12-month period looking forward. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

## Intermittent Leave

Employees may take FMLA/CFRA leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee's child, parent, or spouse, or of the employee, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition.

## Paid Sick Leave

BayTech enacted this policy in accordance with the California Healthy Workplaces, Healthy Families Act to provide paid sick leave ("PSL") to eligible employees.

## Eligible Employees

All employees (including part-time and temporary) who work for BayTech more than 30 days within a year in California are eligible to accrue PSL beginning on the first day of employment under the accrual rate and cap set forth in this policy.

## Permitted Use

Eligible employees may use their accrued PSL to take paid time off for the diagnosis, care, or treatment of an existing health condition of (or preventive care for) the employee or the employee's family member (i.e. kin care).

For purposes of this policy, "family member" means a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling of the employee. "Child" means a biological child, a foster child, an adopted child, a step-child, a child of a registered domestic partner, a legal ward, or a child of a person standing in loco parentis. "Parent" means a biological, foster, or adoptive parent, a step-parent, or a legal guardian of the employee or the employee's spouse or registered domestic partner. "Spouse" means a legal spouse, as defined by California law.

Employees may also use their PSL to take time off from work for reasons related to domestic violence, stalking, or sexual assault.

## Accrual Rate, Maximum, and Carryover

### *Full-Time Employees*

Eligible, full-time employees will accrue one day (8 hours) of PSL per month worked beginning immediately upon hire unless the employee's employment agreement provides for a different accrual. Full-time employees may accrue up to 10 days (80 hours) per year. PSL does not accrue during any non-working time or unpaid leave of absence.

There is no cap on PSL accrual for full-time employees. Accrued but unused PSL will carry over from year to year.

### *Part-Time Employees*

Eligible, part-time employees will accrue one hour of PSL for every 30 hours worked beginning immediately upon hire. Accrual for part-time, non-exempt employees will be calculated based on actual hours worked. Accrual of PSL for part-time, exempt employees (if applicable) will be calculated based on a 40-hour workweek or the employee's normal workweek if the employee normally works less than 40 hours. PSL accrues on an as-worked basis and does not accrue during any non-working time or unpaid leave of absence.

There is a cap on PSL accrual. Part-time employees may accrue up to 48 hours of PSL. Once the employee's PSL reaches the maximum, further accrual of PSL is suspended until the employee has reduced the PSL balance below this limit. In such a case, no PSL will be earned for the period in which the employee's PSL was at the maximum. Accrued but unused PSL will carry over from year to year, subject to this maximum accrual.

## Limits on Use

Eligible employees may use accrued PSL beginning on the 90th day of employment. Each year, **part-time** employees may only use a maximum of 24 hours of their accrued PSL each year. Each year, **full-time** employees may only use a maximum of 80 hours of their accrued PSL.

PSL may be taken in minimum increments of two hours. If an exempt employee absents himself or herself from work for part or all of a workday for a reason covered by this policy, he or she will be required to use accrued PSL to make up for the absence.

## Notification

The employee must provide reasonable advance notification, orally or in writing, of the need to use PSL, if foreseeable. If the need to use PSL is not foreseeable, the employee must provide notice as soon as practicable.

## Termination

Employees will not receive pay in lieu of accrued but unused PSL. Accrued but unused PSL will not be paid out upon termination. However, employees who participate in State Teachers Retirement System (STRS) or Public Employees Retirement System (PERS) may apply unused sick leave towards STRS/PERS retirement credit. This is the employee's responsibility, not BayTech's responsibility.

## No Discrimination or Retaliation

BayTech prohibits discrimination or retaliation against employees in connection with using their PSL.

## Domestic Violence Leave

Employees who are victims of domestic violence, sexual assault, or stalking are eligible for unpaid leave. You may request leave for the following:

- If you are involved in a judicial action, such as obtaining restraining orders, to appear in court to obtain relief to ensure your health, safety, or welfare, or that of your child;
- to seek medical attention for injuries caused by domestic violation or sexual assault;
- to obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence or sexual assault;
- to obtain psychological counseling related to an experience of domestic violence or sexual assault; or
- to participate in safety planning to increase safety from future domestic violence or sexual assault.

You should provide advance notice and may be asked for certification of your need to take leave under this policy. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health-care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

BayTech will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

The length of unpaid leave an employee may take is limited to 12 workweeks provided for in the FMLA.

## Jury Duty and Witness Leave

BayTech encourages employees to serve on jury duty when called. Jury duty and witness leave for non-exempt employees is unpaid. Exempt employees will receive full salary unless they are absent for a full week and perform no work. You should notify the Coordinator of Human Resources of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of performance of jury service. If work time remains after any day of jury selection or jury duty, you will be expected to return to work for the remainder of your work schedule. To the extent



possible, BayTech requests that all employees use their jury duty and witness leave in the summer months to avoid operational difficulties.

In the event that the employee must serve as a witness within the course and scope of his or her employment with BayTech, BayTech will provide time off with pay.

## Military Leave

All employees who leave BayTech for active military service or military reserve duty will be placed on an unpaid military leave of absence. Employees are entitled to reinstatement upon completion of such military service or duty, provided an application for reinstatement is made within 90 days of discharge, or as otherwise provided by law. Time spent on military leave counts for purposes of determining “length of service.” However, you will not accrue sick leave or receive holiday pay during military leave. Non-exempt employees may take this time off without pay. Exempt employees will be compensated to the extent required by applicable law.

## Emergency Duty/Training Leave

In California, no employee shall receive discipline for taking time off to perform emergency duty/training as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. If you are participating in this kind of emergency duty/training, please alert your supervisor so that he or she may be aware of the fact that you may have to take unpaid time off for emergency duty/training. In the event that you need to take time off for emergency duty/training, please alert your supervisor before doing so whenever possible. Time off for emergency training may not exceed 14 days per calendar year. Non-exempt employees may take this time off without pay. Exempt employees will be compensated to the extent required by applicable law. If you feel you have been treated unfairly as a result of taking or requesting Emergency Duty/Training Leave, you should contact your administrator.

## School Activities

Employees are encouraged to participate in school activities for their child(ren). Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades 1 through 12 or attending a licensed child care facility may take time off for a school activity. Time off taken to participate in a child’s school activities is subject to all of the following conditions:

- The time off for school activity participation cannot exceed eight (8) hours in any calendar month, or a total of 40 hours each school year;
- Employees planning to take time off for school visitations must provide as much advance notice as possible to the Executive Director (or assigned designee)
  - If both parents are employed by BayTech, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by the Executive Director (or assigned designee); and
  - Employees must provide the Executive Director (or assigned designee), or Coordinator of Human Resources with documentation from BayTech or licensed day care facility verifying that the employee participated in a school

activity on the day of the absence for that purpose.

Non-exempt employees may take this time off without pay. Exempt employees will be compensated to the extent required by applicable law.

## Suspended Pupil/Child Leave

If an employee who is the parent or guardian of a child facing suspension from school is summoned to discuss the matter during onsite work hours, the employee should alert the BayTech administration as soon as possible before leaving work. In accordance with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose. Non-exempt employees may take this time off without pay. Exempt employees will be compensated to the extent required by applicable law.

## Time Off for Voting

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

## Victims of Crime Leave

If you are the victim—or an immediate family member (i.e., spouse, registered domestic partner, child, step-child, sibling, step-sibling, parent, step-parent, or the child of a registered domestic partner) of the victim—of a violent felony, serious felony (as defined by the California Penal Code), or felonies related to theft or embezzlement, you are permitted to be absent from work to attend judicial proceedings related to the crime.

You must provide your supervisor with written notification for each scheduled proceeding, unless advance notice is not possible. Non-exempt employees may take this time off without pay. Exempt employees will be compensated to the extent required by applicable law.

## Military Spouse Leave

Qualified employees are eligible for up to 10 days of unpaid leave when their spouse or registered domestic partner is on leave from military deployment. A qualified employee is one who regularly works more than 20 hours per week and whose spouse or registered domestic partner is a member of the Armed Forces, National Guard, or Reserves and is on leave from deployment during a period of military conflict.

If you are eligible for such leave, please submit a written request for leave to the Executive Director (or assigned designee) within two business days of receiving official notice that your spouse or registered domestic partner will be on leave from deployment. You will also be

required to provide written documentation certifying that your spouse or registered domestic partner will be on leave from deployment.

Non-exempt employees may take this time off without pay. Exempt employees will be compensated to the extent required by applicable law.

## Adult Literacy Leave

Pursuant to California law, BayTech will reasonably accommodate any eligible employee who seeks to enroll in an adult literacy education program, provided that the accommodation does not impose an undue hardship on BayTech. BayTech does not provide paid time off for participation in an adult literacy education. Non-exempt employees may take this time off without pay. Exempt employees will be compensated to the extent required by applicable law.

## Alcohol and Drug Rehabilitation Leave

Pursuant to California law, BayTech will reasonably accommodate any eligible employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, provided that the accommodation does not impose an undue hardship on BayTech. BayTech does not provide paid time off for participation in an alcohol or drug rehabilitation program. Non-exempt employees may take this time off without pay. Exempt employees will be compensated to the extent required by applicable law.

This policy in no way restricts BayTech's right to discipline an employee, up to and including termination of employment, for violation of BayTech's Drug and Alcohol Abuse Policy.

## Civil Air Patrol

Pursuant to California law, BayTech will provide unpaid leave to employees who are volunteer members of the California Wing of the Civil Air Patrol and who have been duly directed and authorized to respond to an emergency operational mission of the California Wing of the Civil Air Patrol. Employees must be employed for at least 90 days immediately preceding the commencement of leave in order to be eligible.

Employees are required to give BayTech as much notice as possible of the intended dates upon which the leave would begin and end. BayTech will restore the employee to the position he or she held when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment, unless the employee is not restored because of conditions unrelated to the exercise of the leave rights by the employee. Non-exempt employees may take this time off without pay. Exempt employees will be compensated to the extent required by applicable law.

## Leave for Bone Marrow and Organ Donors

Pursuant to California law, BayTech will provide up to five business days of paid leave within a one-year period to an employee who donates bone marrow to another person. BayTech will also

provide up to 30 business days of paid leave within a one-year period to an employee who donates an organ to another person.

BayTech requires that bone marrow donors use up to five days of available accrued sick time during the course of the leave. Organ donors must use up to ten days of available accrued sick time during the course of the leave.

To qualify for this leave, an employee must have been employed for at least 90 days prior to the commencement of the leave and must provide BayTech with written verification of his or her status as an organ or bone marrow donor and the medical necessity for the donation. During such leave, BayTech will continue coverage under its group medical insurance plan, if applicable. However, employees must continue to pay their portion of the applicable premiums. Employees should give BayTech as much notice as possible of the intended dates upon which the leave would begin and end.

# BENEFITS

## State Disability Insurance

BayTech contributes to the State of California to provide you with State Disability Insurance (“SDI”) pursuant to the California Unemployment Insurance Code. Contributions are made through a payroll deduction. SDI is payable when you cannot work because of illness or injury not caused by employment with BayTech or when you are entitled to temporary workers’ compensation at a rate less than the daily disability benefit amount. Specific rules and regulations governing disability are available from the Coordinator of Human Resources.

## Unemployment Compensation

BayTech contributes each year to the California Unemployment Insurance School Employees’ fund on behalf of its employees. Under certain circumstances, you may be eligible for unemployment insurance benefits.

## Paid Family Leave (“PFL”)

Under California law, eligible employees may participate in the Paid Family Leave (“PFL”) program, which is part of the state’s unemployment compensation disability insurance program. The PFL program provides up to six weeks of partial wage replacement benefits to employees who take time off to care for a seriously ill child, spouse, parent, registered domestic partner, siblings, grandparents, grandchildren, or parents-in-law or to bond with a new child. The PFL program does not provide job protection or reinstatement rights.

The program will be administered in a manner consistent with California law. For more information regarding this program, you may contact the California Employment Development Department.

## Social Security

Social Security is an important part of every employee’s retirement benefit. BayTech pays a matching contribution to each employee’s Social Security taxes, provided the employee is not a member of the California State Teachers’ Retirement System (STRS). For STRS members, BayTech only pays a matching contribution for Medicare taxes as these employee earnings are exempt from Social Security due to participation in STRS.

## Workers’ Compensation

You are protected by BayTech’s workers’ compensation insurance policy while employed by BayTech, at no cost to you. The policy covers you in case of occupational injury or illness and may include:

- Medical care;

- Cash benefits, tax free, to replace lost wages; and
- Assistance to help qualified injured employees return to suitable employment.

To ensure that you receive any workers' compensation benefits to which you may be entitled, you will need to:

- Immediately report any work-related injury to a site administrator and the Coordinator of Human Resources; AND
- Seek medical treatment and follow-up care if required; AND
- Complete a written [Employee's Claim for Workers Compensation Benefits \(DWC Form 1\)](https://www.dir.ca.gov/dwc/DWCForm1.pdf), which can be found at <https://www.dir.ca.gov/dwc/DWCForm1.pdf> or in the BayTech Office, and return it to the Coordinator of Human Resources; AND
- Provide BayTech with a certification from your healthcare provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining BayTech ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement.

An employee's return depends on his or her qualifications for any existing openings. If, after returning from a workers' compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, BayTech's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

## **Worker's Compensation and FMLA/CFRA**

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a 12-month period.

## **Workers' Compensation and Paid Sick Leave**

Paid sick leave is a benefit that also covers absences for work-related illness or injury.

Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary. You will be paid your regular wages for the time you spend seeking initial medical treatment.

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If you have accrued and unused sick leave, and the time off is not covered by federal family and medical leave (FMLA), the additional absences from work will be paid with the use of sick leave. If the absences are covered by FMLA, you may choose to substitute sick leave for any time that would otherwise be unpaid.

## Other Benefits

### Healthcare Insurance

BayTech provides a comprehensive healthcare insurance plan for eligible employees and their dependents. An “eligible employee” and “an eligible dependent or spouse” is defined by applicable law, including, but not limited to, the Patient Protection and Affordable Care Act and applicable regulations. Details about healthcare insurance coverage are available in a separate publication distributed by the main office.

The annual employer contribution is determined by the Board of BayTech. The employee is responsible for any premium amounts in excess of the employer contribution. In the event of an increase in healthcare insurance premium rates, all employees may be required to contribute to the cost of increased premiums to retain coverage. An employee may opt-out of healthcare coverage and may receive a healthcare-in-lieu stipend instead. The stipend will be determined annually during the healthcare plan’s Open Enrollment period by the BayTech Board. For any employee receiving a healthcare-in-lieu stipend who has a Qualifying Event that would allow enrollment part way through a plan year and who does enroll due to this qualifying event, the healthcare-in-lieu stipend will be pro-rated for the portion of the year the employee opted-out of healthcare coverage and the annual employer contribution will be prorated for the portion of the year the employee was enrolled in coverage.

### Retirement Plan

BayTech participates in the California State Teachers' Retirement System (STRS) for eligible teacher employees and in the California Public Employees' Retirement System (PERS) for eligible classified employees. For information regarding eligibility, contributions, benefits, and tax status, contact the Coordinator of Human Resources.

## External Employee Education

Some employees may need to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of BayTech or the individual employees. Attendance at such activities, whether required by BayTech or requested by individual employees, requires the written approval of the Executive Director (or assigned designee). To obtain approval, any employee wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and the nature, purpose, and justification for attendance. Attendance at any such event is subject to the policies on Reimbursement and Compensation

For attendance at events required or authorized by BayTech, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Acceptable expenses generally include registration fees, materials, meals, transportation, and parking. The Employee needs to comply with BayTech's Business Expenses and Reimbursement Policy prior to events in order to receive reimbursement.

Employee attendance at authorized outside activities will be considered hours worked for non-exempt employees and will be compensated in accordance with normal payroll practices.

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions generally may lead to improved job performance. While BayTech generally encourages all employees to improve their general knowledge, job skills, and promotional qualifications, such activities do not qualify for reimbursement or compensation under this policy unless prior written approval is obtained as described previously.



# MANAGEMENT

## Enrollment Preference Plan

By accepting employment with BayTech, the employee's child(ren) (if applicable) will receive enrollment preference and be placed in an open position during the duration of employment with BayTech Charter School. The employee understands that if they are no longer employed with BayTech Charter School, the employee may no longer receive the enrollment preference for their child(ren).

## Employee Property

An employee's personal property, including but not limited to lockers, packages, purses, and backpacks, may be inspected upon reasonable suspicion.

## Employment of Relatives

Relatives of employees may be eligible for employment with BayTech only if individuals involved do not work in a direct supervisory relationship, or in job positions in which a conflict of interest could arise. BayTech defines "relatives" as spouses, registered domestic partners, children, siblings, parents, in-laws, and step-relatives. Present employees who marry or become registered domestic partners will be permitted to continue working in the job position held only if they do not work in a direct supervisory relationship with one another or in job positions involving conflict of interest.

## Dispute Resolution Policy

BayTech will work prudently and swiftly to address any concern, suggestion, or question about your job, your working conditions, or the treatment you are receiving. If you have a concern, we ask you first discuss it with an administrator, following these steps:

- Immediately after the occurrence, bring the situation to the attention of an administrator, who will then investigate and provide a solution or explanation
- If the problem persists, you may describe it in writing and present it to the Human Resource Director, as soon as possible. Complaints in person are also acceptable.
- If the problem is not resolved, you may present the problem to the Executive Director of BayTech, who will attempt to reach a final resolution.

This procedure, which we believe is important for both you and BayTech, cannot guarantee that every problem will be resolved to your satisfaction. However, BayTech values your observations and you should feel free to raise issues of concern, in good faith, without the fear of retaliation.

This policy does not apply to complaints of unlawful harassment, discrimination, or retaliation. If you have such complaints, please follow the complaint procedure for unlawful harassment, discrimination, and retaliation.

## Personnel Records

You have a right to inspect certain documents in your personnel file, as provided by law, in the presence of a BayTech administrator at a mutually convenient time. Copies of documents in your file will be made and provided to you in conformity with California law. You may add your comments to any disputed item in the file.

Any request for information contained in personnel files must be directed to the Coordinator of Human Resources or Executive Director (or assigned designee). Only the Executive Director (or assigned designee) is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited.

To keep our personnel records accurate and to comply with state and federal laws, you must notify the Coordinator of Human Resources immediately of any change(s) in the following personnel information:

- Your name (whether by marriage or otherwise).
- Your home address and telephone number.
- Who to inform in case of an emergency, including names and home and work telephone numbers and addresses.
- Withholding tax information (your marital status and correct number of dependents).
- Completion of education. Change or additional credential.
- Change of beneficiary on group life insurance.

# BAYTECH PROPERTY AND OPERATIONAL CONSIDERATIONS

## Employer Property

Lockers, desks, chairs, tables, computers, documents, cameras, projectors, textbooks, vehicles, and all other items purchased by or donated to BayTech are BayTech property and must be maintained according to BayTech rules and regulations. They must be kept clean and are to be used only for work-related purposes.

BayTech reserves the right to inspect all BayTech property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. No personal locks may be used on BayTech-provided lockers unless the employee furnishes a copy of the key or the combination to the lock. Unauthorized use of a personal lock by an employee may result in losing the right to use a BayTech locker.

For security reasons, employees should not leave personal belongings of value in the workplace. Personal items are subject to inspection and search, with or without notice, with or without the employee's prior consent.

Prior authorization must be obtained before any BayTech property may be removed from the premises.

Terminated employees should remove any personal items at the time they leave BayTech and promptly return any BayTech property in their possession as a result of their employment with BayTech. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.

## Lactation

Employees may use their meal and/or rest periods for the purpose of expressing breast milk. If required, a reasonable amount of additional time will be provided. A private place to express breast milk, other than a restroom, will be provided in close proximity to the employee's work area. The employee's normal work area may be used if it allows the employee to express milk in private. Please see the Coordinator of Human Resources or Executive Director for more information.

## Housekeeping

People using common areas such as lunch rooms, locker rooms, work area and restrooms are expected to keep them sanitary. Please clean up after meals and dispose of trash properly. It is the staff members responsibility to keep the refrigerator and sink area clean.

## Off-Duty Use of Facilities

Employees are prohibited from remaining on BayTech premises or making use of BayTech facilities while not on duty or for personal use. BayTech's facilities, property, and equipment may be used for school-related purposes if pre-approved by the Executive Director (or

assigned designee).

## Parking

Employees may park their vehicles in designated areas, if space permits. If space is unavailable, employees must park in permissible public areas in the vicinity of BayTech property. Employees may not use parking areas specifically designated for parents, vendors, BayTech's vehicles, or reserved for administrators. BayTech is not responsible for any loss or damage to employee vehicles or contents while parked on BayTech property.

Parking areas may be monitored with video or other surveillance for purposes of protecting BayTech property only. This surveillance system is in no way intended to provide employees with personal security.

## Solicitation and Distribution of Literature

In order to ensure efficient operation of BayTech's business and to prevent disruption to employees, we have established control of solicitations and distribution of literature on BayTech's property. BayTech has enacted rules, see below, applicable to all employees governing solicitation, distribution of written material, and entry onto the premises and work areas. All employees are expected to comply with these rules, which will be strictly enforced. Any employee who is in doubt concerning the application of these rules should consult with an administrator.

No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed.

No employee shall distribute or circulate any written or printed material, other than those approved by BayTech for business purposes, in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed.

Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on BayTech property

## Electronic and Social Media

Electronic media is defined as desktop computers, laptops, projectors, document cameras, handheld devices including but not limited to iPhone, blackberry, and cell phones. These items and all data transmitted through BayTech servers are BayTech property and must be maintained according to BayTech's rules and regulations. Prior authorization must be obtained before any BayTech property may be removed from the premises.

They must be kept clean and are to be used only for work-related purposes. BayTech reserves the right to inspect all BayTech property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

BayTech may periodically need to assign and/or change "passwords" and personal codes for all BayTech- owned electronic media. Electronic media and related storage media and databases are to be used only for BayTech business and they remain the property of BayTech. BayTech reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system.

Employees are only allowed to communicate with students on *BayTech issued electronic devices and on BayTech media* (e.g. BayTech email.) or BayTech-approved media. Employees are prohibited from communicating with students in any manner using their personal devices.

## Social Media

BayTech uses “social media” in limited circumstances for defined business purposes. For the purposes of this policy, the phrase “social media” refers to the use of a website or other electronic application to connect with other people, including, but not limited to, Facebook, Twitter, Pinterest, LinkedIn, YouTube, as well as related web-based media, such as blogs, wikis, and any other form of user-generated media or web-based discussion forums. The Executive Director (or assigned designee) will authorize you in writing if you can use these tools to perform your job duties. Your authorization is limited to business purposes and personal use of these tools during work hours is prohibited and can result in discipline up to and including termination.

While BayTech does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with BayTech’s legitimate business interests. You are required to comply with all BayTech policies whenever your social media activities may involve or implicate BayTech in any way, including, but not limited to, the policies contained in this Handbook. Inappropriate use of social media includes, but is not limited to:

- Dissemination of proprietary and confidential company information;
- Discriminatory statements or sexual innuendos regarding co-workers, management, customers, or vendors;
- Defamatory statements regarding the company, its employees, customers, competitors, or vendors;
- Communication regarding the employer without a disclaimer stating that any opinions expressed are the employee’s own and do not represent the company’s positions, strategies, or opinions.

This policy applies to situations when you: (1) make a post to a social media platform that is related to BayTech; (2) engage in social media activities during working hours; (3) use BayTech equipment or resources while engaging in social media activities; (4) use your school email address to make a post to a social media platform; (5) post in a manner that reveals your affiliation with BayTech; or (6) interact with students or parents/guardians of students (regarding school-related business) on the Internet and on social media sites.

This policy is intended to supplement, not replace, BayTech’s other policies, rules, and standards of conduct. For example, school policies on confidentiality, use of school equipment, professionalism, employee references and background checks, workplace violence, unlawful harassment, and other rules of conduct are not affected by this policy.

## Standards of Conduct

You are required to comply with *all* school policies whenever your social media activities may involve or implicate BayTech in any way, including, but not limited to, the policies contained in this Handbook. In addition, you are required to comply with the following rules and guidelines when participating in social media activities that are governed by this policy:

- Comply with the law at all times. Do not post any information or engage in any social media activity that may violate applicable local, state, or federal laws or regulations.
- Do not engage in any discriminatory, harassing, or retaliatory behavior in violation of School policy.
- Respect copyright, fair use, and financial disclosure rules and regulations. Identify all copyrighted or borrowed material with proper citations and/or links.
- Maintain the confidentiality of BayTech's trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how, and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications. This prohibition applies both during and after your employment with BayTech.
- Do not post confidential information (as defined in this Handbook) about BayTech, its employees, or its students. Remember that most student information is protected by the Family Educational Rights and Privacy Act, including any and all information that might identify the student. Publicizing student work and accomplishments is permitted only if appropriate consents are obtained.
- Be knowledgeable about and comply with BayTech's background check procedures. Do not "research" job candidates on the Internet or social media websites without prior approval from Site Administrators.
- Be knowledgeable about and comply with BayTech's reference policy. Do not provide employment references for current or former employees, regardless of the substance of such comments, without prior approval from your site administrators..
- Always be fair and courteous to fellow employees, students, parents, vendors, customers, suppliers, or other people who work on behalf of BayTech. Avoid posting statements, photographs, video, or audio that could be reasonably viewed as malicious, obscene, threatening, or intimidating, that disparage employees, students, parents, vendors, customers, suppliers, or other people who work on behalf of BayTech, or that might constitute harassment or bullying.
- Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Never post any information or rumors that you know to be false about BayTech, fellow employees, students, parents, vendors, customers, suppliers, people working on behalf of BayTech, or competitors.
- Express only your personal opinions. Never represent yourself as a spokesperson for BayTech unless authorized to do so. If you publish social media content that may be related to your work or subjects associated with BayTech, make it clear that you are not speaking on behalf of BayTech and that your views do not represent those of BayTech, fellow employees, students, parents, vendors, customers, suppliers, or other people working on behalf of BayTech. It is best to use a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of BayTech."
- Never be false or misleading with respect to your professional credentials.
- No personal displays of affection on BayTech grounds or at BayTech-sponsored events. This includes hand holding, kissing, cuddling or any other romantic or

intimate behavior.

## Creating and Using School Social Media

Employees are only permitted to communicate and connect with students and students' parents or guardians regarding school-related matters on social media that is owned and operated by BayTech or otherwise permitted by BayTech. All communications with parents, guardians or students regarding school-related matters on non-school or personal social media may result in disciplinary action, up to and including termination.

The IT personnel (or assigned designee) is responsible for approving requests for additional BayTech social media accounts, monitoring BayTech social media accounts for inappropriate and unprofessional content, and maintaining the BayTech social media accounts information (including, but not limited to, username and password). BayTech has final approval over all content and reserves the right to deactivate any BayTech social media accounts at any time, with or without notice.

Any inappropriate or unprofessional communications may result in disciplinary action, up to and including termination.

To set up social media account that is owned and operated by BayTech in compliance with this policy, employees must adhere to the following procedures:

- Request and obtain permission to create a BayTech social media account from the Executive Director
- Contact the IT personnel (or assigned designee) to set up the BayTech social media account. Provide the IT personnel (or assigned designee) with the username and password that you would like assigned to the account. If you change the username and/or password at any time, you must immediately provide this information with the IT Department (or assigned designee). Failure to do so may result in disciplinary action, up to and including termination.

Any social media created and/or used in violation of this policy may result in disciplinary action, up to and including termination.

## Access

Employees are reminded that BayTech's various electronic communications systems, including, but not limited to, its electronic devices, computers, telephones, email accounts, video conferencing, voice mail, facsimiles, internal and external networks, cell phones, smart phones, PDAs, tablets, and other similar devices, are the property of BayTech. All communications and information transmitted by, received from, or stored in these systems are school records.

As a result, BayTech may, and does, monitor its employees' use of these electronic communication systems, including for social media activities, from time to time. BayTech may monitor such activities randomly, periodically, and/or in situations when there is reason to believe that someone associated with BayTech has engaged in a violation of this, or any other, school policy. As a result, employees do not have a reasonable expectation of privacy in their use of or access to BayTech's various electronic communications systems.

## Discipline

Any violation of this Social Media Policy may result in disciplinary action, up to and including immediate termination.

## Retaliation Is Prohibited

BayTech prohibits retaliation against any employee for reporting a possible violation of this policy or for cooperating in an investigation of a potential violation of this policy. Any employee who retaliates against another employee for reporting a possible violation of this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

## Questions

In the event you have any questions about whether a particular social media activity may involve or implicate BayTech, or may violate this policy, please contact the IT personnel or site administrator.

Social media is in a state of constant evolution, and BayTech recognizes that there will likely be events or issues that are not addressed in these guidelines. Thus, each school employee is responsible for using good judgment and seeking guidance, clarification, or authorization *before* engaging in social media activities that may implicate this policy.

## Taking Photographs

Employees are not permitted to photograph or take pictures on the BayTech site, of the BayTech site, or of off-site BayTech events, unless done for BayTech purposes with the prior authorization of the Executive Director (or assigned designee). Posting of pictures taken on the BayTech site, of the BayTech site, or of off-duty BayTech events are never to be posted on any public/personal forum, including any form of social/electronic media, other than BayTech's social media, unless they receive approval from the Executive Director (or assigned designee) prior to posting.

Employees are permitted to take and post pictures of students, with a completed Media Release Form providing parent permission, and staff as long as the pictures are for BayTech purposes and the employee has received prior authorization from the Executive Director (or assigned designee).

## Email and Voicemail

Employees are issued a BayTech email. These email accounts can be used to communicate with colleagues, parents, students, and others outside of BayTech. BayTech's electronic mail (email) is to be used for business purposes only. BayTech reserves the right to monitor email messages to ensure compliance with this rule, without notice to the employee and at any time, not necessarily in the employee's presence. It is expected that staff checks their emails at least two times a day.



BayTech reserves the right to review all email communications to ensure compliance with its rules and regulations. Illegal or immoral conduct by an employee that adversely affects BayTech's legitimate business interests, reputation or credibility, or the employee's ability to perform his or her job may be grounds for disciplinary action, including but not limited to dismissal. BayTech may periodically need to assign and/or change "passwords" and personal codes for email, computers, and other communication technologies. These communication technologies and related storage media and databases are to be used only for BayTech business and they remain the property of BayTech. BayTech reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system.

Please be advised email communications may be subject to California Public Records Act requests and public disclosure, and should be professional and used with discretion. All communications with parents or guardians regarding School-related matters are required to be conducted through mail or BayTech's electronic communications system. The use of personal communication devices and accounts, such as a non-BayTech email account, may result in disciplinary action, up to and including termination. Any communication whatsoever with students is required to be conducted through postal mail or BayTech's electronic communications system. The use of personal communication devices and accounts, such as a non-baytech email account, may result in disciplinary action, up to and including termination.

## Definitions

BayTech's electronic communications systems ("Communications Systems") includes, but is not limited to, computers, laptops, email, telephones, cellular phones, tablets, PDAs, text messaging, instant messaging, video conferencing, voicemail, facsimiles, and connections to the Internet and other internal or external networks.

## Ownership and Conditions of Use

The Communications Systems is the property of BayTech. It has been provided by BayTech for the sole purpose of conducting school-related business as well as other business that is approved by the Principal/Executive Director of BayTech. All communications and information transmitted by, received from, or stored in these systems are school records and the property of BayTech.

BayTech staff may only use school-owned Communication Systems while on campus. Staff members are prohibited from using their personal devices for school business or connecting their personal devices to school networks. Staff members using their personal devices *do not have any expectation of personal privacy in any matters stored in, created, received, or sent while on BayTech campus or at BayTech events.*

Electronic communications are a means of business communication. BayTech requires all users to conduct themselves in a professional manner. Users should conduct all electronic communications with the same care, judgment, and responsibility that they would use when sending letters or memoranda written on school letterhead. Special care must be taken when posting any information on the Internet because of the potentially broad distribution of and access to such information.

To protect the integrity of BayTech's Communications Systems and the users thereof against unauthorized or improper use of these systems, BayTech reserves the right, without notice, to limit or restrict any individual's use, and to inspect, copy, remove, or delete any unauthorized use of its Communications Systems upon authorization of the Executive Director or his or her

designee. BayTech also reserves the right periodically to monitor the use of its Communications Systems and to access users' voicemail, Internet access, and email for that purpose or any other business related purpose upon authorization of the Executive Director or his or her designee.

Erasing an email message from a mailbox does not necessarily erase all copies of the message on the network. Archived copies may be stored for substantial periods of time and are subject to the provisions of this policy regarding content, review, access, and disclosure.

Users are required to comply with BayTech's Computer Usage and Privacy Policy and agree to be bound by this policy by using BayTech's Communications Systems.

## Confidentiality and Privileges

Information stored on the Communications Systems is intended to be kept confidential within BayTech. BayTech has taken all reasonable steps to assure confidentiality and security. Like other means of communication, however, it is not possible to guarantee complete security of electronic communications either within or outside BayTech, and care should be exercised when sending or receiving sensitive, privileged, or confidential information electronically. For example, information sent through the Internet can be monitored by external systems en route to its final destination. All users must keep this in mind when forwarding sensitive, confidential, and/or privileged information. Where appropriate, this fact should be disclosed to outside contacts.

## Prohibited Use

Users are prohibited from using the Communications Systems for any unauthorized or unlawful purpose, including, but not limited to, the following:

- Users of the Communications Systems are strictly prohibited from using the Communications Systems to deliver a message that is harassing or offensive on the basis of race, religious creed (which includes religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding, and related conditions), gender, age, sexual orientation, veteran status, or any other consideration made unlawful by federal, state or local laws, ordinances, or regulations. BayTech has policies against discrimination, harassment, and retaliation, and those policies apply to the use of the Communications Systems.
- Users are prohibited from using the Communications Systems for transmitting or making accessible annoying, offensive, defamatory, or harassing material or intentionally damaging or violating the privacy of information of others.
- Users are prohibited from using the Communications Systems to transmit, display, store, publish, or purposely receive any pornographic, obscene, or sexually explicit material.
- Users are prohibited from using the Communications Systems for visiting, or transmitting or receiving data to or from, social networking websites, including, but not limited to, Facebook, Twitter, Pinterest, LinkedIn, YouTube, and MySpace. Users must respect all copyrights and licenses to software and other online information, and may not upload, download, or copy software or other material through the Communications Systems without the prior written authorization of the Executive Director of BayTech.
- Users must not alter, copy, transmit, or remove school information, proprietary software, or other files without proper authorization from BayTech.
- Users are prohibited from reading, copying, recording, or listening to messages and

information delivered to another person's email and voicemail boxes without proper authorization, based on legitimate business reasons, from the Executive Director or his or her designee. Anyone who receives an electronic communication for which he or she is not the intended recipient must immediately inform the sender that the message was sent improperly and must delete the message from their email and voicemail mailboxes.

## Access and Disclosure

The Communications Systems is provided solely for the purpose of conducting BayTech business. Incidental and occasional personal use of the Communications Systems is permitted, but such communications must not disrupt school business, and users do not have any expectation of personal privacy in any matters stored in, created, received, or sent over the Communications Systems.

BayTech, as owner of the Communications Systems, to protect the integrity of its systems from unauthorized or improper use, reserves the right for legitimate business reasons, upon authorization of the Executive Director or his or her designee, to monitor, access, retrieve, download, copy, listen to, or delete anything stored in, created, received, or sent over its Communications Systems without the permission of or prior notice to any user.

Although BayTech entrusts you with the use of voicemail, email, computer files, software, or similar school property, you should keep in mind that these items have been installed and maintained at great expense to BayTech and are only intended for business purposes. At all times, they remain school property. Likewise, all records, files, software, and electronic communications contained in these systems also are school property. You are advised that electronic files, records, and communications on school computer systems, electronic communication systems, or through the use of school telecommunications equipment are not private. Although they are a confidential part of school property, you should not use this equipment or these systems for confidential messages. The use of passwords to limit access to these systems is only intended to prevent unauthorized access to voicemail, email, and computer systems, files, and records. Additionally, these systems are subject to inspection, search, and/or monitoring by school personnel for any number of business reasons. As a result, employees do not have an expectation of privacy in this regard. Accordingly, these systems and equipment should not be used to transmit personal messages, except in necessary situations or when exceptions are specifically sanctioned by management. Voicemail messages and email messages should be routinely deleted when no longer needed. BayTech is not responsible for costs incurred when employees use school telephones or email systems for personal matters.

You should be advised to use voicemail and email as cautiously as you would use any more permanent communication medium such as a memorandum or letter. You should realize that email messages:

- May be saved and read by third parties.
- May be retrieved even after "deletion."
- May be accessed by authorized service personnel.
- May be examined by management without notice for business purposes.
- May be part of a Public Records Request

There will be times when BayTech, in order to conduct business, will utilize its ability to access your email, voicemail, computer files, software, or other school property. BayTech also may inspect the contents of your voicemail, email, computers, computer files, or software to

monitor job performance, for training or quality control purposes, or when BayTech suspects that school property is being used in an unauthorized manner.

BayTech reserves the right to use and disclose any electronic non-privileged communication on its Communications Systems without the permission of or any prior notice to any user, including disclosure to law enforcement officials.

## **Discipline for Violations of Policy**

Any person who discovers misuse of the Internet access or any of BayTech's Communications Systems should immediately contact the Executive Director of BayTech. Any user who violates any part of this policy will be subject to discipline, up to and including immediate termination.

## **Policy May Be Amended at Any Time**

The pace of technological change and growth in electronic communications is rapid. This policy applies to all present and future electronic communications systems and devices and to improvements and innovations to existing systems and devices and to completely new technologies, devices, and systems. BayTech reserves the right to amend this policy at any time through an authorized writing from an authorized School representative.

## **News Media Contacts**

Employees may be approached for interviews or comments by the news media. Only contact people designated by the Executive Director (or assigned designee) may comment to news reporters on BayTech policy or events relevant to BayTech.

# EMPLOYEE CONDUCT

## Employee-Student Relations Policy

### Boundaries Defined

For the purposes of this policy, the term “Boundaries” is defined as acceptable professional behavior by employees while interacting with a student. Trespassing beyond the Boundaries of a student/teacher or student/educator relationship is deemed an abuse of power and a betrayal of public trust

### Unacceptable and Acceptable Behavior

Some activities may seem innocent from an employee’s perspective, but some of these can be perceived as flirtation or sexual insinuation from a student or parental point of view. The purpose of the following lists of acceptable and unacceptable behaviors is not to restrain innocent, positive relationships between employees and students but to prevent relationships that could lead to, or may be perceived as, misconduct.

Employees must understand their own responsibilities for ensuring that they do not cross the Boundaries as written in this policy. Disagreeing with the wording or intent of the established Boundaries will be considered irrelevant for any required disciplinary purposes. Thus, it is critical that all employees study this policy thoroughly and apply its spirit and intent in their daily activities.

Although sincere, professional interaction with students fosters the charter mission of academic excellence, employee-student interaction has Boundaries regarding the activities, locations, and intentions.

The following is an illustrative list of unacceptable behavior, which includes, but is not limited to:

- Giving gifts to an individual student that are of a personal and intimate nature
- Kissing of ANY kind
- Any type of unnecessary physical contact with a student in a private situation
- Intentionally being alone with a student away from BayTech
- Making, or participating in, sexually inappropriate comments
- Sexual jokes or jokes/comments with sexual double entendre
- Seeking emotional involvement (which can include intimate attachment) with a student beyond the normative care and concern required of an educator
- Listening to or telling stories that are sexually oriented
- Discussing inappropriate personal troubles or intimate issues with a student in an attempt to gain their support and understanding
- Becoming involved with a student so that a reasonable person may suspect inappropriate behavior

- Giving students a ride to/from BayTech or BayTech activities without parental permission
- Allowing students in your home without signed parent permission for a preplanned and pre-communicated educational activity that must include the presence of another educator, parent, or other responsible adult
- Remarks about the physical attributes or physiological development of anyone
- Excessive attention toward a particular student
- Sending emails, text messages, instant messages, social media messages, or letters to students if the content is not about BayTech activities and not in accordance with applicable BayTech policies or in violation of the BayTech's Social Media Policy
- Being "friends" with a student or "following" a student on any personal or non-BayTech social media website
- Communicating with students or parents/guardians in violation of BayTech's Social Media Policy
- Engaging in inappropriate and/or unprofessional communications with students on school social media
- Using profanity with or to a student
- Involving students in non-educational or non-school related issues, including, but not limited to, the employee's employment issues

The following is an illustrative list of acceptable and recommended behavior, which includes, but is not limited to:

- Obtaining parents' written consent for any after-school activity on or off campus (exclusive of tutorials)
- Obtaining formal approval (BayTech and parental) to take students off BayTech property for activities such as field trips or competitions
- Emails, text messages, phone conversations, and other communications to and with students must be professional and pertain to BayTech activities or classes, and communication should be initiated via school-based technology and equipment
- Keeping reasonable space between you and students
- Stopping and correcting students if they cross your own personal boundaries
- Keeping parents informed when a significant issue develops about a student
- Keeping after-class discussions with a student professional and brief
- Asking for advice from senior staff or site administrators if you find yourself in a difficult situation related to Boundaries
- Involving your supervisor if conflict arises with a student
- Informing the Executive Director about situations that have the potential to become more severe
- Making detailed notes about an incident that could evolve into a more serious situation later
- Recognizing the responsibility to stop unacceptable behavior of students and/or coworkers
- Asking another employee to be present if you will be alone with any student who may have severe social or emotional challenges

- Asking another employee to be present, or within close supervisory distance, when you must be alone with a student after regular school hours
- Giving students praise and recognition without touching them in questionable areas; giving appropriate pats on the back, high five's, and handshakes
- Keeping your professional conduct a high priority during all moments of student contact
- Asking yourself if any of your actions that go contrary to these provisions are worth sacrificing your job, your career, and the reputation of BayTech

## Reporting Violations

When any employee, parent, or student becomes aware of an employee having crossed the Boundaries specified in this policy, he or she must promptly report the suspicion to an administrator or the Executive Director. All reports shall be kept as confidential as possible. Prompt reporting is essential to protect students, the suspected employee, any witnesses, and BayTech as a whole. Employees must also report to the administration any awareness of, or concern about, student behavior that crosses Boundaries or any situation in which a student appears to be at risk for sexual abuse.

## Child Abuse and Neglect Reporting

California Penal Code section 11166 requires any teacher or child care custodian who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident. Employees may, but are not required to report such incidents to site administrators and/or the Executive Director. Reporting such incidents to the Executive Director or other site administrators does not relieve the employee of responsibility to also immediately report such incidents to the appropriate child protective agency by telephone and to send a written report thereof within thirty-six (36) hours. However, employees may work cooperatively to report the incidents and to file one written report. Employees who have any questions about these reporting requirements should contact their administrators.

## Investigating

The Executive Director will promptly investigate any allegation of a violation of the Employee-Student Relations Policy, using such support staff or outside assistance as he or she deems necessary and appropriate under the circumstances, unless the allegation also constitutes a reportable allegation under California Penal Code section 11166. In the event the allegation also constitutes such a reportable allegation, the Executive Director shall comply with the legal requirements of immediately reporting the allegation to a child protective agency and shall follow up with a written report within thirty-six (36) hours.

If the allegation is only a violation of the Employee-Student Relations Policy, but not a violation of California Penal Code section 11166, the Executive Director or other appropriate administrator shall conduct an investigation as set forth above. Throughout this fact-finding process, the investigating administrator, and all others privy to the investigation, will protect the privacy interests of any affected student(s) and/or employee(s), including any potential

witnesses, to the fullest extent possible.

## Violations

Violations of this policy may result in disciplinary action, up to and including termination. When appropriate, violations of this policy may also be reported to authorities for potential legal action.

**Staff will be trained annually on Child Abuse Reporting.**

## Business Conduct and Ethics

No employee may accept more than a *de minimis* gift or gratuity from any parent, vendor, supplier, or other person doing business with BayTech because doing so may give the appearance of influencing educational and business decisions, transactions or service. Please discuss expenses paid by such persons for meals or trips with an administrator in advance.

## Conducting Personal Business

Employees are to conduct only BayTech business while at work. Employees may not conduct personal business or business for another employer during their scheduled working hours.

## Confidentiality

*Each employee is responsible for safeguarding the confidential information obtained during employment. Employees will be required to sign a Confidentiality letter upon employment/request.*

In the course of your work, you may have access to confidential information regarding BayTech, its students, parents of students, its suppliers, its vendors, or perhaps even fellow employees. You have a responsibility to prevent revealing or divulging any such information unless it is necessary for you to do so in the performance of your duties. Access to confidential information should be on a “need-to-know” basis and must be authorized by the Executive Director or designee. Any breach of this policy will not be permitted and legal action may be taken by BayTech.

## Conflicts of Interest

All employees must avoid situations involving actual or potential conflict of interest. Personal or romantic involvement with a parent, vendor, or subordinate employee of BayTech, which impairs an employee’s ability to exercise good judgment on behalf of BayTech, creates an actual or potential conflict of interest. Administrator-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment, and morale problems.

An employee involved in any of the types of relationships or situations described in this policy should immediately and fully disclose the relationship to the Executive Director for a



determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, BayTech may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action, including termination.

## **Relations with Other School Stakeholders**

Employees are expected to be polite, courteous, prompt, and attentive to every student, parent, vendor, and visitor of BayTech. Employees should call an administrator immediately if they encounter an uncomfortable situation that they do not feel capable of handling.

Students and parents are to be treated courteously and given proper attention at all times. You must respond to inquiries from parents, whether in person or by telephone, promptly and professionally.

Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received.

All correspondence and documents must be neatly prepared, error-free, and represent BayTech in a professional manner. Attention to accuracy and detail in all paperwork demonstrates your commitment to your students and BayTech. Any newsletter or regular correspondence sent to students or parents/guardians of students must be reviewed and approved by the Executive Director or designee prior to distribution.

## **Dress Code and Other Personal Standards**

Because each employee is a representative of BayTech in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing. Employees are expected to dress neatly and in a manner consistent with the nature of the work performed. Employees are expected to use their best judgment in determining their appearance and dress, consistent with BayTech's standards and the professional atmosphere it wishes to maintain. This includes avoiding any adornment or dress that is inappropriate for BayTech's business or distracting to students and staff.

Acceptable clothing for administration, instructional employees, or office employees includes suits, sport coats, or dress shirts and slacks with ties, blouses and sweaters with skirts or dress slacks or dresses, jeans, T-shirts, university or school spirit wear, and closed toed shoes. All shoes must have a backstrap and crocs are not allowed at any time. All clothing should be clean and without rips or holes, including on casual dress day.

Administration will inform you of any additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing. Any deviations from these guidelines must be approved by an administrator.

Employees who report to work inappropriately dressed may be asked to leave and return in acceptable attire.

## **Casual Day**

BayTech observes a casual dress day on Friday. Employees who do participate in a casual dress day still are expected to report to work properly groomed. In addition, t-shirts, with the exception of University or school shirts, are not permitted. Employees required to wear safety

equipment or clothing still must do so on a casual dress day.

Administration may issue more specific guidelines concerning any exceptions to this policy.

## Punctuality and Attendance

As an employee of BayTech, you are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for your fellow employees and administration. When you are absent, your assigned work must be performed by others.

**Employees are expected to report to work as scheduled, on time, and be at their assigned work location prepared to start work at the commencement of their shift.** Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized BayTech business. Late arrival, early departure, or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided.

If you are unable to report for work on any particular day, you must under all, but the most extenuating circumstances, notify the Coordinator of Human Resources and your supervisor by at least 6:00 a.m. on the day you are scheduled to work, and preferably no later than 8:00 p.m. the night before you are scheduled to work. If you call after 6:00 a.m. and do not arrive in time for your assigned shift, you will be considered tardy for that day, unless there were unusual circumstances. In all cases of absence or tardiness, employees must provide administration with an honest reason or explanation. Employees also must inform administration of the expected duration of any absence. Excessive absenteeism or tardiness, whether excused or not, will not be permitted. BayTech defines excessive absenteeism as more than five (5) days of absence in a one (1) month period.

If you fail to report for work without any notification to the Coordinator of Human Resources and your supervisor for 3 consecutive business days will, in most cases, be considered as voluntarily abandoned or resignation from your position.

## Other Employment

While employed by BayTech, employees are expected to devote their energies to their jobs with BayTech. The following types of employment elsewhere are strictly prohibited, unless specifically allowed in writing in the employee's employment agreement:

- Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at BayTech;
- Additional employment that creates a conflict of interest or is incompatible with the employee's position with BayTech;
- Additional employment that impairs or has a detrimental effect on the employee's work performance with BayTech;
- Additional employment that requires the employee to conduct work or related activities on BayTech property during the employer's working hours or using BayTech facilities and/or equipment; and
- Additional employment that directly or indirectly competes with the business or the interests of BayTech.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to BayTech explaining the details of the

additional employment. If the additional employment is authorized, BayTech assumes no responsibility for it. BayTech shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

## **Charter Compliance**

All employees are required to adhere to the requirements and mission of the BayTech Charter Petition for their work-site location.

## **Code of Professionalism**

BayTech Charter School staff members will be a dedicated group of professionals who believe that education is a "vocation" and "not a job." They will be bound by a common philosophy and belief that all children are gifted and can learn. Staff Members at BayTech Charter School will be actively committed to working together and ensuring that the mission and vision are upheld. The staff will be proactive in the planning, implementation, and evaluation of the instructional program and school operation. They will be accountable for students' academic and social growth, and fulfill all required duties and responsibilities.

BayTech Charter School will not discriminate against any staff member on the basis of affiliations, political or religious acts or opinions, race, national origin, ancestry, gender, gender identity, marital status, physical disability, mental disability, medical condition, or age.

The following Code of Ethics applies to all staff members of BayTech Charter School, full or part-time.

## **Prohibited Conduct**

The following conduct is prohibited and will not be permitted by BayTech. This list of prohibited conduct is illustrative only. Other types of conduct that threaten security, personal safety, employee welfare and BayTech's operations also may be prohibited.

- Falsifying employment records, employment information, or other BayTech records;
- Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time sheet, either your own or another employee's;
- Theft and deliberate or careless damage or destruction of any BayTech property, or the property of any employee;
- Removing or borrowing BayTech property without prior authorization;
- Unauthorized use of BayTech equipment, time, materials, or facilities;
- Provoking a fight or fighting during working hours or on BayTech property;
- Participating in horseplay or practical jokes, which could result in physical harm to the employee/others or which could be viewed as prohibited harassment and/or discrimination as described in this handbook, on BayTech time or on BayTech premises;
- Carrying firearms or any other dangerous weapons on BayTech premises at any time;

- Engaging in criminal conduct whether or not related to job performance;
- Causing, creating, or participating in a disruption of any kind during working hours on BayTech property;
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of an administrator, or the use of abusive or threatening language toward an administrator;
- Using abusive language at any time on BayTech premises;
- Failing to notify the Executive Assistant/Payroll Tech or site administrator, when unable to report to work;
- Unreported absence of three (3) consecutive scheduled workdays, unless substantiated by an emergency situation which caused the employee to be unable to report and the employee reported as soon as possible after the emergency ended;
- Failing to obtain permission to leave work for any reason during normal working hours, excluding normally scheduled lunch periods;
- Failing to observe working schedules, including rest and lunch periods;
- Failing to provide a physician's certificate when requested or required to do so;
- Sleeping or malingering on the job;
- Making or accepting personal telephone calls, including cell phone calls and text messaging during working hours, except in cases of emergency;
- Working overtime without authorization or refusing to work assigned overtime;
- Wearing disturbing, unprofessional or inappropriate styles of dress or hair while working;
- Violating any safety, health, security or BayTech policy, rule, or procedure;
- Committing a fraudulent act or a breach of trust under any circumstances;
- Committing of or involvement in any act of unlawful harassment of another individual;
- Engaging in romantic or personal displays of affection on BayTech grounds or at an BayTech- sponsored event;
- Failing to promptly report work-related injury or illness.

This statement of prohibited conduct does not alter BayTech's policy of at-will employment. Either you or BayTech remain free to terminate the employment relationship at any time, with or without reason or advance notice, unless the employee has a written employment agreement approved by the Board of BayTech and signed by both parties, or their designees, which provides otherwise.

## **Drug and Alcohol Abuse**

BayTech is concerned about the use of alcohol, illegal drugs, or controlled substances (including medicinal marijuana) as it affects the workplace. Use of these substances, whether on or off the job, can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to BayTech. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes BayTech to the risks of property loss or damage, or injury to other persons.

Furthermore, the use of prescription drugs and/or over-the-counter drugs also may affect an employee's job performance and may seriously impair the employee's value to BayTech. Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify an administrator of such use immediately before starting or resuming work.

BayTech prohibits the following:

- Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on school grounds or at any BayTech-sponsored event;
- Driving any vehicle while on BayTech time while under the influence of alcohol;
- Distribution, sale, or purchase of an illegal or controlled substance while on school grounds or at any BayTech-sponsored event; and
- Conviction under any criminal drug statute for a violation occurring while on school grounds or at any BayTech-sponsored event.

BayTech reserves the right to conduct searches of BayTech property or employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of this policy and other policies. As a result, employees do not have an expectation of privacy in this regard.

BayTech may conduct drug testing of an employee based upon reasonable suspicion that the employee is under the influence of alcohol, illegal drugs or controlled substances. Refusal to comply with a request for drug testing may result in discipline up to and including termination.

Violation of these rules and standards of conduct may result in BayTech reporting such conduct to law enforcement and disciplinary action, up to and including termination, at BayTech's discretion.

## Smoking

Neither smoking nor vaping is allowed in and around any area of BayTech or at any school-sponsored events or functions. Additionally, the King Estates Campus, 8251 Fontaine St. is a OUSD building which falls under the OUSD guidelines of being a certified Tobacco-Free School District which states

*“A tobacco-free school prohibits all tobacco use anytime, anywhere by anyone on all school property, and at all school-sponsored events (California Health and Safety Code Section 104420 [n][2]). School property includes buildings, grounds and vehicles owned or leased by the school. School-sponsored events include sporting events, school dances and other events held on and off school property.”*

BayTech expects all employees to be free from any indication of smoking while on campus. This includes, but is not limited to, the possession of tobacco, vape pens or other marijuana products on campus without a medical prescription, wearing or posting symbols related to smoking, tobacco or marijuana and smelling of marijuana or tobacco

## Off-Duty Conduct

While BayTech does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with BayTech's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect BayTech's or their own integrity, reputation or credibility. Off-duty conduct by an employee that adversely affects BayTech's legitimate business interests or the employee's ability to perform his or her job may be grounds for disciplinary action, including but not limited to dismissal.

## Discipline

Inappropriate conduct, such as violation of school policies and rules and/or poor performance, may warrant disciplinary action. Under appropriate circumstances, BayTech may subject an employee to a range of disciplinary action that includes, but is not limited to, verbal warnings, written warnings, suspension, or termination. The system is not formal, and BayTech may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including immediate termination of employment. BayTech's use of varying forms of discipline does not alter the at-will employment relationship in any way. Employment is at the mutual consent of the employee and BayTech. Accordingly, either the employee or BayTech can terminate the employment relationship at-will, at any time, with or without reason and with or without notice.

# WAGES

## Payment of Wages

All employees will be paid monthly on the 10th & 26th of each month or the business day prior if the 10th or 26th is to fall on a weekend or holiday. Salary employees will receive 24 equal paychecks during their term of employment for each academic year from July 1st of the current year to June 30th of the following year. Notwithstanding, nothing in this section should be construed as an offer of employment for a fixed term. If you observe an error on your check, please report it immediately to the Executive Assistant/Payroll Tech.

BayTech encourages employees to use direct deposit for salary and other wages. Direct deposit will occur on the pay date as described above. The employee has the right to choose the institution which will receive the direct deposit on the employee's behalf.

Employees are responsible for timely submitting direct deposit information to BayTech prior to their first pay date and for timely submitting any changes to their direct deposit information. To begin, change, or stop automatic payroll deposit, you must complete the Direct Deposit Authorization form (available from BayTech's main office) and return it to the Executive Assistant/Payroll Tech at least ten (10) calendar days before the pay period for which you would like the requested action to occur.

You should carefully monitor your payroll deposit statements for the first two pay periods after the requested action begins. BayTech is not liable for any loss that occurs due to an employee submitting erroneous direct deposit information or for failing to timely provide updated direct deposit information.

## Advances

BayTech does not permit advances against paychecks.

## Deductions for Exempt Employees

Employees paid on a “salary basis” regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, exempt employees will receive full salary for any workweek in which they perform any work, regardless of the number of days or hours worked. Exempt employees may not be paid for any workweek in which they perform no work, subject to BayTech benefits programs and policies.

No deductions from salary may be made for time when work is not available, provided the exempt employee is ready, willing, and able to work. Deductions from pay are permissible when an exempt employee:

- Is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness;
- Is absent for jury duty or military duty for a full week and performs no work during the week; or

- Works less than a full week during the initial or final week of employment.

If you believe that an improper deduction from your salary has been made, you should immediately report this information to the Executive Assistant/Payroll Tech. Reports of improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

## Non-Exempt Employees

### Meal and Rest Periods

**Meal Periods:** All non-exempt employees are provided the opportunity to take an uninterrupted meal period of at least 30 minutes each day they work more than 5 hours. You must commence the meal period before you complete your fifth hour of work. Thus, if you begin working at 8:30 a.m., for example, you must take your meal period prior to 1:30 p.m. In addition, you must record the actual times that you stop and start work to take a meal period. A second meal period of not less than 30 minutes is also required whenever a non-exempt employee works more than 10 hours in a workday. You must commence your second meal period before you complete your tenth hour of work. Meal periods are unpaid.

**Rest Periods:** All non-exempt employees are authorized, permitted, and strongly encouraged to take a 10-minute rest period every 4 hours worked or major fraction thereof. Ordinarily, this amounts to two 10-minute rest periods per 8-hour workday. The first rest period should be taken roughly in the middle of the 4-hour work period prior to lunch, and the second rest period should be taken roughly in the middle of the 4-hour work period following lunch. You do not need to record the times of these rest periods. You will be paid for the time spent on your rest periods.

During your meal periods and rest periods, you may not work at all. You are excused from all duties. In addition, please understand that you may not join together required meal or rest periods in order to take a longer break. Also, you may not miss a required meal or rest period in order to start work later or leave work earlier.

In the rare event that you believe you cannot take a meal or rest period, or you are unable to take a full meal or rest period pursuant to BayTech's policy, you must notify the Coordinator of Human Resources or a site administrator in advance whenever possible (and, in any event, as soon as possible) so that the proper measures may be taken.

Failure to comply with BayTech's policy regarding meal and/or rest periods can lead to discipline, up to and including termination

### Overtime for Non-Exempt Employees

Non-exempt employees may be required to work overtime as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime. BayTech will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by an administrator.

BayTech provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows. Employees will receive one and one half their regular rate of pay for all hours worked in excess of eight hours in one workday or 40 hours in one workweek. Employees will receive double their regular rate of pay for all hours



worked in excess

Compensation for hours in excess of 12 in one workday and in excess of eight on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay.

For purposes of calculating overtime, BayTech's standard work week begins on Sunday at 12:01 a.m. and ends on Saturday at 12:00 a.m. (midnight). BayTech's standard workday is 12:01 a.m. to 12:00 a.m. (midnight) each day.

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

## Pay for Mandatory Meetings/Training

BayTech will pay non-exempt employees for their attendance at meetings, lectures, and training programs outside of their normally scheduled work hours under the following conditions:

- Attendance is mandatory;
- The meeting, course, or lecture is directly related to the employee's job;
- The employee who is required to attend such meetings, lectures, or training programs has been notified of the necessity for such attendance by his or her administrator;

Employees who do attend will be compensated at their regular rate of pay. Any hours in excess of eight hours in a day or 40 hours in a week will be paid at the appropriate overtime rate, at the hourly rate in effect at the time the overtime work is being performed.

## Timekeeping Requirements

All non-exempt employees are required to use a timesheet to record time worked for payroll purposes. Employees must record their own time at the start and at the end of each work day, including the start and end of the employee's meal period. Employees must also record their time whenever they leave the building for any reason other than BayTech business. Any handwritten marks or changes on the time sheet must be initialed by the Executive Assistant/Payroll Tech or a site administrator. Completing another employee's timesheet, allowing another employee to complete your timesheet, or altering a timesheet is not permissible and is subject to disciplinary action.

Any errors on your timesheet should be reported immediately to the Executive Assistant/Payroll Tech.

## Work Schedules

BayTech is normally open for business between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. An administrator will assign your individual work schedule. **All employees are expected to be at their desks or workstations at the start of their scheduled shifts, ready to work.**

Exchanging work schedules with other employees is discouraged. However, if you need to exchange schedules, notify an administrator, who may authorize an exchange if possible. Work schedule exchanges will not be approved for the mere convenience of an employee or if the exchange interferes with normal operations or results in excessive overtime.

# SAFETY AND HEALTH

## Health and Safety

All employees are responsible for their own safety, as well as that of others in the workplace. To help us maintain a safe workplace, everyone must be safety-conscious at all times. Employees must report all work-related injuries or illnesses immediately to your administrator. In compliance with California law, and to promote the concept of a safe workplace, BayTech maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in BayTech's main office.

In compliance with Proposition 65, BayTech will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

## Workplace Violence

BayTech has adopted the following workplace violence policy to ensure a safe working environment for all employees.

Acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and may lead to discipline up to and including termination.

Possession of non-work related weapons on BayTech premises and/or at BayTech-sponsored events may constitute a threat of violence.

It is every employee's responsibility to assist in establishing and maintaining a violence-free work environment. Therefore, each employee is expected and encouraged to report any incident which may be threatening to you or your co-workers or any event which you reasonably believe is threatening or violent. You may report an incident to any administrator.

A threat includes, but is not limited to, any indication of intent to harm a person or damage BayTech property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally.

## Employees Who Are Requested to Drive

Employees who are required to drive a BayTech vehicle, or their own vehicles on BayTech business, are required to maintain at all times a valid driver's license and insurance coverage.

BayTech participates in a system that allows them to check the state Department of Motor Vehicles (DMV) records of all employees who drive as part of their job. Employees must show a copy of current automobile insurance.

BayTech retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under BayTech's policy.

Employees who drive their own vehicles on BayTech business will be reimbursed at the

current standard rate for mileage as defined by the Internal Revenue Service.

## **Prohibited Use of Cell Phone While Driving**

In the interest of the safety of our employees and other drivers, BayTech employees are prohibited from using cell phones while driving on BayTech business and/or on BayTech time.

If your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device. Under no circumstances should employees place phone calls while operating a motor vehicle while driving on BayTech business and/or on BayTech time. BayTech recommends preprogramming frequently used numbers into your phone rather than looking up numbers before dialing them.

Writing, sending, or reading text-based communication – including text messaging, instant messaging, and email – on a wireless device or cell phone while driving is also prohibited under this policy.

## **Recreational Activities and Programs**

BayTech or its insurer will not be liable for payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

# TERMINATION

## Employee References

All requests for references must be directed to the Executive Director or designee. No other administrator, coordinator, or employee is authorized to release references for current or former employees.

By policy, BayTech discloses only the dates of employment and the title of the last position held of former employees. If you authorize the disclosure in writing, BayTech also will inform prospective employers of the amount of salary or wage you last earned.

## Involuntary Termination

Violation of BayTech's policies and rules may warrant disciplinary action. BayTech has established a system of discipline that includes verbal warnings, written warnings, and/or suspension. The system is not formal and BayTech may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to, and including, termination of employment. BayTech's policy of discipline in no way limits or alters the at-will employment relationship.

## Voluntary Resignation

Voluntary resignation results, in most cases, when an employee voluntarily quits his or her employment at BayTech, or fails to report to work for three (3) consecutively scheduled workdays without notice to, or approval by, an administrator. All BayTech-owned property, including vehicles, keys, identification badges, and credit cards, must be returned immediately upon termination of employment.

## Teachers

Employee agrees that should he/she desire to terminate their professional relationship with BayTech, BayTech requests that the employee provide written notice to the Executive Director thirty (30) calendar days prior to the effective date of the resignation. Prior notice will allow BayTech to find a suitable and qualified replacement for the vacant position.

In accordance with *Education Code* section 44420, BayTech is required to report a credential holder on a *fixed-term* contract that refuses, without good cause, to fulfill a valid contract of employment. BayTech may pursue filing a complaint with the California Commission on Teacher Credentialing, which may result in adverse action on the credential holder. The reporting requirement does not apply to teachers who are employed on an at-will basis rather than on a fixed-term contract.

## Non-Teachers

Employee agrees that should he/she desire to terminate their professional relationship with BayTech, BayTech requests that the employee provide written notice to the Executive

Director fifteen (15) calendar days prior to the effective date of the resignation. Prior notice will allow BayTech to find a suitable and qualified replacement for the vacant position.

## Bases for Disciplinary Action

The following violations are considered misconduct and will result in disciplinary action up to and including termination of employment.

The following acts or omissions, among others may constitute grounds for disciplinary action:

- Insubordination
- Unprofessional job-related conduct
- Breach of confidentiality
- Incompetence or inefficiency in the performance of duties as identified through due process
- Corporal punishment of students
- Improper conduct toward students and other employees
- Conduct in violation of any BayTech policy
- Conviction of a felony related to the employees employment
- Serious misconduct of the employees job
- Abuse of BayTech's Sick Leave Policy
- Excessive tardiness
- Unexcused absences from work
- Gross waste of BayTech supplies and equipment
- Dishonesty or falsification of any information
- Possession of alcohol, tobacco or other intoxicants
- The use of or being under the influence of alcohol or other intoxicants
- Verbal or physical fighting on campus

Corrective action may be taken against the employee in response to a rule infraction or violation.

Corrective action will continue until the violation or infraction is corrected. Corrective action may start with a verbal warning and then a written warning.

Suspension with and without pay may be administered by the Executive Director when the misconduct is sufficiently serious enough to warrant the initiation of disciplinary action at this level. The most severe infraction may immediately lead to dismissal.

## Staff Procedures

There are certain requirements that must be completed in the operation of the school.

- Teachers must take attendance at the beginning of the period/block period in AERIES
- It is the teacher's responsibility to communicate on their student's grades
- Grades must be kept up to date in AERIES

- Progress reports should be sent to parents 6 times a year
- Teachers will have lesson plans for each class period
- Teachers are required to post assignments, syllabuses, homework, and classroom information on AERIES and in Google Classroom
- If you want to watch a movie in class you must get prior approval from your administrator
- Every teacher is required to have a substitute folder with assignments, roll sheet, and seating chart
- If you need to step out of your classroom contact your administrator
- Teachers are responsible for materials and technology devices in their class so an inventory is essential
- Although classrooms will be cleaned. However teachers are responsible for the overall appearances of your classroom. Hold students accountable for their trash.
- Teachers are responsible for the proper use of student computers and supervision of student use of devices. Make sure students use their own accounts and their assigned computers at all times
- All teachers should dismiss their class in lines.
- Teachers should be in their classroom doorway during passing periods.
- All students must have a hall pass when out of the classroom. Only one student should be out of the classroom at a time.
- Students must have a pass to go to the office.
- Teachers will escort their class to lunch during the appropriate time.
- Staff should report to lunch duty in a timely manner and surprise for the duration of the period
- Staff must make arrangements with another staff member to cover your duty if you are not able to fulfill it
- Students are only allowed to eat in designated eating areas
- Emergency drills will be conducted regularly. Each room will have an emergency folder with student rosters and emergency procedures which you will use during the emergency drill.
- Copy machines are to be used for academic reasons. Please plan ahead. Office personnel will not be available to make copies for classroom use
- Staff use of personal calls is prohibited during class time unless it's an emergency. Please put your phones on "Do Not Disturb"
- Please respect your fellow colleagues by cleaning up after yourself in the teachers' lounge and the copy work area
- Use the defined program for purchase requests, expense reimbursement, and staff attendance
- Order your classroom supplies through the Executive Assistant as needed
- Staff members are encouraged to attend all school events. Teachers must attend staff meetings, professional development, Back to School Night, Open House, parent conference and IEPs

## Field Trips

Teachers may arrange class trips to enhance their educational program. Discuss fundraising with your administration. Remember students may not be required to pay to attend a class trip. Please follow the following field trip procedures:

- Field trip request form must be turned into the administration at least four weeks prior to trip.
- Make arrangements for transportation
- Send out student permission slips to parents
- Make arrangements for parent chaperoning, 1 to every 10 students
- Make arrangements for students not attending class trip

**Appendix A - Uniform Complaint Form**

**BAYTECH**



Bay Area Technology School  
8251 Fontaine Street  
Oakland, CA 94605

**Uniform Complaint Procedure Form**

Last Name: \_\_\_\_\_ First Name/MI: \_\_\_\_\_

Student Name (if applicable): \_\_\_\_\_ Grade: \_\_\_\_\_ DOB: \_\_\_\_\_

Street Address/Apt#: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

School/Office of Alleged Violation: \_\_\_\_\_

**For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Migrant Education            | <input type="checkbox"/> Foster/Homeless Youth            | <input type="checkbox"/> Every Student Succeeds Act Program                                  |
| <input type="checkbox"/> Consolidated Categorical Aid | <input type="checkbox"/> Pupil Fees                       | <input type="checkbox"/> Economic Impact   |
| <input type="checkbox"/> Career/Technical Education   | <input type="checkbox"/> No Child Left Behind Programs    | <input type="checkbox"/> Local Control Funding Formula/Local Control and Accountability Plan |
| <input type="checkbox"/> Special Education            | <input type="checkbox"/> Tobacco-Use Prevention Education |  |
| <input type="checkbox"/> Child Nutrition              | <input type="checkbox"/> Bilingual Education              |  |

**For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Age                             | <input type="checkbox"/> Gender/Gender Expression/Gender Identity | <input type="checkbox"/> Sexula Orientation (Actual or Perceived)  |
| <input type="checkbox"/> Ancestry                        | <input type="checkbox"/> Genetic Information                      | <input type="checkbox"/> Based on association with a person or group with one of more of these actual or perceived characteristics |
| <input type="checkbox"/> Color                           | <input type="checkbox"/> National Origin                          | <input type="checkbox"/> Marital Status  |
| <input type="checkbox"/> Disability (Mental or Physical) | <input type="checkbox"/> Race or Ethnicity                        |  |
| <input type="checkbox"/> Ethnic Group Identification     | <input type="checkbox"/> Religion                                 |  |
| <input type="checkbox"/> Medical Condition               | <input type="checkbox"/> Sex (Actual or Percieved)                |  |
| <input type="checkbox"/> Immigration Status              |   |  |



Appendix A - Uniform Complaint Form

**BAYTECH**



Bay Area Technology School  
8251 Fontaine Street  
Oakland, CA 94605

1. Please give facts about the complaint. Provide details such as names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

---

---

---

---

---

---

---

---

2. Have you discussed your complaint or brought your complaint to any Charter School personnel? If you have, to whom did you take the complaint, and what was the result?

---

---

---

---

---

---

---

---

3. Please provide copies of any written documents that may be relevant or supportive to your complaint.

I have attached supporting documents.     Yes     No

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

Mail complaint and any relevant documents to:

Seth Feldman  
Executive Director  
[sfeldman@baytechschool.org](mailto:sfeldman@baytechschool.org)  
8251 Fontaine St.  
Oakland, CA 94605  
510.382.9932

# CONFIRMATION OF RECEIPT

## EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND AGREEMENT

I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook located on the BayTech website and in the BayTech Office.

I understand that except for employment at-will status, any and all policies or practices can be changed at any time by BayTech. BayTech reserves the right to change my hours, wages, and working conditions at any time. Unless specified otherwise in an agreement between me and BayTech or the Board, I understand that I am an at-will employee. I understand and agree that other than the Board of BayTech, no director, coordinator, or representative of BayTech has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the Board has the authority to make any such agreement and then only in writing, signed by both parties.

I understand that nothing in the handbook is intended, nor should be construed, as a limitation of my right and BayTech's right to terminate the employment relationship at any time, with or without notice, and with or without cause, or BayTech's absolute right to transfer, demote, suspend, administer discipline, and change the terms and conditions of employment at its sole discretion. I understand and agree that nothing in the employee handbook creates or is intended to create a promise or representation of continued employment and that employment at BayTech is employment at-will, unless I have signed a written employment agreement as described above; at-will employment may be terminated at the will of either BayTech or myself. I understand that BayTech reserves the right to depart from and modify the policies stated in the handbook at its sole discretion, with the exception of my at-will status and the BayTech's absolute right to transfer, demote, suspend, administer discipline, and change the terms and conditions of employment.

My signature certifies that I understand all of the above and the circumstances under which my employment may be terminated. It supersedes all prior agreements, understandings, and representations concerning my employment with BayTech, unless I have a signed written employment agreement as described above which provides otherwise.

Employee's Signature \_\_\_\_\_

Employee's Printed Name \_\_\_\_\_

Date \_\_\_\_\_