



# Catholic Schools Personnel Guidelines

Diocese of Monterey  
Department of Catholic Schools  
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## **SECTION I: EMPLOYMENT PRACTICES**

### **INTRODUCTION:**

The mission of Catholic Schools is to evangelize and to catechize by fulfilling the four apostolic goals:

1. Spreading the Gospel Message
2. Building a Faith Community
3. Celebrating the Faith, and,
4. Performing service to others.

These Personnel Guidelines ("Guidelines") have been prepared to inform you of the procedures, policies and benefits of the School ("School"). These Guidelines are not meant to explain every employment situation; however, they are designed to acquaint you, the employee, with the School as employer and to help you effectively and efficiently operate within established policies. The Handbook is for informative purposes only and does not constitute a contract, with the exception of the At-Will Policy set forth below, which is intended to be contractually binding on both you and the School.

### **STATEMENT OF PHILOSOPHY:**

The School recognizes you as an individual employee who is a uniquely gifted steward of God's grace and has been called to shared ministry. The School and all its employees shall make every effort to integrate pastoral, legal and management needs within the context of the ministry of the Gospel.

Nothing in this policy is intended to interfere with employees' right to participate in concerted activity such as communicating with co-workers regarding their wages, hours, or terms and conditions of employment, or with their right to self-organize or join labor organizations or any other rights protected under the National Labor Relations Act.

Each employee understands and agrees that he or she is an apostolic worker of the Roman Catholic Church. The mission of the School is to develop and promote a Roman Catholic School Faith Community as determined by the Bishop of Monterey in accordance with the teachings of the Roman Catholic Church. Each employee's employment is contingent on his/her commitment to support the teachings of the Roman Catholic Church as determined by the Bishop of Monterey and to assist in the development and promotion of a Roman Catholic School Faith Community. Principals, Administrators and teachers of religion (all those who teach in a self-contained classroom or who teach any aspect of religious formation, belief, practice, history or any related subject) understand and agree that they must be Catholics in good standing with the Roman Catholic Church and must follow, in all aspects of their lives, the moral teachings of the Roman Catholic Church. All teachers are expected to integrate faith, moral and prayer in their curriculum without regard to the subject being taught. Each employee understands that if at any

time during his or her employment, the School determines, in its sole discretion, that any aspect of the employee's behavior, teaching or statements are contrary to the teachings of the Roman Catholic Church or in any way interfere with its mission, it may terminate the Teacher's employment without notice.

#### RIGHTS AND OBLIGATIONS UNDER LAW:

The term "law" used within this document generally refers to the laws of the United States, the State of California and other applicable civil laws. The Diocese of Monterey also operates under the Canon Law of the Roman Catholic Church. In the case of conflicting laws, Canon Law shall prevail in all matters within the competency of such Canon Law.

Personnel employed by the Diocese are required to obey all applicable laws, statutes and regulations. When varying interpretations of law or regulation occur, the employee must seek the advice of an appropriate School official.

#### CODE OF PROFESSIONAL PRACTICES:

Employees must always obey all applicable laws and conduct their employment related activities in an ethical manner consistent with Roman Catholic teachings and the principles of professionalism, loyalty, morality and confidentiality. The purpose of the Code of Professional Practices is to help employees understand the philosophical viewpoints of the School.

Building a Roman Catholic faith community is central to the life of the Roman Catholic Schools in the Diocese of Monterey. The Diocese of Monterey recognizes and respects each employee's right to privacy and to engage in personal activities outside the scope of his/her employment with the School which do not interfere with his/her employment. However, principals, administrators, religion teachers and others who are responsible for teaching Catholic doctrine are expected to model moral behavior consistent with Roman Catholic teachings in their personal lives. All personnel shall be expected, in their personal and professional lives to model, support and actively participate in the formation of the Roman Catholic faith community in the School and are required to act, at all times, in the best interests of the Church in the Diocese of Monterey. The best interests of the Church always lie in obeying the law, following Church rules and policies, and following generally accepted ethical standards of conduct and behavior. While representing the School, all employees, as a condition of employment, shall conduct themselves in a manner that is compatible with the teachings and mission of the Church and shall uphold the official teachings of the Roman Catholic Church.

The Diocese of Monterey will determine when an activity conflicts with the interests of the Church and when to take the necessary action to resolve the conflict.

#### **EQUAL EMPLOYMENT POLICY:**

The School promotes equal opportunity in all employment decisions regardless of race, national origin, sex, marital status, physical/mental disability, age or other bases protected by federal, state or local law. The School does reserve the right to be the sole judge of merit, competence

and qualifications, and can favor Catholic applicants and co-workers in all employment decisions, especially in those positions that have direct bearing upon the pastoral activity of the Church.

## **UNLAWFUL DISCRIMINATION, HARASSMENT, AND RETALIATION PREVENTION:**

The School is committed to providing a work environment free of discrimination, sexual harassment and any other form of unlawful harassment. The Diocese of Monterey Parish & School Operating Corporation is exempt from the Fair Employment and Housing Act.

Unlawful discrimination or harassment based on applicable protected classifications are prohibited and will not be tolerated by the school. This policy prohibits all agents and employees of the School, including co-workers, supervisors, managers and third parties, with whom the School's employees come into contact from engaging in conduct prohibited by this policy. Furthermore, it prohibits unlawful harassment in any form, including verbal, physical and visual harassment, as well as discrimination, harassment, disrespectful or unprofessional conduct 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. It also prohibits retaliation of any kind against individuals who file valid complaints or who assist or participate in a School investigation.

Harassment can take many forms and includes, but is not limited to:

- Verbal conduct, such as epithets, derogatory jokes or comments, slurs regarding a person's race or other protected characteristic, such as those listed above, or unwanted sexual advances, invitations or comments;
- Visual conduct, such as derogatory posters, photographs, cartoons, drawings or gestures, regarding a person's race or other protected characteristic, such as those listed above, or sexually oriented posters, photographs, cartoons, drawings or gestures;
- Physical conduct toward someone because of their race or other protected characteristic, such as those listed above, including sexual assault, unwanted touching, blocking normal movement or interfering with work;
- Sexual harassment specifically includes, but is not limited to, threats and demands to submit to sexual requests as an express or implied condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors, unwanted sexual advances and requests for favors that have the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment; and
- Retaliation for having reported unlawful harassment.

## Complaint Process

*When?* The School encourages all employees to report any incidents of harassment prohibited by this policy immediately so that complaints may be quickly and fairly resolved.

*To Whom?* If you feel you have been subjected to any kind of unlawful harassment, coercion or intimidation by anyone, whether by one of your co-employees, a supervisor or manager, a member of management, or a third party, such as a volunteer, parent, customer or vendor, we encourage you to bring your concern to the attention of your supervisor immediately.

If the complaint involves your supervisor or you are uncomfortable bringing the matter to your supervisor's attention for any reason, you are not required to complain directly to him or her. Employees who believe they have been unlawfully harassed may also notify:

- The Director of Human Resources;
  - The Superintendent of Schools;
  - The Vicar General or any other supervisory employee;
  - The Bishop; or
  - The U. S. Equal Employment Opportunity Commission ("EEOC"). The address and telephone number of the EEOC can be located in the Federal Government section of your local telephone Directory or on-line at <http://www.eeoc.gov/>
- How?* Your complaint can be submitted either in writing or orally.

*What the School will do after notice of a complaint?* All supervisors are instructed to report any complaints of misconduct of any kind to the Human Resources Director. Your complaint will be designated confidential and the confidentiality of your complaint will be maintained by the School to the extent possible; however, the School cannot promise absolute confidentiality because of its obligations to investigate your complaint and take appropriate remedial measures in response. The School will designate a qualified, impartial person to conduct a fair, timely and thorough investigation that affords all parties involved due process and allows the School to make reasonable conclusions based on the evidence collected.

*How long will it take?* You will be advised when an investigation is initiated. The duration of the investigation process can vary depending on the nature of the complaint, the extent of the issues and the number of persons involved or witness to the events, but the School will act to ensure reasonable progress and a timely response to you regarding that progress and the closure of the investigation. The School will maintain records of the investigation process that are designated and maintained as confidentially as possible.

*What action will the School take on my complaint?* If the investigation shows that someone has engaged in misconduct, appropriate remedial measures will be taken calculated to end the unlawful behavior, but the specific action taken may not be disclosed to you because of the privacy rights of others that the School must respect. Any employee determined by the

School to have engaged in or contributed to any unlawful harassment will be subject to appropriate disciplinary action, up to and including termination.

It is the responsibility of each employee to immediately report any violation or suspected violation of this policy to one or more of the individuals identified above. Please be assured that the School will not retaliate against you for making a complaint or for participating in any workplace investigation.

#### **AT WILL EMPLOYMENT:**

Employment with the School is at will. At will employment means that your employment may be terminated either by you or by the School, with or without cause, and with or without notice, at any time. *Even though you may have a contract that sets a term of your employment, there is no promise that employment will continue for any specified period of time.* Employees may quit at any time with or without advance notice or reason and the School may terminate employment at any time with or without advance notice or reason. Nothing in these Guidelines confers any contrary contractual right, either express or implied, to remain in the School's employ for any specific time period. The relationship between you and the School implies no guaranteed contractual obligation.

Teachers and School Administrators may be offered a contract to work for the School for a specified period of time and/or contain exceptions to the policies outlined in these Guidelines. Even though there may be a term of employment listed in this agreement, the employment is "at will." *All such contracts must be in writing and signed by the Principal of the School the Pastor, if applicable, or his designate and the Superintendent of Schools.*

#### **RESERVATION OF RIGHT TO AMEND GUIDELINES:**

Because the School is a growing and changing organization, it reserves the right to add to, modify, or delete provisions of these Guidelines and the policies, procedures and/or benefits described herein at any time without notice.

The Bishop alone has the authority to make exceptions inconsistent with the personnel policies contained herein. These policies supersede all written and oral representations that are in any way inconsistent with them and replace all previous personnel guidelines and/or policies.

#### **ADMINISTRATION/HIRING PRACTICE:**

Principals have the responsibility for the administration of the policies contained in this manual. The Bishop is responsible for interpretation of the policies.

All initial phases of the hiring process, including announcement of position openings, receipt and screening of applications, reference checks, and the presentation of qualified candidates for interview, are customarily conducted by the appropriate Principal and may be completed in consultation with the Human Resources Director. Principals are responsible for training all personnel in their respective department. However, the Human Resources Department is available to assist Principals in the hiring process.

## SPECIFIC HIRING REQUIREMENTS FOR ALL PERSONNEL:

All employees are required to:

1. Show freedom from infectious tuberculosis. Each employee must take the tuberculosis risk assessment and if risk factors are identified, a TB test and examination must be performed by a health care provider to determine if the employee is free of infectious tuberculosis. The employee must submit the Certificate of Completion to his/her School.
2. Prove identity and right to work in the United States: In compliance with federal immigration laws, the School only hires employees who are and continue to be eligible to work in the United States. All employees hired after November 6, 1986 are required, as a condition of their employment, to document this by completing the Employment Eligibility Verification Form (I-9). The Principal, or his/her designate, is responsible for completing the Employment Eligibility Verification form within three days of the person's hire date.
3. Read, sign and submit a Child Abuse Reporting Acknowledgement Form annually. Section 11166 of the California Penal Code requires, among others, any child care custodian or clergy member 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, the police or child abuse reporting agency *immediately* or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. There is an exception for communications during a penitential communication. The written report that mandated reporters must submit within 36 hours is a Department of Justice form (SS8572). If the report involves a Diocese of Monterey employee or volunteer, a copy of this report is to be forwarded to the Superintendent of Catholic Schools.
4. Complete the fingerprinting process: By law (Section 44237 of the California Education Code) and School policies, all PS-12 applicants for employment in a position requiring contact with minor students, are required to submit fingerprints for the purpose of obtaining criminal record summary information from the Department of Justice (D.O.J.) and the Federal Bureau of Investigation (F.B.I.). The Diocese of Monterey shall be the Contributing Agency for this fingerprinting process. Preschool applicants for employment shall additionally obtain fingerprint clearance through the Community Care Licensing Division of the California Department of Social Services. No employee may begin work until the School has received written notice from the Department of Human Resources and the Department of Social Services (if a PS applicant) that the applicant has successfully completed the fingerprinting requirements. (Refer to "Fingerprint Requirement" in Section IV)

All Catholic Schools (PS-12) require each applicant for employment to comply with the fingerprinting requirements of the State of California and the Diocese of Monterey.

No School (PS-12) may allow an employee to begin working until receiving written notice from the Human Resources Department that the applicant has successfully completed the fingerprinting requirements.

In addition, all licensed preschool/childcare programs shall require all staff to obtain fingerprint clearance through Community Care Licensing prior to being present at the facility or to having contact with children in the program

5. Read, sign and submit annually, an Acknowledgment Form regarding unlawful harassment and sexual misconduct.
6. Read, sign and submit an Acknowledgment Form for the employee's School's Internet and e-mail use policy.
7. Read, sign and submit an Acknowledgment form for the School Safe Environment Program policy.
8. Read, sign and submit an Acknowledgment form for the School Personnel Guidelines.
9. Read, sign and submit an Acknowledgment form for the Administrative Handbook. (if applicable)
10. Read, sign and submit an Acknowledgment form for the **local School** handbook. (if applicable)

#### **APPLICABILITY OF POLICIES TO RELIGIOUS/CLERGY:**

Because of the unique canonical relationship of priests and religious to the Diocese, they are not technically considered employees. As such, not all policies within this handbook apply to clergy/religious, particularly those guidelines concerned with compensation and benefits. Please refer to the Clergy Personnel Guidelines and Religious Personnel Guidelines.

#### **IMMIGRATION REFORM AND CONTROL ACT OF 1986:**

In compliance with federal immigration laws, the School only hires workers who are and continue to be eligible to work in the United States. All employees hired after November 6, 1986 are required, as a condition of their employment, to document this eligibility. The Principal is responsible for completing the Employment Eligibility Verification form within three days of the person's hire date.

## EMPLOYMENT OF RELATIVES:

For purposes of this policy, a “relative” includes spouse, parent, grandparent, child, sibling, in-law and step-relationships. Employees’ relatives will not be eligible for employment with the School where potential problems of supervision, safety, security, morale, or where potential conflicts of interest exist. In order to prevent problems with supervision and morale, an employee shall not supervise, monitor and/or audit the work of his/her relative. Husbands and wives should not work at the same location.

## CLASSIFICATION OF PERSONNEL:

As a School employee, you are classified as follows:

### Hours Worked      Benefits

35+ YR      Non-instructional employees hired to work regularly and customarily at least 35 hours per week year-round (YR) are eligible for health insurance (including dental and vision), enrollment in the lay employees’ pension plan and in the life insurance plan. You are entitled to paid vacation pay, sick leave and holidays.

35+ AY      Employees hired to work regularly and customarily at least 35 hours per week during the academic year (AY) which generally runs from mid-August to mid-June depending on the school calendar are eligible for health insurance (including dental and vision), enrollment in the lay employees’ pension plan and in the life insurance plan. You are entitled to paid sick leave and personal days (see the sick leave section for more information).

30-34      Employees hired to work regularly and customarily at least 30 hours per week but fewer than 35 per week. If you are a 30-34 employee, you are eligible for medical insurance, enrollment in the pension plan and in the life insurance plan. You are entitled to prorated paid sick leave and personal days (see the sick leave section for more information).

20-29      Employees hired to work regularly and customarily at least 20 hours per week but fewer than 30 hours per week. If you are a 20-29 employee, you are entitled to enrollment in the pension plan and in the life insurance plan. You are entitled to prorated paid sick leave and personal days (see the sick leave section for more information).

UNDER 20      Employees hired to work fewer than 20 hours per week. If you are an UNDER 20 hours a week employee, you are not eligible for benefits except as required by law including Healthy Workplaces, Healthy Families sick leave as described below and Worker’s Compensation.

TEMP      “Temp” or temporary employees are those employees normally hired to work for a limited length of time for such reasons as filling in for absent employees,

assisting in heavy workload situations or performing a specific short-term task. If you are a TEMP employee, you are not eligible for benefits except as required by law (such as Worker's Compensation, paid sick leave).

If you are a TEMP employee who is contracted to the School through an agency, the agency bears full responsibility for all your benefits, including those required by law.

If you are a temporary employee who is subsequently hired on a regular basis, your hire date will be the date you actually begin continuous work as a regular employee.

## **EXEMPT and NON-EXEMPT EMPLOYEES**

### **Exempt Employees**

To be classified as exempt the following requirements must be met:

A. Teachers: A teacher must meet all of the following requirements:

1. Must have a bachelor's degree or higher from an accredited institution of higher learning.
2. The employee is primarily engaged in the duty of imparting knowledge to pupils by teaching, instructing, or lecturing.
3. The employee customarily and regularly exercises discretion and independent judgment in performing the duties of a teacher and,
4. The employee earns the salary or a proportionate share of the exempt salary as it may change from time to time based on public school salary schedules.

B. Professionals: Who is licensed or certified by the State of California and is primarily engaged in the practice of one of the following recognized professions: law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting, or

1. Who is primarily engaged in an occupation commonly recognized as a learned or artistic profession. "Learned or artistic profession" means an employee who is primarily engaged in the performance of:
2. And meets one of the following:
  - a. Work requiring knowledge of an advance type in a field or science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or work that is an essential part of or necessarily incident to any of the above work; or
  - b. Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the

result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the above work; and

- c. Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.
3. Who customarily and regularly exercised discretion and independent judgment in the performance of duties set forth above.
4. Who earns a monthly salary equivalent to no less than two times the state minimum wage for full-time employment. Full-time employment means 40 hours per week.

### Non-Exempt Employees

*Employees who do not meet the requirements to be considered exempt, are non-exempt. Non-exempt employees are required to complete and sign a timesheet which must be signed and approved by his or her supervisor. Non-exempt employees are covered by the overtime provisions of the FLSA and the Industrial Welfare Commission Wage Orders. Employees in this category are entitled to premium pay for work in excess of forty hours in a workweek or eight hours in a workday. However, overtime hours must be specifically approved by the employee's supervisor prior to working any overtime hours.*

## INSTRUCTIONAL STAFF:/NON-INSTRUCTIONAL STAFF: DEFINITIONS

### Instructional Staff:

All employees who work directly with students in the educational setting are considered instructional staff. These employees include, but are not limited to, all teachers, teacher aides, coaches, resource specialists and similar employees.

### Non-instructional staff

All other employees such as business managers, secretaries, maintenance employees, housekeeping employees, kitchen workers and extended care workers are non-instructional staff.

## SUBSTITUTE TEACHERS AND TEMPORARY EMPLOYEES

1. Temporary employees are those employees normally hired to work for a limited length of time for such reasons as filling in for absent employees, assisting in heavy work load situations or performing a specific short term task.
2. Substitute teachers are normally hired to fill in for an absent teacher for a limited length of time.

## STUDENTS:

Under state law, minors aged 12 to 17 must have a “Permit to Employ and Work” issued by the State Department of Education on file with the School during the term of employment. Principal should contact the Human Resources Director prior to anyone under the age of 18 working for a Department to ensure that the requirements for employing a minor have been satisfied. This restriction extends to any minor receiving compensation from the School including musicians.

## SECTION II: WORK PRACTICES

### ATTENDANCE:

Policy: Good attendance and punctuality are important to your fellow employees and to the School. Thus, it is School policy to encourage good attendance and punctuality. As a courtesy to your supervisors and co-workers, please arrive on time and be at your desk ready to work at the time your workday starts.

The School recognizes that sometimes there are legitimate reasons for absences or for being late. However, poor attendance results in frustration to your supervisors and co-workers who rely on your presence to get the work of the School done efficiently. Therefore, frequent or excessive absence or lateness for work, with or without compelling reasons, may lead to discipline up to and including dismissal. To the extent permitted by law, an employee's absenteeism and tardiness will be factored into decisions regarding advancement and continued employment.

Procedure: If, on a day that you are scheduled to work, you or someone in your family is sick or there is another reason why you cannot be at work that day or you will be late, you are to notify your supervisor as soon as possible and no later than the beginning of the first working hour of the day. If your supervisor is unavailable, you are to notify the appropriate designate. You are expected to explain the reasons for any absence or tardiness and to estimate the length of time you expect to be absent from work. During an absence, you will be required to call your supervisor (or designate) every day you are absent unless other arrangements are approved by your supervisor. If the absence is because of medical reasons, you may be required to obtain a medical certification form from your attending physician and present it to your supervisor.

If you fail to report for your normally scheduled assignment and you have not “called in,” you may be subject to disciplinary action, up to and including dismissal. If you fail to report for work or notify your supervisor about an absence for a period of two (2) working days, the School will assume that you have abandoned your job and resigned your position.

This policy does not affect your right to use paid sick leave as detailed in the Healthy Workplaces, Healthy Families Paid Sick Leave policy set forth in these Guidelines. Employees absent pursuant to the Healthy Workplaces, Healthy Families policy must give reasonable advance notification if the need for the paid sick leave is foreseeable, and if the need for the paid sick leave is not foreseeable, must provide notice of the need for the leave as soon as practicable. The School will not deny an employee the right to use accrued Healthy Workplaces, Healthy Families paid sick days under this policy, or discharge, threaten to discharge, demote, suspend,

or in any manner discriminate against an employee for using accrued sick days or exercising or attempting to exercise the rights provided by the Healthy Workplaces, Healthy Families Act of 2014.

### **WORK HOURS:**

The normal work week is 35 hours per week. As a general rule, employees should try to schedule personal or medical appointments outside of the normal work hours. Exempt employees work whenever the School, or the Principal requires it even when those hours are outside of the “contracted time.”

### **OVERTIME AND COMPENSATORY TIME:**

Employees shall be paid for their hours worked in accordance with all legal requirements. Employees who qualify as administrative, executive, or professional employees within the meaning of the state and federal wage and hour laws are “exempt” from overtime pay and are not subject to this section of the guidelines. If you are classified as "exempt," you will be notified of this classification by Human Resources. All other employees are considered “non-exempt” and qualify for overtime pay. Please contact Human Resources for assistance if you have any questions concerning your classification.

As a matter of policy, overtime work is strongly discouraged. However, when on occasion, it is necessary to work additional hours; it is allowed only on the following basis: *all provisions for overtime must be approved in advance by the Principal.* While overtime is discouraged (and even if it has not been approved), every non-exempt employee’s timesheet is to be completed accurately showing **all** hours actually worked. The failure to abide by this policy may subject an employee to disciplinary action up to and including termination.

Non-exempt employees are compensated for time worked in excess of their regular schedule. Time up to eight (8) in a day or forty (40) in a workweek will be compensated at the employee’s regular rate of pay. If you work over eight (8) hours in one day or forty (40) hours in a week you will be paid overtime as required by law. Overtime pay is calculated at one and one-half times the employee’s regular rate for all hours **over eight hours** in one workday or over **forty hours in one workweek**. If the employee works all seven days of the workweek, he/she is compensated at the rate of one and one-half times for the first eight hours and double time after eight hours on the seventh day in a single workweek. Overtime is computed on the basis of a non-exempt employee’s total hours worked in a workday and workweek. The Diocese of Monterey’s workweek begins on Sunday and ends on Saturday. Hours for holidays, sick days and vacation do not count as hours worked for overtime purposes. Overtime hours in excess of twelve in one workday are paid at double time. Weekend work does not automatically qualify for compensation at an overtime rate of pay. Hours worked on Saturdays and/or Sundays qualify for overtime pay only if they qualify as overtime hours under the standards noted above.

Federal and state laws require the School to adhere strictly to certain procedures in monitoring overtime. Please be sure to complete your timesheet each day and to record all hours actually worked. Therefore, if Principal has any questions, he or she should contact the Human Resources Director before approving overtime.

Under Federal law, the School and other private employers are not permitted to offer compensatory time off (CTO) to non-exempt employees in lieu of paying overtime. California law permits, however, a non-exempt employee to use "make-up" time under some circumstances. See the Make-Up Time Policy set forth below.

### **MAKE UP TIME:**

Employees who are normally compensated for overtime (non-exempt employees) and wish to miss scheduled work because of personal obligations, may request the opportunity to make up the amount of time missed by working earlier or later on the same workday in which they miss work because of a personal reason.

The employee's written request for make-up time must be approved by the Principal prior to the employee taking the time off. Employees should understand that the use of make-up time is completely voluntary. The School does not encourage, discourage or solicit the use of make-up time. This policy allows make-up time only when it is sought by the employee and found to be consistent with the employee's desires and the School's business and staffing needs. The Principal has sole and absolute discretion to approve a request, in writing, to an employee when circumstances make such approval appropriate.

The written and approved request must be attached to the semi-monthly timecard. Hourly employees should write the exact hours worked on the appropriate days on the timecard.

Generally, all medical and personal appointments should be scheduled outside of work time.

### **TIME SHEETS:**

Each non-exempt staff member, by law and School policy, must accurately record regular and overtime hours worked, and vacation, sick leave and personal time taken. School employees are required to use the approved timesheet to record their hours (in some cases, non-exempt employees may be asked to use an online program to enter hours). Each time sheet must include the start and end time of each work period, meal periods, split shifts (if applicable), total hours worked for each shift, overtime or extra hours worked and all vacation, holiday and sick designations. Each pay period, the employee must sign the timesheet indicating that the timesheet is accurate to the best of the employee's knowledge and the Principal must sign his/her approval of the timesheet.

Exempt employees must complete an administrative time record which records their vacation, sick and personal time. The time record must be provided to payroll within the first week of the month for the preceding month.

All time records are property of the School. Accordingly, unauthorized alteration, removal, destruction or falsification of time records is strictly prohibited. Employees are prohibited from using or recording information on another employee's timecard. Failure to comply with this policy will subject you to discipline, including but not limited to termination.

**MEAL AND REST PERIODS:**

Unless an employee’s total daily work time is less than 3.5 hours, all non-exempt employees are provided one rest break of ten (10) consecutive minutes for every four (4) hours (or major fraction thereof) worked as follows:

<b>Duration of Shift</b>	<b>Required Rest Break</b>
Less than 3.5 hours	0
3.5 to 6 hours	1
6 to 10 hours	2
10 to 14 hours	3

Insofar as practicable, each rest period should be taken in the middle of each work period. Thus, in a typical eight-hour workday, this means an employee is entitled to and should take a 10-minute rest break in the middle of the first four hours of the shift and then a second 10-minute rest break in the middle of the second four hours of the shift.

You may deviate from the above schedule at your discretion, if you would prefer, for your own personal reasons. For example, if you are working an eight hour shift and want to take a rest break around the end of the first hour, rather than wait until the middle of the first half of your shift, you are free to do so. However, if you wish to take your break during the middle of the first half or second half of your shift, but you cannot because of work demands, you should contact your supervisor for assistance in covering your duties so you may take a rest break in the middle of any four hour work period of your shift. Rest breaks are paid, so you should not clock out during a rest break.

In addition, California law requires that all non-exempt employees are provided a half-hour meal break for every five (5) hours worked.

<b>Hours of Work</b>	<b>Required Meal Break</b>
By the end of 5th hour worked	30 minutes
By the end of 10th hour worked	30 minutes

Meal breaks are unpaid, and the actual time taken for a meal break must be recorded on an employee's timecard. Employees on a meal break are free to leave the premises.

The School encourages you to take your authorized rest and meal breaks in accordance with this policy in order to remain refreshed and alert. There may be occasions, however, when you elect

to skip a rest or meal break for your own personal reasons. There may also be rare occasions when you have to work through a rest or meal break because of unexpected business demands. If the School's business demands cause you to miss a rest or meal break, you must notify your supervisor as soon as possible. The School will pay any overtime or premium pay required by law if a meal or rest period cannot be taken because of business reasons. If you elect to work through a break for your own personal reasons, the time you actually work will be paid, but you will not be paid any premium pay for a missed break. Whether you miss a break for personal reasons or business reasons, the School requires you to document the missed break on your timesheet. Failure to comply with this policy could result in disciplinary action. If you do not notify your supervisor and document the missed break on your timesheet, we will presume that you have elected not to take a rest or meal break for your own personal reasons. If an employee only works a total of six (6) hours a day, the employee may request to waive the meal break, but such request must be submitted in advance and in writing.

### **PAY PERIODS:**

Non-exempt employees will be paid for their actual hours worked, approximately one work week in arrears in accordance with the dates on the approved School timesheet and payroll schedule. Payday is on the 15<sup>th</sup> and on the last calendar day of the month. When paydays fall on weekends or holidays, pay will be issued on the immediately preceding workday. If you are absent on payday, your check(s) will be held for your return unless arrangements are made for the check to be mailed. (As an employee, it is your responsibility to keep a current address on file in the Finance Office.) All payroll checks are accompanied by a statement of current earnings and deductions. Direct Deposit is available (see "Automatic Check Deposit Service").

### **DEDUCTIONS:**

Certain compulsory and voluntary deductions are made from your paycheck each period and are itemized on the paycheck stub. The compulsory deductions are Federal Income Tax, Social Security, Medicare, State Income Tax and State Disability Insurance.

Voluntary deductions are made from your paycheck with your permission. Voluntary deductions may include health insurance premiums, life insurance premiums, cafeteria plan deductions, 403b deductions or direct deposits to banks, credit unions or savings and loan institutions.

### **WAGE GARNISHMENTS:**

By law, when wage garnishments are served, the School must withhold funds from an employee's paycheck according to an established formula or in accordance with law. This information is to be treated in a confidential manner. Withholding will cease only upon notification from the submitting organization.

## **WORKING AT HOME:**

Non-exempt employees must complete all of their work at the School site. Exempt employees must generally perform their duties at the School-site but may take work home with them from time to time. However, there may be times when the Principal asks employees to work from home – either exclusively or on an intermittent basis. This includes public health emergencies, natural disasters and similar types of events.

For both exempt and non-exempt employees, because of the COVID-19 pandemic, there also may be times when the Principal requires you to work from home such as if you are required (or it is advisable) for you to self-isolate. If this is the case, the Principal will advise you how to handle a situation.

## **JOB DESCRIPTIONS:**

Job descriptions should be developed for each job in the School. Job descriptions summarize the job's basic purpose, organizational reporting relationship, duties and responsibilities, and qualifications. It is impossible for job descriptions to cover every task or responsibility assigned; hence it is important to remember that they do not limit the Supervisor's right to assign additional duties as needed.

Job descriptions are reviewed for accuracy whenever significant changes in job duties occur and when employee performance appraisals are conducted. Employees are encouraged to review and suggest changes to their job descriptions. The School reserves the right to transfer duties from one position to another, as well as to transfer employees to other positions to meet the needs of the organization.

## **PERSONAL APPEARANCE:**

Our public image is directly dependent on our staff, individually and collectively. People are inclined to judge organizations by the people who represent them. The personal appearance, quality of service and positive attitude of all our employees are essential to creating and maintaining a favorable public image.

Attire should be conservative, in good taste and promote a business-like professional attitude and image in keeping with your specific job and that fact that you represent the Bishop. The best “rule of thumb” is to dress for the position you fill and the people you serve. The School reserves the right to insist that employees dress professionally.

Tattoos must not be visible while you are working. They may be covered with clothing, jewelry, makeup or a bandage.

## **CONFIDENTIALITY:**

During the course of employment with the School, you may gain knowledge of information which is confidential in nature. Each employee is responsible for safeguarding confidential information obtained during employment. Confidential information is any School information

that is not known generally to the public or the industry. Visitor and employee information including, but not limited to, contact information that is not easily publicly accessible, personnel files, computer records, and financial data, are examples of confidential information. It is your responsibility to not reveal or divulge any such information unless it is necessary for you to do so for a legitimate business reason in the performance of your duties. Under no circumstances may any employee use confidential information obtained during employment for personal use. The obligation not to disclose such confidential information shall continue after termination of employment with the School.

### **EMPLOYER PROPERTY:**

Desks, computers, tools, and equipment are School property. The School reserves the right to inspect all School property, without notice to the employee and/or in the employee's absence. Employees are on notice that there is no right to privacy in their files, desks, credenzas, computers, and any other office areas. *You should not keep personal or private items in these areas.* Prior authorization must be obtained before any School property may be removed from the School premises.

### **SCHOOL TELEPHONE, ELECTRONIC MAIL (E-MAIL), AND INTERNET USE:**

The School maintains a telephone system and an Internet service, including electronic mail (e-mail), to assist in the conduct of business. In addition, the School may provide employees with cellular phones with Internet capability. These systems, including the equipment and the data stored in the phones and systems, are and remain at all times the property of the School. As such, all messages created, sent, received, or stored on the phones and systems, as well as all information and materials downloaded to School computers and phones, are and will remain the property of the School and are subject to inspection by the School at any time. Since all the information contained in the School's phones and equipment belongs to the School, employees have no expectation or right of privacy in the information contained in such phones and equipment.

These electronic communication systems may be used occasionally for personal business, but such use is not private and the device is open to inspection. While it is not possible to identify every standard and rule applicable to the use of electronic communication devices, messages and downloaded data may not contain content that may reasonably be considered harassing, offensive, abusive, pornographic, or disruptive. Offensive content would include, but would not be limited to, sexual comments or images, racial slurs, gender-specific comments, or any comments that would offend someone on any bases described in the School's policy regarding unlawful harassment and discrimination, or any other characteristic protected under federal or California law. Employees must not send or post messages or material that are abusive and which a reasonable person would find hostile, abusive, and unrelated to the School's legitimate business interests.

The School retains the right and the ability to enforce this policy and to monitor compliance with its terms. The School reserves the right to retrieve any messages composed, sent, received, or downloaded on computers, phones, tablets, and any other device or equipment. Please note that even when a message is deleted or erased, it may be still possible to recreate the message;

therefore, ultimate privacy of messages cannot be guaranteed to anyone. While voicemail, electronic mail, and various websites may accommodate the use of passwords for security purposes, confidentiality cannot be guaranteed. All electronic communication systems are subject to regular monitoring, and employees have no right or expectation of privacy in such equipment and electronic communications.

Employees are required to provide the School with all passwords to computer systems, voicemail, email, and accounts used for work, which will be maintained on file by the School because an employee's system may need to be accessed by the School when the employee is absent. Any changes in passwords to computer systems, voicemail, email, or any accounts used for the School work must be reported immediately to the School. The School reserves the right to override personal passwords at its sole discretion.

Employees who learn of any misuse of these systems, or violation of this policy, shall notify their supervisor or the Principal of Human Resources. Failure to report such misuse or violation of policy may result in discipline, up to and including termination of employment.

This policy is not intended to interfere with employees' right to participate in concerted activity such as communicating with their co-workers regarding their wages, hours, or terms and conditions of employment.

#### **USE OF SOCIAL MEDIA:**

The School understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these social media guidelines for appropriate use of social media.

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the School, as well as any other form of electronic communication.

The same principles and guidelines found in the School's policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects people served by the School, visitors, guests, suppliers, people who work with or on behalf of the School, or the School's legitimate business interests may result in disciplinary action up to and including termination.

## **Be respectful**

Always be fair and courteous to fellow employees, people served by the School, visitors, guests, suppliers, and people who work with or on behalf of the School. Also, keep in mind that if you have a work-related complaint or concern, you must bring it to your supervisor or another School official for resolution. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage fellow employees, people served by the School, visitors, guests, suppliers, and people who work with or on behalf of the School, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

## **Be honest and accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the School, fellow employees, people served by the School, visitors, guests, and people who work with or on behalf of the School.

## **Post only appropriate and respectful content**

- Maintain the confidentiality of the School's private or confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Do not create a link from your blog, website or other social networking site without permission.
- Express only your personal opinions. Never represent yourself as a spokesperson for the School. If the School is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the School, fellow employees, people served by the School, visitors, guests, suppliers, or people who work with or on behalf of the School. If you do publish a blog or post online related to the work you do or subjects associated with the School, make it clear that you are not speaking on behalf of the School. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the School."

## **Using social media at work**

You may not access social media while on work time or on equipment we provide, unless it is work-related as authorized by your supervisor and consistent with the School's policies. Do not use School email addresses to register on social networks, blogs or other online tools utilized for personal use. Employees are not to provide usernames or passwords for personal social media accounts to the School.

## **REIMBURSEMENTS:**

Generally: The School will reimburse employees for reasonable business expenses incurred in the course of performing their duties. Employees are required to obtain their supervisor's approval for business-related expenses and to limit them to reasonable amounts. Employees who have incurred reasonable business expenses in the course of their employment must submit receipts evidencing those expenses to their supervisor as soon as possible and no later than thirty (30) days from the date the expense is incurred. Claims must be submitted on the appropriate expense form, signed by the employee, approved by the Principal and supported by appropriate documentation when necessary.

Automobile expenses: Use of your personal automobile on School business: You may use your personal automobile to run errands or to do other school-related work. Travel time, other than regular commute time, is paid work time, and must be documented by non-exempt employees on their time sheets. The School will reimburse you at the IRS mileage rate. You must complete all required training and provide the School with copies of your driver's license and automobile insurance card.

Cell phone reimbursement policy: The School will reimburse employees for reasonable and necessary work-related cell phone usage. Please speak to you Principal about this if you are using your phone for School-related business.

Meals and travel expenses: Employees who, in the course of authorized business travel, incur reasonable expenses for meals, hotels and airfare, shall request timely reimbursement providing all details and supporting evidence of any such expenditures. Advances for travel expenses may be arranged and should be requested of your Principal in writing.

## **EVALUATIONS:**

The Principal may conduct periodic performance reviews of employees. Principals will determine when to conduct evaluations. Evaluations should be submitted in writing and should be signed by both the employee and supervisor to indicate that the evaluation has been reviewed and discussed. The employee shall receive a copy for personal retention and a copy will be put in the personnel file. Employees may comment upon the evaluation in writing; copies of any such comments should be submitted to the evaluator.

## **PERSONNEL RECORDS:**

Both State and Federal laws require employers to keep current and accurate personnel records. Personnel files will be maintained for each employee at the employee's respective school site. Files are maintained in a confidential manner and are subject to review only by the individual employee, the Principal, the Principal's superiors, and as required by law.

Employees are welcome to review the materials in their files at reasonable intervals and within a reasonable time following a written request to the Principal. The Principal or his/her designee may monitor the review. Upon written request, employees and former employees have a right to

obtain a copy of and inspect certain documents in their personnel file related to the employee's own job performance or any grievance the employee is involved in, in addition to the employee's payroll records and itemized wage statements. Employees may also request and receive a copy of any employment related documents they have signed. Payroll records will be provided within twenty-one (21) days of your request, in accordance with California law.

## **REFERENCES:**

*It is the policy of the School that responses to outside requests for employee information include only the name, employment dates position title and whether the employee is eligible for rehire unless otherwise required by law. Employees wishing other information released for the purposes of securing loans, proceeding with business transactions or securing employment must submit written authorization for the release of information to the Human Resources Director. All requests for reference or credit checks, employment and salary histories, home addresses and telephone numbers, locations of employees not at work, or any other confidential matters must be referred to the Human Resources Director. Accordingly, if any employee or representative of the School is asked for information of any kind, such as a job reference, regarding a current or former employee, the individual seeking the information should be directed immediately to the Principal of Human Resources, without any on or "off the record" statement. Any violation of this policy may result in disciplinary action up to and including termination.*

Employees are responsible for informing the Finance Office of any changes in name, address, or telephone number.

## **BACKGROUND CHECKS/FINGERPRINTING**

### **1. FINGERPRINTING REQUIREMENT**

In compliance with State law and the *Charter for the Protection of Children and Young People* promulgated by the United States Conference of Catholic Bishops on June 14, 2002 and amended in November 2002, all School employees must pass a fingerprint background check BEFORE beginning work.

### **2. TIMING**

As a condition of employment all employees in the above categories must obtain a fingerprint clearance prior to commencing employment.

### **3. PROCEDURE**

The Department of Justice furnishes a clearance or criminal record summary to the Human Resources Department of the School. Should the summary contain information regarding a criminal record, the Principal will be informed of the summary by the Director of Human Resources. This information is kept confidential and is used only for employment purposes. Some convictions will automatically bar employment. Some of these include:

- Penal Code §220 - Assault with intent to commit mayhem, rape, sodomy, oral copulation, rape in concert with another, lascivious acts upon a child, or penetration of genitals or anus with foreign object.
- Penal Code §261.5 - Unlawful sexual intercourse with person under 18.
- Penal Code §262 - Rape of a spouse.
- Penal Code §273a - Willful harm or injury to child; endangering person or health.
- Penal Code §273 d - Corporal punishment or injury of child.
- Penal Code §273.5 - Willful infliction of corporal injury.
- Penal Code §290 - Any sex offense listed in §290, which resulted in a conviction of a crime as a registered sex offender.
- Any felony
- Any violent crime
- Any drug-related crime (a two year older or older possession of marijuana will not be considered as barring employment)
- Any crime related to the harming of a child (e.g. child endangerment)
- Any sex related crime

However, other convictions may also bar or limit employment. These include but are not limited to most crimes involving theft and crimes involving driving under the influence. Other crimes may or may not bar employment. The following factors will be considered in determining whether the applicant may be employed: type of offense, age at the time of the offense, and the candidate's honesty on the employment application will be taken into consideration as well as the candidate's candor in explaining the circumstances of the crime and the timing of disclosure regarding the crime – especially a conviction that occurs while employed by the School. The Principal of Human Resources makes the decision as to whether the person is eligible for employment or may be restricted in some way from certain job duties such as driving or involved with money.

Your employment is conditioned on passing the initial background check and remaining free from any disqualifying criminal convictions.

### **INJURY ON THE JOB:**

Employees who sustain an on-the-job injury or illness may be entitled to benefits under the State of California's Workers' Compensation Laws. The Human Resources Department can assist employees in securing additional information about Workers' Compensation benefits or information from the insurance carrier. Injured employees must go to the industrial clinic assigned to their location. Please ask your supervisor or call the Human Resources Department to determine where you should go.

*If you suffer an on-the-job injury or illness, you must immediately report the injury or illness and its cause to your Principal, even if the injury does not appear to be serious or require immediate medical treatment.*

If the injury results in time off work, you may be required to present a release to your Principal signed by a physician verifying your ability to return to work. The School reserves the right to

prohibit an employee from returning to work until a medical release noting any limitations is provided and to require an employee to submit to an examination by a physician of the School's choice to verify an employee's ability to return to work.

Additionally, if the injury results in the employee needing time off for continuing doctor appointments and treatments, the School may require that the employee use any accrued sick leave hours to cover such appointments.

The School reserves the right to ascertain whether you are fit to return to work or to continue in your position by asking your physician to evaluate your ability to complete the essential functions of your job and to request a fitness for duty exam or to take other reasonable steps to ensure that your job will not further injure you, you will not injure your co-workers and any minors under your care are safe.

Please refer to the Leave of Absence section in these guidelines for how other benefits may be affected.

### **USE OF DRUGS AND/OR ALCOHOL:**

The School absolutely prohibits any use, sale, purchase, transfer, or possession of any illegal or non-prescribed drug (including medical marijuana and drugs prescribed to someone other than the employee) by its employees at any time. In addition, it strictly prohibits employees from being under the influence of alcohol and/or any drug while on duty or performing School business, including driving School owned or leased vehicles or equipment. Legally prescribed medications are only excluded from this rule to the extent that the use of such medications does not adversely affect the employee's work ability, job performance, or safety of that individual or others.

The School recognizes the importance of maintaining a drug and alcohol-free workplace. Being under the influence of any drug and/or alcoholic beverage on the job poses serious risks for employee health and safety and for the health and safety of other employees or visitors with whom the employee comes in contact. Any employee under the influence of any drug and/or alcohol will be subject to disciplinary action up to and including immediate termination. You should be aware that if School personnel have a reasonable suspicion that you may be under the influence of drugs or alcohol, you may be required to get a drug test at a specified location at the School's expense within a specified timeframe and refusal to comply with such a request may also subject you to disciplinary action up to and including immediate termination.

### **SMOKING**

The School is committed to a philosophy of good health and safe working environment. In keeping with this philosophy and current state law, School employees may not smoke or use vaping or e-cigarette devices during work hours or on School owned or leased property.

## **POLICY AGAINST SEXUAL MISCONDUCT:**

The School recognizes that sexual abuse constitutes one of the most serious breaches of trust in human relationships, and that it can have devastating consequences for the victim and his/her family, for the church community at large, and for the individuals involved.

All School employees should read and acknowledge they have read and understand the “*Policy Against Sexual Misconduct*” by signing the acknowledgement at the end of the policy. Please contact your Principal or the Department of Human Resources if you need a copy of this policy.

## **WORKPLACE PROTECTION:**

The School recognizes the importance of maintaining a safe workplace with employees who are nonviolent and do not present a risk of serious harm to their co-employees or others. The School is committed to providing a safe and healthful place of employment. Therefore, acts of violence, including but not limited to physical attacks, harassment, threats and verbal abuse shall not be tolerated. Employees who engage in such behavior shall be subject to disciplinary action up to and including immediate dismissal.

The following types of incidents must be communicated immediately to either your Principal or Human Resources Department. If the incident is reported to a Principal, the Principal is responsible for reporting the incident to the Human Resources Department:

- Threats to persons or facilities. ***ACTUAL THREAT TO LIFE IS TO BE IMMEDIATELY REPORTED USING THE “911” TELEPHONE EMERGENCY SYSTEM.***
- Incidents of potentially threatening, harmful or criminal behavior of co-employees, supervisors, customers, clients or visitors that may negatively affect the safety, security, productivity or financial interests of the School, its employees or its workplace.
- Loss, theft, or vandalism of personal or School property.
- Loiterers or trespassers on School property.
- Accidents on School property involving employees and/or non-employees.
- Fire, explosions, electrical power blackouts or similar situations involving adjoining properties which may represent an immediate threat to School employees and/or property.

For purposes of furthering the concerns and interests of a safe workplace, before hiring an individual, the School reserves the right to investigate the individual’s prior employment history,

personal references and educational background, as well as other relevant information that is reasonably available to the School.

The School requires employees to report all incidents of workplace violence. You should immediately report the facts of the incident to your Principal, or, in the alternative, to the Human Resources Director so that appropriate action may be taken. The report or complaint should include the details of the incident or incidents, the names of the individuals involved, and the names of any witnesses. Principal should refer all such complaints to the Human Resources Director. The School will undertake a prompt investigation of the allegations and after the investigation is completed, a determination regarding the allegations will be made.

Where behavior or other relevant circumstances raise legitimate questions concerning potential threat to the safety of co-employees or others, the School may find it necessary to investigate a current employee's behavior. Employees subject to such investigations are required to cooperate reasonably with the School's lawful efforts to obtain relevant information and may be disciplined up to and including dismissal for failure to do so.

The safety and health of all employees are of vital concern to the School. You are not required to work at jobs known to be unsafe, unhealthy or possibly hazardous. Accordingly, if you suspect, know of or become aware of any unsafe or hazardous equipment, conditions, or acts, you are required to notify your Principal promptly so that steps can be taken to correct the situation. In addition, *an accident resulting in an injury or illness, no matter how minor the injury may seem, must be reported immediately to your Principal.* The School expects all employees to share the responsibility for safety and health and to comply with all safety rules and regulations.

As a School employee, you have the right to take all reasonable steps to protect yourself if you feel unsafe, threatened or otherwise in danger. These may include leaving your work area, running, screaming for help, defending yourself physically, locking the door to the office or the main door, calling 9-1-1, contradicting your supervisor about the nature of the threat or taking any reasonable measure to protect yourself.

#### **DISCIPLINE/DISMISSAL:**

As the At-Will Policy above states, your employment may be terminated at the will of either you (the employee) or the School (the employer) at any time with or without reason. No one other than the Bishop has the authority to make any oral or written representations inconsistent with this policy.

In most instances, the School will terminate an employee only after the employee has received an oral or written warning from the Principal and has been given an opportunity to improve performance or conduct which in the School's judgment has been unsatisfactory.

If a problem continues after informal counseling or if the nature of the problem is severe, the Principal may prepare a written memorandum specifying the problem, performance or conduct

and the necessary measures to correct it, if possible. A copy of the memorandum should be placed in the employee's personnel file.

There are occasions, however, where the School may terminate an employee without prior warning. Examples of acts that may lead to immediate dismissal include but are not limited to the following:

- Unsatisfactory work performance;
- Having unexcused or excessive absences, including but not limited to:
  - 1) Absence from work for two days without notice to your Principal or designee.
  - 2) Absence from work for two days without a doctor's note verifying the medical reason for the absence if requested by the employer.
  - 3) Failure to return to work upon expiration of a leave of absence.
  - 4) Absence without notice or failure to return to work upon expiration of a leave of absence will be deemed a voluntary resignation on the part of the employee.
- Habitual or excessive tardiness;
- Conduct contrary to the religious or professional character of School offices (including but not limited to such as accepting bribes for services rendered, failure to respect confidentiality, falsification of records, or misrepresentation or other conduct not in keeping with the teachings of the Church);
- Flagrant misconduct (such as embezzlement, fraud, theft, sexual misconduct, working under the impairment of intoxicants or illegal drugs);
- Criminal conduct;
- Engaging in insubordination, including refusal to perform work requested by a supervisor;
- Using unprofessional or abusive or threatening language toward fellow employees, guests, supervisors or other individuals related to your employment;
- Violence towards, threats to or harassment of a co-employee or others;
- Conviction of certain crimes, which are an automatic bar to working with children and young people as stated in the criminal background check policy. (See page 10)

The School expressly reserves the right and has sole discretion to determine employee performance and related conduct which warrants immediate termination without resort to the written or verbal counseling procedures set forth above.

Progressive discipline is illustrative only and does not change the at will status of your employment.

### **REDUCTIONS IN WORK FORCE:**

The programs and ministries of the School are designed to contribute to the overall mission of the Church while responding to local pastoral needs. Because of this, not all programs and ministries are long-lasting. Some serve an immediate purpose only while others may render service for many years. Additionally, much of the work of the School is directly dependent upon enrollment. The availability of financial resources often affects the feasibility of continuing

specific projects. Layoff and furloughs may be necessary during the school year and each employee understands that the School has the right to layoff or furlough as it deems necessary.

It is important for employees of the School to be aware of the changing nature of School-related work and the fact that it is not possible to guarantee long-term employment in any offices and departments. Shifts in priorities and the economy may contribute to changes in personnel and staffing patterns, thus resulting in less predictability than one might find in the business and commercial world. Consequently, there may be times when it is necessary to reduce or eliminate positions.

### **RESIGNATION:**

The School is an at will employer and employees may resign at any time. The School asks that if you wish to resign your position that you submit written notice of your intent at least two weeks prior to the date you wish to terminate your employment.

However, a teacher may not terminate employment if the termination is effective within the thirty (30) days immediately prior to or after the beginning of the school year except by mutual agreement with the principal. Teacher acknowledges that a breach by Teacher of this provision may cause expenses and damages to the School which are difficult to measure. Because of this, Teacher agrees to pay to the School liquidated damages of \$2,500.00. Said sum is due and payable by Teacher to the school within thirty (30) days of demand by the School.

### **EXIT INTERVIEW:**

Departing employees may participate in an exit interview. The purpose of the interview is to discuss the circumstances under which the employee is leaving the employ of the School and to answer any questions the employee may have about the separation procedure.

### **GRIEVANCE PROCEDURE:**

These Personnel Guidelines are intended to promote fair treatment of all employees. In the event that a difficulty cannot be resolved to the mutual satisfaction of an employee and supervisor, a procedure for resolution of the grievance may be initiated. The purpose of this process is to promote timely, orderly resolution of any work-related problem.

If you believe that an employment action taken against you violates the law or School personnel policies or procedures, you are required to make these views known to your Principal. If the problem cannot be resolved to your satisfaction and that of the Principal, the dissatisfied party should forward your written statements to the Human Resources Director. The Human Resources Director may investigate the matter and inform/advise the Bishop or his designate. The Bishop or his designate or the Human Resources Director will then decide the matter and inform you and the Principal of the decision.

If your grievance involves the Human Resources Director, your written statements should be forwarded to the Moderator of the Curia, who may discuss the matter with the employee and any

other appropriate persons. The Moderator of the Curia or his designate will then decide the matter and inform you of his decision.

### **PUBLIC STATEMENTS:**

All staff members of the School should realize the danger of confusing personal viewpoints with an official position of the School. Only those persons with direct authorization of the Bishop may speak on behalf of the School. Accordingly, staff members are not to speak to the press without first contacting the Director of Communications.

### **SECTION III: EMPLOYEE BENEFITS**

The School is pleased to offer benefits packages to all qualified employees. (Please see “Employee Classifications” for individual qualifications.) These benefits are briefly outlined below. Details of certain benefit plans (cafeteria, life insurance, pension, medical/dental) are provided in separate booklets. Contact your Principal or the Department of Human Resources if you have any questions. Please see the current Benefits Guide for more information.

Because of the unique relationship of clergy and religious personnel to the Church as an employer, the benefits outlined below may not apply to them in some cases.

The benefit plans are summarized below (you may obtain a more detailed explanation of benefits through the Human Resources Department).

#### **MEDICAL/DENTAL/VISION/MENTAL HEALTH PLANS:**

The School currently offers qualified employees a choice of comprehensive, affordable health plans. Please see the Employee Benefit Guide for more information.

Dental and Vision plans are automatically included when the employee enrolls in any of the health plans.

*Dental Only:* Dental insurance may be purchased separately if you decline the health care plans.

*Vision Only:* You may also purchase vision insurance separately

*Vision and dental Only:* You may also purchase a package of dental and vision

*Health Care Waiver:* If you are eligible for medical/dental/ vision/mental health coverage, but you do not wish to participate in the plans offered by the School, you must sign a waiver statement to that effect which will be kept on file at the Finance Office.

***There is a sixty (60) day waiting period before new employees become eligible for health care benefits. If you timely submit your enrollment information, you will be enrolled in the health insurance plan on the first of the month following 60 days of employment. Even though there is a waiting period, we ask that your enrollment form be submitted as soon as possible. This is to ensure that you are enrolled in the plan of your choice in a timely manner.***

There are **NO** exceptions to the sixty (60) day waiting period.

FOR PART-TIME EMPLOYEES WHO SUBSEQUENTLY BECOME FULL-TIME EMPLOYEES, there is no waiting period unless you have not completed sixty days of employment. Enrollment forms must be received within thirty (30) days of becoming a fulltime employee. However, this does not apply to substitute teachers or coaches. In the case of substitute teachers or coaches, they will need to wait until the first of the month following 60 days of regular 30 or more hours per week employment.

Unless you have a qualifying event that allows a special enrollment period, employees may only change health plans during open enrollment (approximately May 1<sup>st</sup> through May 15<sup>th</sup> each year).

### **PENSION PLAN:**

The School provides a defined contribution pension plan for all qualified employees. This plan is completely funded by the School and employees do not make contributions. A contribution equal to 5% of the employee's annual earnings is made to the Plan (Fidelity Investments) on behalf of eligible employees. An employee is partially vested after two years and fully vested after six (6) years. For a complete Summary Plan Description please go to the School website or contact the Human Resources Department for a copy.

### **LIFE INSURANCE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE:**

The School provides a life and accidental death and dismemberment insurance plan for all qualified employees. The premiums for this benefit are covered entirely by the School. Employees have the option of procuring additional coverage for themselves and their family under this plan at their own expense.

### **403B RETIREMENT PLAN:**

The School offers all qualified employees the opportunity to participate in the voluntary 403b Retirement program. Full details on this program may be obtained from the Human Resources Department.

### **FLEXIBLE SPENDING ACCOUNT:**

The School offers all qualified employees the opportunity to participate in the voluntary flexible spending account (Section 125) (i.e. Dependent Care Reimbursement and/or Unreimbursed medical expenses). Full details on this plan are available from the Human Resources Department.

### **LEGISLATED BENEFITS:**

All employees are covered as required by law for legislated benefit programs, including Worker's Compensation and Federal Social Security. Employees are provided with paid sick leave as described in these Guidelines and consistent with California's Healthy Workplaces,

Health Families Act of 2014. Employees are also provided the California State Disability Benefits Insurance and Unemployment Insurance through the State of California Employees may be entitled to Family Temporary Disability Insurance (FTDI). FTDI will allow individuals who take time off of work to care for a seriously ill child, spouse, parent or domestic partner or to bond with a new child to be compensated by the State for their time off. The actual benefits provided are those specified by the applicable legislation. The state or federal governments may change legislated benefits from time to time.

**DIRECT DEPOSIT:**

Contact the payroll department to request automatic check deposit.

**SECTION IV: LEAVES OF ABSENCE**

**A. PAID LEAVE**

**1. VACATION**

Only non-instructional employees classified as “35 YR” employees (as defined above) are entitled to vacation time. The length of vacation time is determined by length of employment and is accrued at the conclusion of each pay period. Annual paid vacation is earned as follows:

<u><i>Number of Years</i></u>	<u><i>Annual Total</i></u>
<i>0 – 5th Anniversary</i>	<i>10 Days</i>
<i>6 – 10th Anniversary</i>	<i>15 Days</i>
<i>Beyond 11th Anniversary</i>	<i>20 Days</i>

For those accruing vacations: Vacation is accrued twenty-four times each calendar year on each regularly scheduled pay day. The amount of vacation time that is accrued is 1/24<sup>th</sup> of the total the employee is entitled to receive for the calendar year. For example, a 35 hour a week employee who has worked for the School for twelve years would accrue vacation using this formula: 20 days x 7 hours per day = total of 140 hours per year. Each pay day, the employee would accrue or earn  $140 \times 1/24^{\text{th}} = 5.833$  hours. Exempt and non-exempt employees accrue vacation pay in the same manner (i.e. by the number of hours regularly scheduled to work).

New employees begin to accrue vacation time upon their date of hire.

An employee may take vacation time after it is earned and after the first 90 days, subject to the approval of his or her Principal. Generally, vacation must be taken during non-student days and with the prior permission of the Principal. Even if vacation has been approved, the Principal has the authority to revoke the vacation authorization if the flow of the work will be impaired. Employees may not be permitted to schedule vacation at times that are seasonally critical for the work of the department.

Vacation time is intended for your annual rest and renewal. You are encouraged to take your vacation time within one calendar year after you earn it. You may accrue a maximum of one and one-half times your annual accrual.

Employees may not take vacation before it is accrued. An employee may not receive pay instead of vacation except when terminating employment with the School. Employees who terminate employment with the School and are rehired within one year of leaving will receive credit for the years of service previously worked.

In general, Employees who do not have accrued time off available will not be approved to take unpaid time off unless such leave is permitted under some other policy or law

## 2. PAID SICK LEAVE

Effective July 1, 2015, the School has provided paid sick leave (“PSL”) in accordance with the Healthy Workplaces, Healthy Families Act of 2014. In addition to the PSL benefits required by state law, the School also offers additional PSL for certain classifications of employees. The following policy describes all PSL benefits offered by the School.

- **Who is Eligible:** Any employee who works for the School is eligible for PSL under this policy. There is no waiting period for accrual of PSL.
- **What Amount is Provided:** The School has adopted an accrual policy.
  - Employees who work 19 hours or fewer per week will accrue PSL at the rate of 1 hour for every 30 hours worked, including overtime. Example: If you work a 15 hour a week schedule for four weeks, you will accrue 2 PSL hours.
  - Employees who work 20 hours or more per week will accrue PSL equal to ten (10) paid workdays (“10 PSL Days”) per year. The 10 PSL Days will be defined as 80 hours total (10 workdays at 8 hours each) for a fulltime employees and pro-rated depending on the schedule you regularly work and will accrue on a pro rata basis over the School’s 24 pay periods in each calendar year. Example: You regularly work a 25 hour a week schedule, you will accrue 2.1 PSL hours per pay period (25 hours per week/40 hours – regular fulltime schedule 62.5% of full time x 80 PSL hours per year divided by 24 pay periods each year= 2.1 hours).
- **Total Accrual Cap:** Any accrued but unused PSL will be carried over from one calendar year to the next, but accrual will be capped at 320 hours for 40 hour work week locations and 280 hours for 35 hour work week locations. When the accrual cap is reached, no additional PSL will accrue until a portion of the 280 or 320 hours accrued hours is used.
- **When Can Available Paid Sick Leave Be Used/Minimum Increments:** The School does not impose a waiting time period for using accrued PSL; however, PSL can only be taken after it is earned and must be used in increments of one hour.

- **How Is Paid Sick Leave Used:** To use accrued PSL, you should notify your supervisor as soon as practicable. If the need to take sick leave is foreseeable, then employees are expected to notify a supervisor in advance of the need to take paid sick leave. If the need to take sick leave is not foreseeable, then verbal or written notice of the need to take PSL should be given to a supervisor as soon as possible. You are not responsible for covering your shift to take paid sick leave. Your accrued PSL will be applied to the hours you were scheduled to work and will be paid on the payday for the next regular payroll period.
- **What Qualifies for Paid Sick Leave:** PSL can be used for a medical diagnosis, care or treatment of health conditions and preventative care for an employee's own illness, injury or preventive care (e.g. annual physicals, flu shots, etc.), as well as for the illness, injury or preventative care of a family member. Family members include the employee's parent, parent-in-law, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. Child includes a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. Parent includes the employee's (or his or her spouse's or registered domestic partner's) biological, adoptive, or foster parent, stepparent, or legal guardian, or a person who stood in loco parentis when the employee was a minor child. PSL can also be used to seek or receive protection or take preventative action, or to obtain medical care, counseling, treatment or other assistance because of domestic violence, sexual assault or stalking. PSL may also be used for absences necessitated by a work-related illness or injury not otherwise paid by worker's compensation benefits.
- **PSL Use Certification.** If an employee uses PSL that exceeds 25 PSL hours in a calendar year, the School reserves the right to request certification from a medical provider for the absence.
- **Fitness for Duty Certification.** Nothing in this policy limits the School's right to require, in its sole discretion, that an employee must provide a fitness-for-duty certification from a medical provider before he or she may continue to work or return to work from an absence of any kind.
- **What Happens When Employment Ends:** Any accrued PSL that is not used will not be paid when your employment ends for any reason.

PSL does not count as time worked for calculating overtime.

The School places a high priority on the health and safety of its employees and customers. Thus, we encourage all employees to use this benefit, as needed, to attend to their own health or the health of their family members without fear of retaliation or discrimination for doing so. The School prohibits discrimination and/or retaliation against employees who request or use PSL under this policy, files a complaint related to paid sick leave or this policy or participates in or cooperates with any investigation or prosecution of such a complaint.

You should carefully review the paid sick leave accrual, balance and usage information that will be shown on your itemized pay stubs and report any errors or inaccuracies immediately to Human Resources.

For information about unpaid sick leave benefits, please refer to “Family Medical Leave,” “Pregnancy Disability Leave,” and “Healthy Workplaces, Healthy Families Leave.”

### **3. HOLIDAYS**

The School’s paid holidays are determined annually by the Principal. The law does not require that the School provide you with holiday pay and does so for your benefit.

The Bishop, at his discretion, may supplement or reduce the number of holidays at any time. are eligible for holiday pay.

### **4. PERSONAL DAYS (PAID)**

With the approval of the Principal, School employees may use two of their sick days each year as a personal day.

### **5. BEREAVEMENT LEAVE**

In the event of the death of a member of an employee’s immediate family (parent, stepparent, sibling, spouse, child, stepchild, grandparent or grandchild), an employee is granted a leave with pay of up to five (5) working days. In the event of the death of an in-law, aunt or uncle, niece or nephew, an employee is granted one (1) day of leave with pay. When attending a funeral or burial for a family member which takes place further than 150 miles from an employee’s residence, an additional one (1) day leave with pay is granted. Employees may use Personal Days to attend the funeral of an individual when such leave does not qualify as bereavement leave under this policy.

### **6. TIME OFF TO VOTE**

If you are a registered voter and do not have enough time outside of working hours to vote in a state-wide election, you may take time off work to vote. Up to two (2) hours may be taken without loss of pay. The requested time off should be at the beginning or the end of the work schedule in order to minimize the length of time needed. Employees must request time off to vote at least two (2) working days prior to the election. Given the fact polls are typically open starting at 7:00 a.m. through 8:00 p.m., and absentee voting is also offered as an alternative, we ask that employees make every effort to plan to vote prior to or after work or via absentee ballot

### **7. EXEMPT EMPLOYEES VACATION AND SICK RULES**

Exempt employees are responsible for keeping track of the time they have taken for paid leaves and reporting it at the beginning of the month for the previous month to payroll. This rule requires that all paid leave hours taken been submitted to payroll in a timely manner.

If an exempt employee is absent for a partial day, his/her sick or vacation bank (if applicable) will be reduced according to whether the absence is because of sickness or vacation. While the employee will receive a full-day's pay for that day's work, he or she will have a reduction in the number of hours in his or her accrued sick, personal days or vacation bank.

## **B. UNPAID LEAVES**

Occasionally, and for a variety of reasons, an employee may need to be temporarily released from the duties of his or her job. The School's policy is to allow its eligible employees to apply for and be considered for certain specific leaves of absence. The following is a non-exhaustive list of some of the unpaid leaves of absence offered by the School. For more information, or to learn about unpaid leave that is not included in these Guidelines, contact the Human Resources Director.

### **1. FAMILY MEDICAL LEAVE ACT (FMLA) / CALIFORNIA FAMILY RIGHTS ACT (CFRA)**

Both the federal Family Medical Leave Act ("FMLA") and California Family Rights Act ("CFRA") apply to the School. In general, FMLA and CFRA leave is available to employees with at least twelve (12) months of employment and at least 1,250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave may be eligible for a total of twelve (12) work weeks of unpaid family or medical leave during the applicable twelve (12) month period. In addition, FMLA also provides for a special leave entitlement for eligible employees of up to 26 weeks of unpaid leave to care for a covered service-member during a single 12-month period. For detailed information about both FMLA and CFRA leaves of absence, see the notices attached to this Handbook as Appendix which are incorporated herein by this reference. From time to time there may be other leaves that are available based on changes to the FMLA or CFRA statute.

The applicable twelve (12) month period for the School is a "rolling" twelve (12) month period measured backward from the date an employee uses FMLA leave.

#### **a. NOTIFICATION**

Employees must notify the School thirty (30) days in advance in writing of the need for FMLA leave, if the leave is foreseeable. Failure to provide advance notice may cause delay of the leave request for a period up to 30 days. If leave is requested due to a qualifying exigency, and the need for leave is not foreseeable, employees are requested to give as much notice as is reasonable and practical. The leave request shall specify the date the leave is requested to begin, and the date the leave will end. Any request to extend the leave must also be in writing and specify the date the leave will end. If the reason for the leave request is foreseeable, such as planned medical treatment, the employee shall make a reasonable effort to schedule the treatment to avoid disruption to the School's operational needs.

#### **b. CERTIFICATION**

If an employee requests a leave to provide medically necessary care for the employee's spouse, child, parent, registered domestic partner, or a Covered Service member, or for an employee's

own serious health condition, the employee will be required to submit a medical certification form, generally within fifteen (15) calendar days of commencement of the leave. The medical certification form that must be completed can be obtained from Human Resources.

If the employee is requesting leave because of a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces, the employee must provide a certification of active duty or call to active duty of an eligible family member.

#### c. ADDITIONAL MEDICAL OPINIONS

If leave is needed due to the employee’s serious health condition, and the School has reason to doubt the validity of the completed certification form provided, the School may require the employee, at the School’s expense, to obtain a health certification from a second health care provider designated and approved by the School. If the opinion of the second health care provider differs from the original health certification, the School may, in its sole discretion require the employee, at the School’s expense, to obtain a health certification from a third health care provider designated and approved by the School. The opinion of the third health care provider, if one is obtained, shall be final and binding on both the School and the employee.

#### d. DESIGNATION OF LEAVE

If the School finds that an employee has not requested a qualified FMLA leave of absence, the School may, in its discretion, choose to place an employee on FMLA leave. When the School exercises its authority, it will notify the employee in writing by the following pay date that the employee’s leave will be designated as FMLA leave.

To the maximum extent permitted by law, any leave of absence that is granted to an employee under this policy or any other policy for a purpose specified above shall be credited against and shall run concurrently with the 12-week leave limit (or 26 week leave limit for Service member Family Leave) contained in this policy.

#### e. USE OF PAID LEAVE

Employees may be required to use accrued paid vacation during FMLA leave. However, employees on FMLA leave receiving any form of disability payment or Paid Family Leave, or taking leave due to an employee’s pregnancy-related medical condition, may choose but may not be required to use accrued vacation pay benefits. Employees who take FMLA leave because of the employee’s own serious health condition, other than pregnancy disability leave, will also be required to use their accrued paid sick leave benefits during FMLA. Employees are required to use their accrued paid sick leave benefits during a period of FMLA leave taken to provide medically necessary care for a child, parent, spouse or registered domestic partner with a serious health condition, to provide medically necessary care for the child or parent of a registered domestic partner who has a serious health condition, or to care for a Covered Service-member who falls under the definition of a “family member” under the Healthy Workplaces, Healthy Families Paid Sick Leave Policy or the School Paid Sick Leave policy.

The use of accrued vacation and accrued Healthy Workplaces, Healthy Families paid sick leave or School paid sick leave during FMLA will not extend the FMLA leave beyond 12 weeks, or 26

weeks for Service-member Family Leave. Except for leave taken for disability on account of pregnancy, childbirth or related medical conditions, the aggregate amount of leave taken, paid and unpaid, shall not exceed 12 workweeks (or 26 workweeks for Servicemember Family Leave) in a 12-month period.

While on FMLA leave, the employee shall not accrue sick or vacation time.

#### f. REINSTATEMENT

Before returning to work from a FMLA leave of absence due to the employee's own serious health condition, the employee, at his or her own expense, must provide a health care provider's written release verifying that he/she is able to return to work and is able to safely perform the essential functions of that employee's job. Subject to the exceptions provided by law, an employee who timely returns to work upon expiration of an approved FMLA leave will be reinstated to the same or a comparable position upon termination of approved FMLA leave. This means employment in, or reinstatement to, the position the employee held before taking leave or a position that has the same or substantially similar duties, responsibilities, and pay that can be performed at the same or similar geographic location as the position held prior to the leave. It ordinarily means the same shift or the same or equivalent work schedule.

If an employee requires intermittent leave or a reduced work schedule that is foreseeable based on planned medically necessary treatment for the employee, a family member, or Covered Service member, the School may require the employee to transfer temporarily to an available alternative position with an equivalent rate of pay and benefits, provided the employee is qualified for the position.

If an employee is receiving benefits under a short or long term disability plan, or receiving Paid Family Leave, the employee is not considered to be on unpaid leave and is not required to use vacation, or paid sick leave, although the employee may elect to do so.

#### g. BENEFITS

Any medical, dental, vision, life and disability insurance coverage in effect for the employee when his/her FMLA leave begins will be continued automatically at the level and under the conditions coverage would have been provided if the employee had continued working for the duration of the FMLA leave. The employee must pay his/her share of the premiums, including dependent coverage, to the same extent he/she would have if the employee had continued working during the FMLA leave. Employees are entitled to participate in the School's pension plan while on FMLA leave, in accordance with the terms of the plan. An employee is not entitled to benefit accruals during periods of unpaid leave but will not lose anything accrued prior to leave. During a leave period, the employee shall retain employee status with the School.

#### h. LACTATION ACCOMMODATION

California law requires and the School provides a reasonable amount of break time as a lactation accommodation for employees who wish to express breast milk for their infant each time the employee has a need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee. Lactation break time that does not run concurrently with rest periods and meal periods will be unpaid.

Any employee who requires lactation accommodation should contact their supervisor and request accommodation. If the School is unable to provide break time or a reasonable location that complies with the policy below, the School will provide a written response to the employee.

The School will provide an employee with the use of a room or other location for the employee to express milk in private that is in close proximity to the employee's work area, other than a bathroom. The room will be shielded from view and free from intrusion while the employee is expressing milk. The room or location may include the place where the employee normally works if it otherwise meets the requirements listed below for a reasonable location.

The School will provide a lactation room or location which is:

- Safe, clean, and free of hazardous materials;
- Contains a surface to place a breast pump and personal items;
- Contains a place to sit; and
- Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump.

In addition, the School will provide access to a sink with running water and a refrigerator or other cooling device suitable for storing milk in close proximity to the employee's workspace. Where a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over the other uses, but only for the time it is in use for lactation purposes.

The School may designate a lactation location that is temporary due to operational, financial, or space limitations. The temporary location will comply with the accommodation requirements of this policy.

Employees should be aware that they may report a violation of this policy to the California Labor Commissioner's field enforcement unit, which will investigate and prosecute complaints of violations of this policy.

No employee will suffer any reprisals or retaliation for exercising or attempting to exercise any right protected under this policy.

## **2. MEDICAL DISABILITY LEAVE**

### **a. ENTITLEMENT TO LEAVE**

Employees who do not qualify for FMLA leave may take an unpaid medical leave of absence if necessary to reasonably accommodate a workplace injury or a qualified disability under the Americans with Disabilities Act.

The duration of an employee's medical leave under this section shall be consistent with applicable law and will not extend past the date on which an employee becomes capable of performing the essential functions of his/her position, with or without reasonable accommodation. For a full explanation of leave rights, employees should contact the Human Resources Director.

If medical leave is needed due to a work-related injury, all matters relating to an employee's leave rights, including compensation, benefits, notice, certification requirements, and reinstatement shall be governed by workers' compensation laws, and other state and federal laws regarding employee disabilities. Employees with questions about such rights should contact the Human Resources Director.

#### b. NOTIFICATION AND CERTIFICATION

Unless the circumstances render it impractical, your supervisor must approve a medical leave in advance. Whenever possible, an employee should submit a written request for medical leave to the Human Resources Director as soon as the employee is aware of the need for such leave. Any requests for medical leave must be supported by medical certification from a healthcare provider, which shall provide the following information:

- (a) The date on which the employee became disabled;
- (b) The probable duration of the period or periods of disability; and
- (c) An explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his/her position without undue risk to the employee or other persons. The certification should also explain what accommodations, if any, will assist the employee with performing the essential functions of his/her position.

Each employee who has taken a medical leave must keep his/her supervisor advised of the status of the leave and must contact his/her supervisor at least two weeks prior to the expiration of the scheduled leave to discuss the employee's return to work.

Additional leave may be granted to accommodate a disability if the leave is likely to be effective in allowing the employee to return to work at the end of the leave, with or without further reasonable accommodation, is not for an indefinite duration, and does not create an undue hardship for the School.

Each employee who has taken a medical leave must be released by a healthcare provider in order to return to work. The release must be in writing and submitted to the employee's supervisor on or before the date of the employee's return from medical leave. An employee on medical leave who engages in other employment must advise the School prior to the commencement of any other employment. Failure to do so will be considered a voluntary resignation.

#### c. BENEFITS DURING LEAVE

During a medical disability leave, employees eligible for and receiving health insurance benefits will be offered COBRA continuation coverage at the employee's expense, in accordance with

state and federal law, and to the extent such coverage is consistent with and available under the terms of the health plan then in effect.

An employee is not entitled to benefit accruals during periods of unpaid medical leave. During a leave period, the employee shall retain employee status with the School.

### **3. MILITARY SERVICE LEAVE**

Under federal law, employees who are absent from work due to service in the U.S. military are entitled to certain benefits and/or job protections. The School fully complies with the applicable law in this regard. Generally, employees who are inducted into the U.S. Armed Forces will be eligible for re-employment after completing military service, provided:

- (a) The School receives advance written or verbal notice of the employee's military service;
- (b) The employee's total leave of absence, including all previous absences, from the School by reason of military service does not exceed five years;
- (c) The employee has not been separated from military service with a disqualifying discharge or other than honorable conditions;
- (d) The employee returns to work or applies for reemployment in a timely manner after conclusion of service;
- (d) The employee enters the military service directly from employment with the School;
- (e) The employee applies for and is available for re-employment the next full regularly scheduled workday following a deployment of less than 31 days, or by submitting an application for re-employment with the School within fourteen 14 days after completion of a deployment of between thirty-one (31) to one hundred eighty (180) days, or by submitting an application for re-employment with the School within ninety (90) days after completion of a deployment lasting one hundred eighty-one (181) or more days.

Employees who serve in U.S. military organizations or state militia groups may take the necessary time off without pay to fulfill this obligation and will retain all of their legal rights for continued employment under existing laws. These employees may apply accrued and unused earned time off with pay to the leave if they wish but are not obligated to do so.

For more information and details about these protections and the Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA), please contact the Human Resources Director.

### **4. JURY DUTY LEAVE**

The School recognizes that employees may be called to serve for jury duty. Any such employees must notify their supervisor of the need for time off for jury duty as soon as a notice or summons

from the court is received. The employee may be asked to provide written verification from the court clerk showing that the employee served his/her jury duty.

Temporary employees are not eligible to be paid while on jury duty; however all other employees who regularly work 20 hours or more per week will receive full pay for up to ten consecutive work days when performing jury duty, but must reimburse the School for any jury duty fees they receive during that time. To receive jury duty pay an employee must submit the Certification of Jury Duty form to the Finance Office. Employees are responsible for notifying their supervisor of work availability when not actually serving on a jury and reporting to work whenever the available work time exceeds two hours.

## **5. FAMILY SCHOOL PARTNERSHIP LEAVE**

An employee may take time off to find, enroll, or reenroll his or her child in a school or with a licensed child care provider, or to participate in activities of the school or licensed child care provider of his or her child, or to address a child care provider or school emergency, if the employee, prior to taking the time off, gives reasonable notice to the School of the planned absence of the employee.

A childcare provider or school emergency means that an employee's child cannot remain in a school or with a child care provider due to one of the following:

- a. The school or childcare provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider;
- b. Behavioral or discipline problems;
- c. Closure or unexpected unavailability of the school or childcare provider, excluding planned holidays;
- d. A natural disaster, including, but not limited to, fire, earthquake, or flood.

If you are the parent, guardian, stepparent, foster parent, or grandparent, or a person who stands in loco parentis, to a child or children enrolled with a licensed child care provider, in kindergarten, or Grades 1st through 12th, you may take up to forty (40) hours per calendar year off from work, without pay, for the purposes set forth in this section. An employee may not miss more than eight (8) hours of scheduled work time per calendar month. Employees who take advantage of this type of unpaid leave are required to provide the School with reasonable advance notice of their planned absence. Employees may use accrued vacation time for the purposes set forth in this section. When both parents of a child are employed by the School, and both request time off work for the same date, only the employee who made the first request will be granted time off in accordance with this leave policy. Employees may be asked to provide documentation from the school or licensed child care provider as proof that the employee participated in child-related activities permitted under this policy on the specific date and at a particular time. Documentation means whatever written verification of parental participation the school or licensed child care provider deems appropriate and reasonable.

## **6. SCHOOL DISCIPLINE LEAVE**

Any employee who is the parent or guardian of a child may take unpaid time off from work to appear at the child's school to discuss the child's suspension from school. The employee must have received a request in writing from the school's principal that the employee attend a conference concerning the child's suspension from school. The employee must also give reasonable advance notice to the School that his/her attendance at school is requested. Leave is not available to employees who voluntarily consult with school administrators regarding a child's performance in school.

The School may require the employee to provide a copy of the notice received from the school, prior to granting school discipline leave, and may require documentation from the school as proof that the visit took place. The School may ask the employee or the school principal to reasonably reschedule the conference if the employee's attendance at work is essential at the time originally scheduled. There is no limit to how frequently employees may be provided school discipline leave. Employees must first use any accrued vacation hours during school discipline leave.

## **7. NATURAL DISASTER LEAVE**

In the event of a natural disaster such as earthquake, fire, explosion, or similar natural disaster, the office will be closed if the building is damaged or highways leading to the office are damaged making it extremely difficult or impossible to travel to work, and employees will be excused from reporting to work. However, the employee will not be paid unless he/she has accumulated vacation time or personal days. For instructions on reporting to another location, contact the office immediately, if possible.

## **8. GENERAL LEAVE OF ABSENCE**

Upon request, the School may grant a general leave of absence without compensation of any kind to employees with good work performance and with an important reason to be away from work. The granting of a general leave of absence requires written approval of the Moderator of the Curia or his designate and is provided for a specific period of time which will generally not exceed one year. Requests for leaves must state the proposed date of return. A general leave of absence is not a guarantee that a job will be available upon return of the individual; however, it does provide that benefits accrued due to service years prior to an employee's leave are protected in the event of rehiring. No benefits including health insurance, sick or vacation time will accrue during a general leave of absence. The employee will be responsible for the costs of continuing insurance coverage under COBRA and will not be eligible for any holiday pay or other benefits during his or her absence.

**ACKNOWLEDGMENT OF RECEIPT OF THE  
2020 SCHOOL PERSONNEL GUIDELINES**

I have received a copy of the School Personnel Guidelines specifying policies, practices and regulations.

I have read and agree to follow the Personnel Guidelines during my employment with the School. I have been given the opportunity to ask any questions I might have about policies that I do not understand.

I further understand that the School has the right to amend, interpret, modify, or withdraw any of the provisions of these Guidelines at any time in its sole discretion, with or without notice. Furthermore, I understand that because the School cannot anticipate every issue that may arise during my employment, if I have any questions regarding any of the School's policies or procedures, I should consult my supervisor or the Principal of Human Resources.

I understand and agree that the Personnel Guidelines do not create an express or implied contract of employment or a promise of continued employment. I understand and agree that my employment is terminable at the will of either the School or me. There is no promise that employment will continue for any specific period of time. Nor is there any promise that my employment will be terminated only under particular circumstances.

No one, except the Bishop, has authority to make any oral or written representations inconsistent with the policies, practices and regulations contained in these Guidelines. The statements in these Guidelines supersede all written and oral representations that are in any way inconsistent with them.

I understand and agree that nothing in these Guidelines is intended to interfere with my right to participate in concerted activity such as communicating with my co-workers regarding my wages, hours, or terms and conditions of employment, or with my right to self-organize or join labor organizations or any other rights protected under the National Labor Relations Act.

I acknowledge that I have received the entire Handbook and agree to comply with the policies contained in this Handbook and any revisions made to it.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Employee)

\_\_\_\_\_  
(Employee's Name Printed)