

# NORTH VALLEY MILITARY INSTITUTE

## INTRODUCTION

North Valley Military Institute (NVMI) is committed to bringing together a community of professionals who are dedicated to the best practice education of all students. Regardless of their role, all community members are expected to actively promote the NVMI ideals of *Academic Excellence*, *Democratic Leadership* and *Personal Growth* for all community members.

The provisions contained in this *Faculty Policies and Procedures Handbook* do not constitute an employment contract or guarantee employment for any specific duration. This Handbook summarizes NVMI's policies, employee benefits and responsibilities.

NVMI reserves the right to change any and all of its policies, practices, and procedures in whole or in part at any time. Teachers are expected to follow the rules and regulations of NVMI including changes in those rules and regulations made during the course of their employment. This Handbook supersedes any previously issued handbooks and or policy or benefit statements of memoranda that are inconsistent with the policies as described herein. Questions regarding the contents of this handbook should be directed to the HR Administrator.

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## I. CONDITIONS OF EMPLOYMENT

### A. At Will Employment

This Handbook does not in any way reflect a contract of employment, either express or implied, between you and NVMI. NVMI is an at-will employer. Accordingly either NVMI or the employee can terminate this relationship at any time, for any reason, without cause, and with or without notice.

Nothing contained in this handbook, employment applications, school memoranda or other materials provided to employees in connection with their employment shall require NVMI to have “cause” to terminate an employee or otherwise restrict NVMI’s right to terminate an employee at any time for any reason. Other than the Director of Operations or designee, no school representative is authorized to modify this policy for any employee.

### B. Modifications

NVMI reserves the right to amend, modify, add to, or delete any portion(s) of this handbook to reflect changes in employment policy, with one exception; the at-will employment relationship cannot be changed unless by a written statement that it is modifying the at-will employment relationship and is signed by the Superintendent or his designees and approved by the Board of Trustees.

### C. Equal Employment Opportunity Policy

NVMI is an equal opportunity employer. It is the policy of NVMI to afford equal employment and advancement opportunity to all qualified individuals without regard to race, creed, color, religion, national origin, ancestry, sex, sexual orientation, age, physical or mental disability, marital status, citizenship status, medical condition, or any other legally protected status. This policy extends to all employees and to all aspects of the employment relationship, including the hiring of new employees and the training, transfer, promotion, compensation and benefits of existing employees.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, NVMI will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

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## D. Prohibition of Harassment

### 1. Policy

NVMI is committed to providing a workplace free of sexual harassment, as well as harassment based on such factors as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. NVMI will not condone or tolerate sexual harassment of any type by any employee. This policy applies to all employee actions and relationships, regardless of position or gender. NVMI will promptly and thoroughly investigate any complaint of sexual harassment and take appropriate corrective action, if warranted.

NVMI must take all reasonable steps to prevent discrimination and unlawful harassment from occurring. Sexual or other unlawful harassment in employment violates NVMI policy and is prohibited under Title VII of the Civil Rights Act and the California Fair Employment and Housing Act.

### 2. Definition of Harassment

Harassment includes verbal, physical, or visual conduct that creates an intimidating, offensive or hostile working environment or that unreasonably interferes with job performance. A hostile work environment is created by a boss or coworker whose actions, communication, or behavior make doing your job impossible. This means that the behavior altered the terms, conditions, and/or reasonable expectations of a comfortable work environment for employees. Additionally, to constitute a hostile work environment the behavior, actions or communication must be discriminatory in nature. Harassment may also include unwelcome, offensive racial or ethnic slurs, jokes or similar conduct.

### 3. Definition of Sexual Harassment

Federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually suggestive nature. Such conduct constitutes sexual harassment when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or (2) Submission to or reflection of such conduct is used as the basis for personnel decisions, including but not limited to appraisals, promotion, salary increases, and termination; or (3) Such behavior has the purpose or effect of interfering with an individual's performance on the job or creating an intimidating, hostile or offensive working environment.

California law defines sexual harassment as unwanted sexual advances or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior. The following is a non-exhaustive list:

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- Sexual flirtations, touching, advances or propositions;
- Verbal abuse of a sexual nature;
- Graphic or suggestive comments about dress or body;
- Sexually degrading words;
- The display in the workplace of sexually suggestive or offensive objects or pictures.

#### 4. Preventing Sexual and Other Unlawful Harassment

Each NVMI employee has the responsibility to maintain a work place free from any form of sexual harassment. Consequently, should any employee become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address and remediate such conduct.

Any employee who has experienced or is aware of a situation, which is believed to be sexually harassing, has a responsibility to report the situation immediately to the Director of Operations. A Sexual Harassment Complaint Form may be obtained from the HR Administrator. The Director of Operations will conduct an immediate investigation into the allegation(s) and determine whether the allegations have merit. A written report, including findings related to the allegations, will be completed. In all cases, when the allegation(s) is determined to be valid, appropriate remedial action will be taken immediately and such action may include disciplinary action up to and including termination.

If the alleged sexual harassment involves the employee's supervisor or any person directed to investigate the complaint, or if the employee is not satisfied with the outcome of the investigation, the employee should bring the matter to the attention of the NVMI Board of Trustees.

#### 5. Investigations and No Retaliation Policy

All complaints of sexual harassment will be investigated promptly, objectively and as confidentially as possible. Employees are required to cooperate in any investigation. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited and shall be cause for termination.

## **II. EMPLOYMENT POLICIES AND PRACTICES**

### **A. Certification and Licensure**

NVMI teachers are required to hold a current California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. It is the responsibility of the instructional staff to provide and

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maintain such certificate, permit or documentation to the HR Administrator. Re-issuance/renewal of these documents should be obtained so as to prevent a lapse in certification and licensure.

### **B. Educational Support Staff, Substitutes, and Consultants**

Educational Support Staff, Substitutes and consultants will demonstrate the abilities necessary to effectively carry out their responsibilities as further specified in applicable job descriptions.

### **C. Employee Reviews and Evaluations (Professional Growth Reviews)**

NVMI participates in periodic Professional Growth Reviews and Goal Defining protocols. Such reviews will be collaboratively conducted by the teacher and the principal.

Professional Growth Reviews may review factors such as annual professional goals and progress toward their completion, the quality and quantity of work performed, knowledge of the job, initiative, level of community participation, work attitude and attitude toward others. The performance evaluations are intended to focus on areas where progress has been made and areas that remain challenging & need improvement, and objectives & goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Newly hired employees will have their performance goals reviewed by their supervisor within the first 90 days of employment.

Salary level and potential for advancement will be based on a matrix including job performance, participation in the NVMI community and evidence of commitment to the NVMI vision and mission. On a periodic basis, staff will engage in self-assessment and review of job performance and will establish goals for future performance. The NVMI evaluation system will in no way alter the Employment At-Will relationship.

### **D. Personnel Files and Record Keeping Protocols**

At the time of employment, a personnel file is established for each teacher. It is the responsibility of each teacher to keep the HR Administrator advised of changes including: change in address, telephone number, marital status, number of dependents and person(s) to notify in case of emergency. Prompt notification of these changes is essential.

Employees have the right to inspect those documents in the personnel file, as provided by law, in the presence of a NVMI representative, at a mutually convenient time. No copies of any documents may be made with the exception of documents which the employee has signed. An employee may add comments to any disputed item in his or her file. NVMI will restrict disclosure of any personnel file to authorized individuals within NVMI. A request for information contained in the personnel file must be directed to the HR Administrator. Only the Director of Operations is authorized to approve the release of information about current or former employees. Disclosure of information to outside sources will be limited, however, NVMI will cooperate with requests

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from authorized law enforcement or local, state or federal agencies conducting official investigations or as otherwise legally required.

### **E. Child Neglect and Abuse Reporting**

Any employee who knows or reasonably suspects a child has been the victim of child abuse shall report the instance to a child protective agency. Child abuse is broadly defined as “a physical injury that is inflicted by other than accidental means on a child by another person.” Also included are emotional abuse, sexual abuse and neglect. School employees are required to report instances of child abuse when the employee has a “reasonable suspicion” that child abuse has occurred. Reasonable suspicion arises when the facts surrounding the incident or suspicion could cause another person in the same situation to suspect child abuse. NVMI employees will confer with the Director of Operations or Dean of Students before filing a report. This is in no way intended to impede the mandated reporting process, but to keep the NVMI administration informed.

Child abuse should be reported immediately by phone to a child protective agency. The phone call is to be followed by a written report within thirty-six (36) hours. There is no duty for the reporter to contact the child’s parents. In fact, if a child is released to a peace officer or a child protective agency agent, the reporter shall not notify the parent as required in other instances of removal.

### **F. Conflict of Interest**

All NVMI employees must avoid situations involving actual or potential conflict of interest. An employee involved in any relationship or situation, which they believe may constitute a conflict of interest, should immediately and fully disclose the relevant circumstances to his or her immediate supervisor, or any other appropriate supervisor, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, NVMI may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action.

### **G. Punctuality, Attendance and Tardiness**

- NVMI business hours are as follows: 7:45 am to 5:00 pm, Monday through Friday.
- Class is held during the hours of 8:00 am to 3:31 pm, four days per week and 9:20 am to 3:31 pm one day per week.
- Teachers are expected to be on-campus from 7:45 AM to 4:00 PM, four days per week and 7:30 AM to 4:00 PM one day per week.
- Teachers are expected to arrive on campus and sign in at the office each day by 7:45 AM (except Thursdays, when the teacher should sign in by 7:30 AM). This expectation includes days on which the teacher’s class schedule begins later in the day.

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- Teachers are expected to remain on campus until 4:00 PM five days per week including days on which the teacher's class schedule ends earlier in the day.
- Teachers who leave campus during their unscheduled times either for lunch or other business must inform office staff and sign out on departure and sign in upon their return.
- It is expected that teachers will be in their classrooms and prepared to teach at least 5 minutes before the start of each class.
- Teachers will be expected to attend evening events at the school throughout the year as scheduled in the school calendar.
- Teachers are allowed five (5) paid sick days during the academic year. It is the teacher's responsibility to provide the Principal with complete and detailed lesson plans, class lists, seating plans, and any other necessary information or materials for the substitute teacher.
- It is expected that teachers will notify the Principal and HR Administrator as early as possible before any planned or unplanned absences. In the case of unplanned absences notification should be received no later than 6:00 AM on the day of the absence. All lesson plan information, class lists, seating plans, and other necessary information must be emailed as an attached Word document or PDF to the Principal and appropriate office personnel no later than 6:00 AM.
- Teachers are expected to have Emergency Lesson Plans on file in their classrooms in a designated area in the event of unplanned absences. Teachers who do not teach in a single classroom should file Emergency Lesson Plans with the Principal.
- Teachers are expected to provide an up-dated course description (UC format), scope and sequence, and quarterly benchmarks for each class before the first day of classes or as soon thereafter as arranged with the Principal.
- Teachers are expected to maintain up-to-date student records and report underachieving students at weekly Wednesday faculty meetings. Such students will be referred for that week's Saturday School session.

### **H. Dress Code**

Employees are expected professional attire which is safe and appropriate for the nature of our business and the type of work performed, as well as neat, clean and tasteful. Attire should be within professionally accepted standards suitable for the employee's position. The appropriateness of professional attire is viewed as a critical component of the success of the NVMI community and lies within the discretion of NVMI's Administrators. Employees should refrain from making choices which in any way detract from the learning situation or task being performed, would reasonably tend to cause disciplinary problems with students or other employees or would reasonably tend to cause disrepute to the employee, NVMI or the profession.

### **I. Community Member Relations**

Community members, (parents, students, outside visitors, other employees) should be treated courteously and given proper attention at all times. Respectfully attend to a community member's question or concern and refer them to another staff member if appropriate.

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### **J. Drug Free Workplace**

NVMI complies with all Federal and State regulations regarding drug use while on the job. This policy covers all employees.

1. Use, possession, offer for sale, or being under the influence of illegal drugs during working hours, including lunch and break periods, or in the presence of pupils.
2. Use, possession, offer for sale, or being under the influence of illegal drugs on NVMI property at any time.

For purposes of this policy, engaging in any of the activities above shall be considered as a violation of NVMI policy and will be considered grounds for immediate dismissal.

### **K. Employer Property**

Lockers, desks, computers, vehicles, and all other school-owned items are NVMI property and must be maintained appropriately. These items are to be used only for work-related purposes. NVMI reserves the right to inspect all school-owned property to ensure compliance with its rules and regulations without notice to the employee and at any time, not necessarily in the employee's presence. Prior authorization must be obtained before any NVMI property may be removed from the premises.

### **L. Confidential Information**

All information relating to students including, schools, addresses, contact numbers, and progress information is confidential, and may not be shared with unauthorized parties. All records concerning the income level of each family and special education pupils and shall be kept strictly confidential and maintained in separate secured files. Employees are also expected to use good professional judgment by not discussing confidential information with anyone who does not have a definitive need to know that information. It is both unprofessional and grounds for immediate dismissal to "gossip" about students, families, or staff.

### **M. Use of E-Mail, Voicemail and Internet Access**

NVMI will permit employees to use its electronic mail, voicemail systems and Internet access subject to the following:

1. Minimal personal use as long as it does not interfere with timely job performance and is consistent with law and appropriate protocols.



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2. The E-mail system and Internet access is not to be used in any way that may be disruptive, offensive to others, or harmful to morale. For example, sexually explicit images, ethnic slurs, racial epithets, or anything else that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, religious beliefs or political beliefs may not be displayed or transmitted.
3. Employees should not attempt to gain access to another employee's personal file of e-mail or voicemails without the latter's express permission.
4. NVMI staff will not enter an employee's personal E-mail files or voicemail unless there is a business need to do so. All passwords must be on file with the HR Administrator. System security features, including passwords and delete functions, do not neutralize NVMI's ability to access any message at any time.
5. The email and voicemail systems are the property of NVMI and are reserved for NVMI business purposes. Use of these systems has no guarantee of privacy.

### **N. Smoking**

All School buildings and facilities are non-smoking facilities.

### **O. Personal Business**

NVMI facilities for handling mail and telephone calls are designed to accommodate school business. Please have your personal mail directed to your home address and limit personal telephone calls to an absolute minimum. Long distance toll calls may not be made from NVMI's telephone system. If you need to make a personal call it should be made on a personal calling card or cell phone. Do not use NVMI material, time or equipment for personal projects. Personal calls, text messaging, emails, etc. should be completed outside of working hours (lunch, break periods). Personal communications during instructional periods are expressly forbidden.

### **P. Health and Safety Policy**

NVMI has instituted an Injury and Illness Prevention Program designed to protect the health and safety of all personnel. Every employee will receive a copy of the Injury and Illness Prevention Program, which is kept by the HR Administrator and is available for your review.

You are required to know and comply with NVMI's general Safety Rules and to follow safe and healthy work practices at all times. You are required to report immediately to office personnel any potential health or safety hazards, and all injuries or accidents.

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

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## Q. TB Testing

No person shall be employed by NVMI unless the employee has submitted proof of an examination within the last four (4) years that the employee is free of active tuberculosis. This examination shall consist of an X-ray of the lungs or an approved intradermal tuberculin test which, if positive, shall be followed by an X-ray of the lungs. Thereafter all employees shall be required to undergo the foregoing examination at least once every four (4) years, excepting "food handlers" who shall be examined annually. After such examination each employee shall provide the NVMI main office with a certificate from the examining physician showing the employee was examined and found free from active tuberculosis.

The examination is a condition of initial employment and the expense incident thereto shall be born by the applicant.

The County Health department will provide skin testing available to all employees at regular intervals at no cost to the employee. The availability of this testing shall be announced by NVMI.

## R. Criminal Background Checks

North Valley Military Institute requires fingerprinting and background checks for its employees consistent with legal requirements.

NVMI may, on a case-by-case basis, require any outside vendors and providers to certify that their employees comply with the requirements for fingerprinting, unless NVMI determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee will have limited contact with pupils, NVMI must consider all relevant circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity of the site where the contractors will be working, and whether the contractors will be working by themselves or with others. NVMI shall take appropriate steps to protect the safety of any pupils that may come in contact with these employees.

On a case-by-case basis, the Superintendent or designee may determine whether a volunteer will have more than limited contact with pupils and may require a criminal background check.

## S. Security Protocols

NVMI has developed guidelines to help maintain a secure workplace:

- Be aware of and report any suspicious persons or activities to front office personnel.
- Secure your desk or office each time you leave your classroom.
- Do not leave valuable or personal articles in your classroom that may be accessible.

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The security of facilities as well as the welfare of our employees depends upon the alertness of every individual to potential security risks. Immediately notify the HR Administrator if keys are missing or if security access codes or passes have been breached.

### **T. Payroll Withholdings**

NVMI is required by law to withhold Federal Income Tax, State Income Tax, social security (FICA) and State Disability Insurance from each employee's pay. It is the responsibility of the employee to determine the correct withholding levels. Deductions are as follows:

1. Federal Income Tax Withholding: The amount varies with the number of exemptions the employee claims and, of course, the gross pay amount.
2. State Income Tax Withholding: The same factors, which apply to federal withholdings, apply to state withholdings.
3. Social Security (FICA): The Federal Insurance Contribution Act requires that a certain percentage of employee earnings be deducted and forwarded to the federal government, together with an equal amount contributed by NVMI.
4. State Disability Insurance (SDI): This state fund is used to provide benefits to those out of work because of illness or disability.

Every deduction from your paycheck is explained on your check voucher. If you do not understand the deductions, ask the HR Administrator to explain them to you.

You may change the number of withholding allowances you wish to claim for federal and State Income Tax purposes at any time by filling out a new W-4 and or DE4 form (available from the HR Administrator) and submitting it to the HR Administrator.

All Federal, State, and Social Security taxes will be automatically deducted from paychecks. Federal Withholding Tax deduction is determined by the employee's W-4 form. State Withholding will be the same as Federal unless the employee chooses to fill out a DE4 form. These forms should be completed upon hire and it is the employee's responsibility to report any changes in filing status to the HR Administrator and to fill out a new forms.

At the end of the calendar year, a "withholding statement" (W-2) will be prepared and forwarded to each employee for use in connection with preparation of income tax returns. The W-2 shows Social Security information, taxes withheld and total wages. Employees are required to report a change of address to the HR Administrator for accurate record keeping and to ensure that the W-2 form is mailed to the accurate location.

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## U. Expense Reimbursements

NVMI will reimburse employees for any reasonably necessary school materials and will provide reasonable per diem to defray business travel expenses incurred while on assignments away from the normal work location. All material purchases beyond the classroom/department budget provided must have advance approval by the Superintendent, Director of Operations or Principal for reimbursement.

## V. Academic Freedom

Teachers must be free to think and to express ideas, free to select and employ materials and methods of instruction within NVMI's curriculum framework, free from undue pressures of authority, and free to act within his/her professional group. Such freedom should be used judiciously and prudently to the end that is in concert with established community standards and promotes the free exercise of intelligence and student learning.

Academic freedom is not an absolute. It must be exercised within the basic ethical responsibilities of the teaching profession. Those responsibilities include:

- An understanding of democratic traditions and methods.
- A concern for the welfare, growth, maturity and development of children.
- The use of methods in alignment with NVMI principles.
- Application of good taste and judgment in selecting and employing materials and methods of instruction.

## III. EMPLOYEE BENEFITS AND LEAVE

### A. Medical Coverage

Medical coverage is available for full time employees. You can receive summary descriptions of NVMI's benefit plans from the HR Administrator or designee.

### B. Holidays

NVMI observes the following paid holidays that are generally taken by public entities, including public schools:

- New Year's Day
- Martin Luther King, Jr.,  
Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day

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- Thanksgiving
  - Friday after Thanksgiving
  - Day before Christmas
  - Christmas Day
- Employees should refer to the 2014-2015 calendar for a list of school holidays**

### **C. Faculty Professional Growth Leave**

With prior approval, NVMI Administrators may choose to provide paid days of professional growth leave. NVMI is an organization that encourages and supports professional growth opportunities for all community members. Professional growth leave is intended to allow compensated time for faculty members to attend conferences of interest or engage in other approved professional growth building activity. All such leave must be approved by the Superintendent, Principal or designee.

### **D. Personal Days**

NVMI allows 5 sick days per year to all regular, full-time employees. Sick pay will not be paid in the first 30 days of employment. Unused sick days are not accumulated, or rolled over, and you may not receive pay in lieu of unused sick days.

If your absence is longer than five (5) days due to illness, NVMI requires medical evidence of your illness and/or satisfactory medical certification of your fitness to return to work before NVMI honors any sick pay requests. Once an employee has exhausted sick leave, the employee may continue on an unpaid medical leave, if eligible under applicable medical leave law, depending upon the facts and circumstances of the employee's basis for leave beyond accrued sick leave.

### **E. Unpaid Leave of Absence**

NVMI recognizes that special situations may arise where an employee must leave his or her job temporarily. At NVMI's discretion, employees may be granted unpaid leave of absence.

The granting of an unpaid leave of absence always presumes the employee will return to active work by a designated date or within a specific period.

If you are currently covered, medical, and dental coverage will remain in force during a medical or worker's compensation leave of absence, provided you pay the appropriate premiums. Whether you are required to pay your own premiums will depend upon the length of your leave of absence. During a family/medical leave, your medical and dental benefits will remain in force provided you pay the appropriate premiums. If an employee fails to return from a leave and is subsequently terminated, the employee is entitled to all earned but unused vacation pay, provided that the vacation pay was earned prior to the commencement of leave.

**No paid leave time is accrued during any type of unpaid leave of absence.**

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## **F. Family Care and Medical Leave**

NVMI complies with the federal Family and Medical Leave Act (“FMLA”) and the California Family rights Act (“CFRA”), both of which require NVMI to permit each eligible employee to take up to 12 workweeks of FMLA leave in any 12-month period for the birth/adoption of a child, the employee’s own serious illness or to care for certain family members who have a serious illness. For purposes of this policy, all leave taken under FMLA or CFRA will be referred to as “FMLA leave.”

### **1. Employee Eligibility Criteria**

To be eligible for FMLA leave, the employee must have been employed by NVMI for the last 12 months and must have worked at least 1,250 hours during the 12-months period immediately preceding commencement of the FMLA leave.

### **2. Events That May Entitle Employee to FMLA Leave**

The 12-week FMLA allowance includes any time taken (with or without pay) for any of the following reasons:

- a. To care for the employee’s newborn child or a child placed with the employee for adoption or foster care.
- b. Because of the employee’s own serious health condition (including a serious health condition resulting from an on-the-job illness or injury) that makes the employee unable to perform any one or more of the essential functions of his or her job (other than a disability caused by pregnancy, childbirth, or related medical conditions, which is covered by NVMI’s separate pregnancy disability policy).
- c. To care for a spouse, child, or parent with a serious health condition.
- d. A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or (2) continuing treatment by a health care provider.

### **3. Amount of FMLA Leave That May Be Taken**

- a. FMLA leave can be taken in one or more periods, but may not exceed 12 workweeks total for any purpose in any 12-month period, as described below, for any one, or combination of the above described situations. “Twelve workweeks” means the equivalent of twelve of the employee’s normally scheduled workweeks. For a full-time

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employee who works five eight-hour days per week, “twelve workweeks” means 60 working and/or paid eight-hour days.

- b. The “12 month period” in which 12 weeks of FMLA leave may be taken is the 12-month period immediately preceding the commencement of any FMLA leave.

### 4. Health Benefits

The provisions of NVMI’s various employee benefit plans govern continuing eligibility during FMLA leave, and these provisions may change from time to time. The health benefits of employees on FMLA leave will be paid by NVMI during the leave at the same level and under the same conditions, as coverage would have been provided if the employee had been continuously employed during the leave period. When a request for FMLA leave is granted, NVMI will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

### 5. Medical Certifications

- a. An employee requesting FMLA leave because of his or her own or a relative’s serious health condition must provide medical certification from the appropriate health care provider on a form supplied by NVMI. Failure to provide the required certification in a timely manner (within 15 days of the leave request) may result in denial of the leave request until such certification is provided.
- b. If NVMI has reason to doubt the medical certification supporting a leave because of the employee’s own serious health condition, NVMI may request a second opinion by a health care provider of their choice (paid for by NVMI). If the second opinion differs from the first one, NVMI will pay for a third, mutually agreeable, health care provider to provide a final and binding opinion.
- c. Recertification is required if leave is sought after expiration of the time estimated by the health care provider. Failure to submit required recertification can result in termination of the leave.

### 6. Procedures for Requesting and Scheduling FMLA Leave

- a. An employee should request FMLA leave by completing a Request for Leave form and submitting it to the HR Administrator. An employee asking for a Request for Leave form will be given a copy of NVMI’s then-current FMLA leave policy.
- b. Employees should provide not less than 30 days’ notice or such shorter notice as is practicable, for foreseeable childbirth, placement, or any planned medical treatment for the employee or his/her spouse, child, or parent. Failure to provide such notice is

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grounds for denial of a leave request, except if the need for FMLA leave was an emergency or was otherwise unforeseeable.

- c. If FMLA leave is taken because of the employee's own serious health condition or the serious health condition of the employee's spouse, parent or child, the leave may be taken intermittently or on a reduced leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition.
- d. If FMLA leave is taken because of the birth of the employee's child or the placement of a child with the employee for adoption or foster care, the minimum duration of leave is two weeks, except NVMI will grant a request for FMLA leave for this purpose of at least one day but less than two weeks' duration on any two occasions.
- e. In most cases, NVMI will respond to a FMLA leave request within two days of acquiring knowledge that the leave is being taken for an FMLA-qualifying reason and, in any event, within 10 days of receiving the request. If an FMLA leave request is granted, NVMI will notify the employee in writing that the leave will be counted against the employee's FMLA leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

### Employee Return to Work

- a. Upon timely return at the expiration of the FMLA leave period, an employee is entitled to the same or a comparable position with the same or similar duties and virtually identical pay, benefits, and other terms and conditions of employment unless the same position and any comparable position(s) have ceased to exist because of legitimate business reasons unrelated to the employee's FMLA leave.
- b. When a request for FMLA leave is granted to an employee, NVMI will give the employee a written guarantee of reinstatement at the termination of the leave, subject to limitations under the law.
- c. Before an employee will be permitted to return from FMLA leave taken because of his or her own serious health condition, the employee must obtain a certification from his or her health care provider that he or she is able to resume work.
- d. If an employee can return to work with limitations, NVMI will evaluate those limitations and, if possible, will accommodate the employee as required by law. If the accommodation cannot be made, the employee will be separated from NVMI.
- e. At your option, you can use accrued vacation time as part of your disability leave before taking the remainder of your leave as an unpaid leave. NVMI requires that you use up any available sick leave during your leave. You may also be eligible for state disability insurance for the unpaid portion of your leave.



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### **8. Pregnancy Leave Impact on Other Benefits**

Taking a pregnancy disability leave may impact certain of your benefits. If you want more information regarding this policy and your eligibility for leave, the impact of the leave on your benefits, and our policy on other disabilities, please contact the HR Administrator.

### **G. Pregnancy Disability Leave**

This policy explains how NVMI complies with the California Pregnancy Disability Act, which requires NVMI to give each female employee an unpaid leave of absence of up to four (4) months, as needed, for the period(s) of time a woman is actually disabled by pregnancy, childbirth, or related medical conditions.

#### **1. Employee Eligibility Criteria**

To be eligible for pregnancy disability leave, the employee must be disabled by pregnancy, childbirth, or a related medical condition and must provide appropriate medical certification concerning the disability.

#### **2. Events That May Entitle an Employee to Pregnancy Disability Leave**

The four-month pregnancy disability leave allowance includes any time taken (with or without pay) for any of the following reasons:

- The employee is unable to work at all or is unable to perform any one or more of the essential functions of her job without undue risk to herself, the successful completion of her pregnancy, or to other persons because of pregnancy or childbirth, or because of any medically recognized physical or mental condition that is related to pregnancy or childbirth (including severe morning sickness); or
- The employee needs to take time off for parental care.

#### **3. Duration of Pregnancy Disability Leave**

Pregnancy disability leave may be taken in one or more periods, but not to exceed four months total. "Four months" means the number of days the employee would normally work within four months. For a full-time employee who works five eight hour days per week, four months means 88 working and/or paid eight hour days of leave entitlement based on an average of 22 working days per month for four months.

Pregnancy disability leave does not count against the leave, which may be available as Family Care, and Medical Leave.

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### **4. Pay during Pregnancy Disability Leave**

- An employee on pregnancy disability leave must use all accrued paid sick leave and may use any or all accrued vacation time at the beginning of any otherwise unpaid leave period.
- The receipt of vacation pay, sick leave pay, or state disability insurance benefits will not extend the length of pregnancy disability leave.
- Vacation pay and sick pay accrues during any period of unpaid pregnancy disability leave only until the end of the month in which the unpaid leave began.

### **5. Health Benefits**

The provisions of NVMI's various employee benefit plans govern continued eligibility during pregnancy disability leave and these provisions may change from time to time. When a request for pregnancy disability leave is granted, NVMI will give the employee

written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

### **6. Medical Certifications**

- An employee requesting a pregnancy disability leave must provide medical certification from her healthcare provider on a form supplied by NVMI. Failure to provide the required certification in a timely manner (within fifteen (15) days of the leave request) may result in a denial of the leave request until such certification is provided.
- Re-certifications are required if leave is sought after expiration of the time estimated by the healthcare provider. Failure to submit required re-certifications can result in termination of the leave.

### **7. Requesting and Scheduling Pregnancy Disability Leave**

- An employee should request pregnancy disability leave by completing a Request for Leave form and submitting it to her/his supervisor. An employee asking for a Request for Leave form will be referred to NVMI's then current pregnancy disability leave policy.
- Employee should provide not less than thirty (30) days or as much notice as is practicable, if the need for the leave is foreseeable. Failure to provide such
- notice is grounds for denial of the leave request, except if the need for pregnancy disability leave was an emergency and was otherwise unforeseeable.
- Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt School's operations.
- Pregnancy disability leave may be taken intermittently or on a reduced leave schedule when medically advisable, as determined by the employee's healthcare provider.
- In most cases, NVMI will respond to a pregnancy disability leave request within two (2) days of acquiring knowledge that the leave qualifies as pregnancy disability and, in any

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event, within ten (10) days of receiving the request. If a pregnancy disability leave request is granted, NVMI will notify the employee in writing and leave will be counted against the employee's pregnancy disability leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

### 8. Return to Work

- Upon timely return at the expiration of the pregnancy disability leave period, an employee is entitled to the same position unless the employee would not otherwise have been employed in the same position (at the time reinstatement is requested). If the employee is not reinstated to the same position, he/she must be reinstated to a comparable position unless there is no comparable position available, but filling that position with the returning employee would substantially undermine NVMI's ability to operate the business safely and efficiently. A "comparable" position is a position that involves the same or similar duties and responsibilities and is virtually identical to the employee's original position in terms of pay, benefits, and working conditions.
- When a request for pregnancy disability leave is granted to an employee, NVMI will give the employee a written guarantee of reinstatement at the end of the leave (with the limitations explained above).
- Before an employee will be permitted to return from a pregnancy disability leave of three days or more, the employee must obtain a certification from her healthcare provider that she is able to resume work.
- If the employee can return to work with limitations, NVMI will evaluate those limitations and, if possible, will accommodate the employee as required by law.
- If accommodation cannot be made, the employee will be separated from NVMI due to medical reasons.

### 9. Employment During Leave

An employee on pregnancy disability leave may not accept employment with any other employer without School's written permission. An employee who accepts such employment will be deemed to have resigned from employment with NVMI.

### 10. Coordination of Pregnancy Disability Leave with Family/Medical Leave

If you take *Pregnancy Disability Leave* and are eligible under the federal or state family and medical leave laws, NVMI will maintain group health insurance coverage for up to a maximum of 12 workweeks under the same terms, provided you were covered on NVMI's group health plan prior to your *Pregnancy Disability Leave*. If you are ineligible under the federal and state family and medical leave laws, while on *Pregnancy Disability Leave*, you will receive continued paid coverage on the same basis as other medical leave that NVMI may provide and for which you are eligible.

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In some instances, the insurance carrier may recover premiums it paid to maintain health coverage for you if you fail to return to work following *Pregnancy Disability Leave*.

If you are on *Pregnancy Disability Leave* and are not eligible for continued paid coverage, or if paid coverage ceases after 12 workweeks, you may continue your group health insurance coverage through NVMI in conjunction with federal COBRA guidelines by making monthly payments to NVMI for the amount of the relevant premium. Contact the HR Administrator for further information.

### **H. Workers' Compensation**

The Company, in accordance with state law, provides insurance coverage for employees in case of work-related injury. To ensure that you receive any workers' compensation benefits to which you may be entitled including medical care, temporary disability benefits and rehabilitation, you will need to:

- Immediately report any work-related injury to your supervisor
- Seek medical treatment and follow-up care if required
- Complete a written Employee's Claim Form (DWC Form 1) and return it to the HR Administrator; and
- Provide the Company with a certification from your health care provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the leave.

### **I. Military Leave of Absence**

NVMI will grant employees a military leave of absence to the extent required by applicable federal and state law.

### **J. Jury and Witness Duty**

NVMI will provide employees time off to serve as required by law, on a jury or grand jury if the employee provides reasonable advance notice. NVMI will also provide employees with time off to: 1) appear in court or other judicial proceeding as a witness to comply with a valid subpoena or other court order, or 2) obtain any relief including a temporary restraining order, to help ensure the health, safety, or welfare of a domestic violence victim or his or her child. Leaves under this section will be unpaid.

### **K. Voting Time Off**

Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided, at the beginning or the end of the employee's regular shift, whichever will allow the greatest free time for voting and the least time off work.

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## **L. Bereavement Leave**

Employees who have worked with NVMI for more than twelve (12) months will be allowed up to three (3) consecutive paid working days off to arrange and attend the funeral of an immediate family member. For purposes of this policy, an employee's immediate family member is defined to include a current spouse, father, mother, sister, brother, children, current parent-in-law, grandparents, and grandchildren.

If any employee requires more than three days off for bereavement leave, the employee may request additional unpaid leave or may request the opportunity to use any accrued vacation time.

## **IV. TERMINATION OF EMPLOYMENT**

Should it become necessary for you to terminate your employment with NVMI, please notify your supervisor regarding your intention as far in advance as possible. At least two weeks notice is expected whenever possible.

When you terminate your employment, you will be entitled to all earned but unused vacation pay. If you are participating in the medical and/or dental plan, you will be sent information on your rights under COBRA.

### **A. Misconduct Subject to Discipline or Dismissal**

The following violations are considered misconduct and may result in disciplinary action which includes informal counseling which may be documented in personnel file, formal counseling which includes signed document in personnel file, suspension with or without pay and timelines given to remediate undesirable or inappropriate behaviors/rule violations. Failure to meet agreed upon remediation may result in termination. Since it is impossible to enumerate every act or omission that would justify the imposition of disciplinary action, the list is not intended to be all-inclusive. NVMI employees have the right to due process and have access to NVMI's Board of Trustees members at all time in pursuit of such. The following list of these behaviors in no way alters the at-will employment relationship:

1. Unexcused absence and/or lack of punctuality, including days that you may not have a scheduled period at the beginning of the day.
2. Release of confidential information without authorization.
3. Possession of or reporting to work while under the influence of alcohol, narcotics, and/or other controlled substances.
4. Theft.
5. Willful destruction of property.
6. Conviction of a felony or conviction of a misdemeanor which makes the employee unfit for the position.
7. Falsification, fraud, or omission of pertinent information when applying for a position.

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8. Any willful act that endangers the safety, health or well being of another individual.
9. Any act of sufficient magnitude to cause disruption of work or gross discredit to NVMI.
10. Misuse of school property or funds.
11. Possession of firearms, or any other weapon, while acting within the course of your employment with NVMI.
12. Acts of discrimination or illegal harassment based on gender, ethnicity, or any other basis protected by state or federal law.
13. Failure to comply with NVMI's safety procedures.
14. Insubordination.
15. Failure to follow any known policy or procedure of NVMI, or gross negligence that results in a loss to NVMI.
16. Violations of federal, state, or local laws affecting the organization or your employment with the organization.
17. Unacceptable job performance.
18. Dishonesty
19. Failure to keep a required license, certification or permit current and in good standing.

### **B. Non-Disclosure of Personnel Information**

Reasons for involuntary terminations are privileged information and are treated confidentially. Anyone disclosing such information inappropriately is subject to disciplinary action, up to and including termination of employment. Inquiries regarding an employee who has been terminated should be referred to the Superintendent or the HR Administrator.

### **C. Resignation**

Employees are free to resign without repercussion or retaliation. NVMI expects at least two weeks advance notice from a resigning employee. However, NVMI may ask an employee to leave immediately. Any accrued and unpaid compensation, excluding sick or personal leave benefits, shall be paid to the employee as soon as possible as required under the law.

### **D. Retirement**

Retirement at age 65 is not compulsory.

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## **E. Salary and Benefits In the Event of Termination**

In the event of termination the employee shall be entitled only to the prorated salary and benefits earned through the last date of actual service.

## **V. INTERNAL COMPLAINT REVIEW**

Complaints regarding allegations of harassment or discrimination should be made pursuant to the specific policies addressing those issues. The purpose of this “Internal Complaint Review Policy” is to afford all employees of NVMI the opportunity to seek internal resolution of their work-related concerns. All employees have free access to their immediate supervisors or to other School supervisors of their choice to informally express their work-related concerns. Employees are required to express their concerns to Supervisory Personnel who have the ability to facilitate a resolution.

### **A. Filing of Complaint**

If complaints cannot be resolved informally, employees may file a written complaint with the HR Administrator as soon as possible after the events that give rise to the employee’s work-related concerns. The written complaint should set forth in detail the basis for the employee’s complaint.

### **B. Investigation**

An objective and timely investigation of all complaints which cannot be resolved informally will be undertaken. This includes meeting with the employee and with others who either are named in the complaint or who may have knowledge of the facts set forth in the complaint.

NVMI will attempt to treat all internal complaints and their investigation as confidential; recognizing, however, that in the course of investigating and resolving internal complaints some dissemination of information to others may be necessary or appropriate.

Upon completion of the investigation, the Director of Operations or designee shall report the finding(s) to the employee in writing. Employees have the right to due process which includes meeting with NVMI Board of Trustees members to further investigate such matters.

### **C. Non-Retaliation**

If an employee has filed a complaint in good faith, the employee will not be disciplined or otherwise penalized for lodging the complaint. If an employee believes that he or she is being retaliated against for lodging a complaint, the employee should immediately notify the Superintendent or Director of Operations.