



# **Innovation Employee Handbook 2021-2022 School Year**

*Innovation | Collaboration | Safety | Tolerance | Respect | Activism*

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## INTRODUCTION AND WELCOME

On behalf of Innovation Charter High School (“Innovation”) it is a pleasure to welcome you as an employee of Innovation and a valued member of our team. This Employee Handbook (the “Handbook”) is a guide to Innovation’s employment policies and procedures and describes the benefits that may be available to you as an employee. This Handbook applies to all employees of Innovation and will introduce you to our personnel policies, regulations, benefits, and related information. Please read it carefully and retain it for future reference. No provision or portion of this Handbook constitutes an implied or express contract, guarantee, or assurance of employment or any right to an employment-related benefit or procedure.

Innovation abides by all applicable local, state and federal laws and regulations affecting employment. In case of any conflict between our policies and the law, the applicable law will prevail. Similarly, where insurance or other benefits are concerned, the terms of the policy or plan prevail over statements contained in this Handbook.

As with any set of policies and practices, this Handbook may be updated periodically, in Innovation’s sole discretion. To that end, Innovation reserves the right to change, modify, eliminate or deviate from any policy, benefit or procedure outlined in this Handbook, at any time. Changes to this Handbook, and to Innovation’s policies or procedures, are effective on the date they are issued by Innovation. As you receive new or changed policies and procedures, please update your Handbook accordingly.

Innovation is committed to exemplifying the highest standard of ethical conduct in all of its activities. This commitment is explained in the Innovation Code of Conduct for Board of Trustees, Officers and Employees, a copy of which is attached at Exhibit “A”.

You have also received, and agreed to the terms of, an offer letter (the “Offer Letter”) from Innovation, establishing that your employment is “at-will”. The Offer Letter may contain additional terms and conditions you must abide by. The Offer Letter and Handbook are intended to be complementary documents, but to the extent that there is any inconsistency between the two you are bound by the terms of your Offer Letter.

This Handbook does not anticipate every situation or answer every question about your employment. If you have any questions related to these policies, or to employee benefits, please speak to our Associate Director of Operations and Human Resources (“Associate Director of Operations & HR”) or to me. Should you have any other questions, please reach out directly to me, or to Terence Joseph, our Principal.

Regards,

Stephen Falla Riff, Executive Director  
Innovation Charter High School

## **OUR MISSION**

Innovation nurtures and develops students to be academically successful, socially mature, emotionally healthy, and equipped to lead self-directed and fulfilling lives. We welcome all students and we empower them to adapt, excel, innovate and lead. By instilling the core values of collaboration, tolerance, respect, activism, safety and innovation, students will graduate prepared for success in college and careers.

## **EMPLOYEE RIGHTS & RESPONSIBILITIES**

### **At-Will Employment**

Innovation is an at-will employer. This means that you have the right to resign at any time, with or without notice and with or without cause. Likewise, Innovation retains the right to terminate your employment at any time, with or without notice and with or without cause. Any representation by any Innovation officer or employee to the contrary is not binding upon Innovation unless it is in writing, signed by Innovation's Executive Director.

This Handbook is not a contract of employment and it does not create any contractual or other legal rights.

### **Employee Responsibilities**

All Innovation employees are expected to adhere to the responsibilities outlined in their offer letters and job descriptions. Our employees share Innovation's basic philosophy and support its mission. Employees are expected to approach their work with a positive attitude and be team players. Where there are problems, employees are expected to be part of the solution.

### **Confidential Information**

Every employee is expected to safeguard confidential information about the operations of Innovation, Innovation's staff and Innovation's students. Any information you learn about the operations of Innovation, Innovation's staff or Innovation's students in the course of your employment that is not otherwise publicly available constitutes "confidential information." Confidential information includes training manuals; school curriculum; emails, files, materials, student records, lists and information; volunteer and partnership information; long-range plans; information relating to forms of compensation or other personnel-related information; and contracts. Confidential information excludes information that is a matter of public record, or information concerning the terms and conditions of your employment. Therefore, unless legally required to do so under applicable law, or compelled to do so by lawful subpoena or court order, you may not disclose such confidential information to anyone not employed by Innovation or to other persons employed by Innovation who do not need to know it to perform their job functions. Additionally, as an Innovation employee, you are bound by the federal Family Educational Rights and Privacy Act ("FERPA"), which relates to safeguarding student information and records.

Discussions involving confidential information should always be held in private settings to safeguard the confidentiality of the information. Other practical guidelines for maintaining confidentiality and minimizing the risk of inadvertent disclosure include the following:

- Remove confidential documents from conference rooms and other areas accessible to others after every meeting.
- Store confidential documents in locked cabinets. Transmit documents in sealed envelopes marked “confidential,” use confidential cover sheets, and, when appropriate, conspicuously designate confidential documents as “confidential”.
- Do not disclose confidential matters to persons outside of Innovation, unless: (i) you have the consent of a member of the School Management Team; (ii) you are required to do so under applicable law; or (iii) you are required to do so in response to a lawful subpoena or court order.
- Limit copying of, and access to, confidential documents to those with a legitimate need to examine or revise these documents.
- Keep passwords protected and secure, including passwords to your computer, to Innovation email and documents, and to the Student Information System.
- Password-protect your computer, your tablet, your phone, or other electronic device to ensure that it locks automatically after it is idle for more than a few minutes.

### **Other Activities**

During work hours, each Innovation employee agrees to devote his or her time, skills and attention to the performance of his or her duties and responsibilities, using best efforts in all such endeavors. Outside of work hours, Innovation employees may engage in other professional or business activities that do not, individually or in the aggregate, conflict with or interfere with the performance of their duties and responsibilities to Innovation.

### **Public Relations**

No employee may represent Innovation as a spokesperson unless authorized to do so by Innovation’s Executive Director or Principal. Similarly, no employee may make a statement to the media, in which the employee might reasonably be construed to be speaking on behalf of Innovation, unless authorized to do so by the Executive Director or Principal.

Innovation employees are not permitted to engage in any partisan political activity during work hours and may not use Innovation’s name, facilities or equipment in connection with any political activity at any time.

### **Resignation**

In most cases, an Innovation employee’s employment offer is for a one-year term, though, as an at-will employee, you or Innovation may terminate your employment at any time.

Departures during the academic year (from September through June) may be disruptive to Innovation and to our students. We trust that you will take this into account before resigning prior to the end of the academic year. If you must resign your employment anytime between September and May, please endeavor to give at least 14 (fourteen) days’ written notice of your planned departure to our Associate Director of Operations & HR and to your supervisor. In

June, please endeavor to provide enough notice to see our students and staff through to the end of the academic year, which is at the end of June.

### **Exit Procedure**

When your employment with Innovation ends, for any reason, including resignation or termination, you must surrender all Innovation-related property in your possession to our Associate Director of Operations & HR. Innovation-related property includes, but is not limited to, laptops, tablets, keys, and any equipment, books, educational records, papers, and other work-related documents, whether physical or stored in any type of digital device. Any work-related documents or records on your computer or other digital device must be preserved and returned to Innovation. Any Innovation-related passwords, or access to any Innovation digital materials including email records, SIS records, student information or other school-related materials are the property of Innovation and may not be used after your employment with Innovation ends.

At the end of your employment with Innovation, you will have an exit interview with our Associate Director of Operations & HR. You are encouraged to provide meaningful and candid feedback concerning your experience as an Innovation employee during your exit interview. Your input will help us to shape our policies and procedures and we will take your feedback into account as we strive to achieve our educational mission.

### **EQUAL EMPLOYMENT OPPORTUNITY**

Innovation's policy and practice is to provide equal employment opportunity to all employees and potential employees without regard to race, age, sex, pregnancy, gender identity or expression, transgender status, familial status, religion, color, national origin or ancestry, disability, marital status, sexual orientation, citizenship status, veteran status, genetic information, employment status, sexual and other reproductive health decisions, status as a domestic violence victim or any other protected status under federal, state or local law. Innovation makes employment decisions based on merit, personal qualifications and competence. This policy governs all areas of employment, including recruitment, selection, job assignment, training, compensation, benefits, separation from employment and all other employment-related transactions.

Innovation expects all employees to share in its commitment to equal employment opportunity, and acts of discrimination or harassment in the workplace will not be tolerated. Any such acts should be reported immediately to Innovation's Associate Director of Operations & HR or Executive Director.

Innovation will make a reasonable accommodation, unless such an accommodation would create an undue hardship, for: individuals with known disabilities, who are pregnant, who have pregnancy-related conditions, or who are otherwise qualified to perform the essential functions of their particular position; an employee's sincerely held religious belief(s) that conflicts with the employee's work duties; or to enable a victim of domestic violence, a sex offense, or stalking to satisfy the essential functions of their particular position. Innovation will engage in a cooperative dialogue with an employee who requires a reasonable accommodation to determine the employee's needs, potential accommodations that may address those needs, including alternatives to a requested accommodation, and the difficulties that any potential accommodations may pose for Innovation. Once this cooperative dialogue has concluded,

Innovation will provide the employee with a written final determination identifying any accommodation which Innovation grants or denies.

Employees should discuss the need for a possible accommodation with Innovation's Associate Director of Operations & HR or Executive Director.

## **POLICY AGAINST DISCRIMINATION AND HARASSMENT**

### **Introduction**

Innovation promotes a workplace that is free of harassment and discrimination, including sex, race, color, ancestry, citizenship, sexual orientation, gender identity or expression, age, religion, national origin, pregnancy, marital status, veteran status, transgender status, familial status, genetic information, employment status, sexual and other reproductive health decisions, status as a domestic violence victim, disability or any other classification protected by federal, state or local law. Any type of discrimination or harassment of employees is strictly prohibited and will not be tolerated by Innovation. If acts of discrimination or harassment occur, Innovation will take corrective action to prevent their continuation or recurrence. In addition, Innovation will endeavor to prevent the harassment of its employees by persons who are not Innovation employees, but who are on Innovation's premises or who have a relationship with Innovation.

Because Innovation takes all allegations of discrimination and harassment seriously, we will respond promptly to complaints of such harassment and, investigate all such allegations. Where we determine that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and will impose corrective action, including disciplinary action, where appropriate. To be clear, Innovation considers all forms of harassment under this policy as a form of employee misconduct and sanctions will be enforced against individuals engaging in harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue. Innovation will not subject any individual covered by this policy to retaliation because the person reports an incident of harassment, provides information or otherwise assists in any investigation of a harassment complaint.

### **What is Harassment?**

"Harassment" is a form of misconduct that undermines the integrity of the employment relationship. It includes communicating, sharing or displaying written or visual material or making verbal comments that are demeaning or derogatory to a person because of race, age, sex, pregnancy, gender identity or expression, transgender status, familial status, religion, color, national origin or ancestry, disability, marital status, sexual orientation, citizenship status, veteran status, genetic information, status as a domestic violence victim or any other protected status under federal, state or local law, including material or comments intended as humor. The use of Innovation's facilities to disseminate, duplicate or display such materials is strictly prohibited.

"Sexual harassment" is a form of sex discrimination and is unlawful under federal, state, and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment. Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body; or
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; or
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;



- o Sabotaging an individual's work; or
- o Bullying, yelling, name-calling because of that individual's sex, sexual orientation, gender identity or transgender status.

Sexual harassment can come from superiors, co-workers, or others who are on the premises. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or not during non-work hours.

Employees of any gender can be the victims of harassment. Innovation also strictly prohibits its employees from harassing paid or unpaid interns and certain non-employees, including contractors, subcontractors, vendors, consultants or any other person or company providing services to Innovation pursuant to a contract in the workplace or the employees of any such non-employees. Innovation cannot stress enough that it will not tolerate any form of harassment, sexual or otherwise. Any employee who violates this policy will be subject to severe disciplinary action, up to and including termination of employment.

Please note that while this policy sets forth our goal of promoting a workplace that is free of harassment, whether sexual or otherwise, the policy is not designed or intended to limit Innovation's authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct is consistent with the definition of sexual or other types of harassment.

### **Discrimination and Harassment Complaint Procedure**

It is Innovation's goal to provide a workplace free from discrimination and harassment. Accordingly, acts of discrimination and/or harassment will not be tolerated. If any employee believes that the employee has been subjected to any type of discrimination or harassment or has information regarding an incident of discrimination or harassment, the employee has the right to file a complaint with Innovation, either orally or in writing. If the complaint is oral, the complainant is strongly encouraged to complete and submit a written complaint form. A form for submission of a written complaint is attached to this Handbook and Innovation encourages all complainants to use this complaint form. Innovation will investigate all complaints of harassment and discrimination, regardless of whether they are oral or written.

You may also file a complaint by contacting Innovation's Associate Director of Operations & HR, the Executive Director, or your supervisor. All Innovation supervisors who receive complaints of discrimination or harassment must forward such complaints to Human Resources. Any supervisor who fails to forward discrimination or harassment complaints to Human Resources could be subject to disciplinary action. The contact information for Innovation's Associate Director of Operations & HR and the Executive Director can be found at <http://www.innovationhighschool.org/contact-us-2/staff-directory> If you do not feel comfortable reporting your complaint to any of the persons named above, you may also report your complaint directly to any member of the School Management Team ("SMT"). Employees are strongly encouraged to immediately report any information concerning discrimination or harassment to any of the persons named above. Innovation strives to investigate all such complaints in a timely fashion with the intent to uphold confidentiality to the highest degree whenever possible. Confidentiality, however, is not always possible depending on the nature

and circumstances of the complaint. Complaints will be promptly and thoroughly investigated and, where appropriate, immediate corrective action will be taken. Innovation will make efforts to provide all persons involved in such investigations with a fair and impartial investigation, including the complainant, witnesses, and alleged harasser/discriminator. Delays in reporting the incident may impact the investigation results.

The persons named above, in general, and our Associate Director of Operations & HR and our Executive Director, in particular, are also available to discuss any concerns you may have and to provide information to you about our policy on discrimination and harassment, as well as Innovation's procedure for making and investigating complaints concerning discrimination and harassment.

## **Retaliation**

Employees will not be penalized or retaliated against for utilizing or participating in the above-described complaint procedure in good faith. Innovation strictly prohibits any form of retaliation against individuals who report an incident of harassment or discrimination or who cooperate in the investigation of such reports. The prohibition against retaliation includes, but is not limited to, remarks, threats, physical or verbal abuse, any discrimination in terms of pay, advancement, opportunities, termination of employment, job assignments or reassignments, unwelcome or unwarranted transfers, threats of punishment or revenge or actual punishment or revenge (for reporting or assisting in inquiries under this policy). Any such retaliation is unlawful and will not be tolerated. Accordingly, Innovation will take appropriate disciplinary action for any such retaliation, up to and including termination of employment. **Cooperation**

An effective harassment policy requires the support of all personnel. As such, all employees are requested to act responsibly in helping Innovation maintain a workplace that is free of discrimination and harassment. All employees are responsible for their own conduct, as well as the conduct of personnel they supervise or manage. Employees may be held responsible for any type of discrimination or harassment in which they engage, or which they knew or should have known was occurring and failed to report to Innovation. Accordingly, employees who (i) engage in discrimination or harassment (whether sexual or otherwise); (ii) who know of and fail to report incidents of discrimination or harassment (sexual or otherwise); or (iii) who fail to cooperate with Innovation-sponsored investigations concerning alleged incidents of discrimination or harassment (sexual or otherwise), may be subject to disciplinary action, up to and including termination of employment. Likewise, employees who refuse to implement remedial measures, or retaliate against persons who make complaints of discrimination or harassment, or against witnesses to alleged instances of discrimination or harassment, may be subject to disciplinary action, up to and including termination of employment. Similarly, reporting a false complaint of discrimination or harassment may lead to disciplinary action up to and including termination of employment.

## **Legal Protections and External Remedies**

Discrimination and harassment are not only prohibited by Innovation, but is also prohibited by state, federal and local law. Aside from the internal process at Innovation, employees may also choose to pursue legal remedies with the following governmental entities at any time:

- Contact the Local Police Department: If the discrimination/harassment involves

unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Under these circumstances, you may contact the local police department.

- **State Human Rights Law (“HRL”)**: The HRL, codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to Innovation. A complaint alleging violation of the HRL may be filed either with the Division of Human Rights (“DHR”) or in court. Complaints may be filed with the DHR, which can conduct hearings and award civil remedies, such as stopping the harassment and/or damages. DHR’s main office contact information is as follows: One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov).
- **Civil Rights Act of 1964**: The United States Equal Employment Opportunity Commission (“EEOC”) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). Complaints may be filed with the agency, which does not hold hearings, but federal courts may award civil remedies, such as stopping the harassment and/or damages. EEOC’s contact information is as follows: 1-800-669-4000 (TTY: 1-800-669-6820), [www.eeoc.gov](http://www.eeoc.gov), [info@eeoc.gov](mailto:info@eeoc.gov).
- **Local Protections**: There may be applicable local laws. Employees who work in New York City may file complaints of harassment with the New York City Commission on Human Rights (the “Commission”). Complaints may be filed with the Commission, which can conduct hearings and award remedies, such as stopping the harassment and/or damages. The Commission’s contact information is as follows: 40 Rector Street, 10th Floor, New York, New York, (212) 306-7450, <http://www1.nyc.gov/site/cchr/index.page>.

## **OUR WORK ENVIRONMENT**

### **Office and Work Hours**

Prompt and regular attendance is expected of all Innovation employees. The academic school day begins with the zero period morning session for staff members beginning at 8 am and for the rest of the academic school day schedule, which generally ends at 4:07 pm, as determined by the Executive Director in his or her sole discretion. Other activities that are a part of a staff member’s responsibilities, such as after-school clubs, classes, programs, open school nights and parent teacher nights generally take place outside of these hours, and are also considered a part of the school day.

Individual part-time and exception schedules are explained to new employees in their written Offer Letter. Exception schedules are work hours that are outside the standard office hours.

### **Timeliness**

Innovation places a high premium upon timeliness, and all Innovation employees are expected to arrive on time, according to their work schedules. Excessive unplanned absences or tardiness may result in disciplinary action up to and including termination of employment.

### **Use of Equipment and Facilities**

While we understand that employees may make and receive occasional personal calls while at work, we rely on all our employees to follow a rule of reasonableness and common sense. Innovation's telephone resources are reserved primarily for conducting school business and personal calls should therefore be kept to a minimum. Personal calls, whether on Innovation's telephones or on personal cellular phones, should not be used in the presence of students in classroom under any circumstances except in the case of an emergency. Both the telephone and voicemail facilities are the property of Innovation.

### **DIRECT SUPERVISION POLICY**

Every Innovation employee has a direct supervisor on the School Management Team ("SMT") to whom they report, with the exception of the Executive Director, who reports directly to the Board of Trustees. This reporting obligation is spelled out in the Offer Letter. In addition, all personnel report to the Executive Director.

### **OPEN DOOR POLICY**

Innovation is committed to a workplace where all staff are treated with respect, and where open, honest and respectful communication occurs. When employees have questions and work-related concerns, including concerns that are not related to complaints of discrimination or harassment, they are encouraged to discuss these matters with their supervisor on the School Management Team. Experience shows that many potential misunderstandings can be resolved in this manner. If an employee wants further consideration and counsel, or if the issue is directly related to his or her immediate supervisor, the employee should feel free to consult with Innovation's Associate Director of Operations & HR or Innovation's Executive Director. If the employee does not feel comfortable reporting such issues to any of the persons named above, they may also report such issues directly to Innovation's Principal.

### **GRIEVANCE POLICY**

Innovation employees who wish to contest any disciplinary action (up to and including the termination of employment) may submit a written grievance to Innovation's Associate Director of Operations & Human Resources. If an employee believes that the Associate Director of Operations & Human Resources has a conflict of interest related to the handling of his or her grievance, then such employee may file the grievance directly with Innovation's Executive Director or, in the alternative, with the Principal. All such grievances must be filed within ten (10) days of the disciplinary action giving rise to the grievance.

Please note that this Grievance Policy shall not be construed to create any new or additional rights beyond those granted by law, by this Handbook, Innovation policy or an employee's Offer Letter. Further, this Grievance Policy shall not require an evidentiary hearing at any level.

### **EMAIL, INTERNET AND DIGITAL DEVICES ACCEPTABLE USE POLICY**

Innovation prides itself on having a culture of trust, communication and openness. This acceptable use policy is designed to promote effective and robust use of digital resources, while also protecting the school, staff, students and the Innovation community from the adverse consequences of inappropriate use.

Innovation's computers, cell phones, tablets, and other digital devices, Internet connections and email systems (collectively referred to as "Computer Systems"), are provided to employees in order to assist in Innovation's operations. For this reason, during working time, the use of the Computer Systems may not be used for personal use and should be used for business purposes of Innovation only. That being said, use of the Computer Systems for personal communications during non-working time is permitted. Such communications will be treated the same as all other communications under this policy. Employees, however, are at all times strictly prohibited from downloading or opening attachments from unknown senders, or downloading files from the Internet for personal use unrelated to Innovation, because downloading files or opening email attachments can result in serious damage to the Computer Systems.

All data in Innovation's Computer Systems (including documents, electronic files, email and recorded voicemail messages) is the property of Innovation and may be accessed by Innovation at any time. Employees are not permitted to load unsupported software onto an Innovation computer. Violation of this policy may have disciplinary consequences up to and including termination of employment.

Employees may not delete any documents or electronic files from their computers or the Innovation Computer Systems that they are required to create and maintain according to any Innovation policy or protocol, or any requirement of law or regulation. This includes, but is not limited to, educational records, social work records and counseling reports.

The following rules apply to employees' use of the Innovation's Computer Systems:

1. Innovation's Computer Systems may not be used to access sites that contain objectionable or illegal language or material. Therefore, please note that employees may not access any web site:
  - That contains pornographic, obscene, sexually explicit, or sexually oriented language or materials.
  - Whose purpose is, or may be perceived to be, unethical, offensive, obscene, abusive, "hate speech", or may otherwise be construed as harassment or discrimination.

Similarly, Innovation's Computer Systems may not be used to create, transmit, print or download such materials.

2. Innovation's Computer Systems may not be used to transmit, release or post any information in violation of the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), a Federal law that protects the privacy of student education records. FERPA has a very broad scope and generally precludes releasing *any* information about our students to third parties.
3. Innovation's Computer Systems may not be used to transmit, release or post information or statements purporting to represent Innovation unless authorization to do so is granted in writing.
4. Innovation's Computer Systems may not be used to transmit, release or post information to any media outlet (i.e., newspapers, television or radio stations, etc.) unless employees are authorized to do so in writing by the Executive Director, the Principal, or their designees.

5. While the Internet allows for downloading of information in the form of software, data and documents from many sites free of charge, certain precautions must be taken. Before downloading any files, either directly from the Internet or from an email transmission, they must be scanned for virus infections. In addition, such transfers must comply with federal, state and international laws concerning copyright and intellectual property. In view of these concerns, software and other applications may be downloaded only after receiving the approval of a member of the School Management Team or Innovation's Information Technology and Social Media Manager. Even information and documents from trusted sources should be downloaded with care to avoid viruses and other forms of system-related contamination.

### **No Privacy**

Innovation has the right to monitor all communications and downloads that pass through its Computer Systems, and to access, copy and disclose information relating to such use at its sole discretion. No right of privacy attaches to an employee's use of Innovation's Computer Systems, including email, Internet usage and/or voicemail messages. Innovation may access and review employee email, voicemail messages and Internet use, as well as any other computer input at any time. Any information retained on Innovation's facilities and/or Computer Systems may be accessed, disclosed to outside parties or to law enforcement authorities.

Use of Innovation's email, voicemail, fax machines, Internet connection or Computer Systems to send offensive or inappropriate messages, including obscene, discriminatory or suggestive messages such as racial or sexual slurs is strictly prohibited. Passwords and other forms of identification and authorization are not to be shared or otherwise disclosed.

### **SOCIAL MEDIA POLICY**

Social media are Internet-based applications that support and promote the exchange of user-developed content. This policy provides guidance for employee use of social media, including but not limited to blogs, wikis, micro-blogs, message boards, chat rooms, electronic newsletters, online forums, and social networking sites.

### **Procedures**

Posting personal images, experiences and information on social media poses a set of unique challenges for all Innovation staff members. All Innovation employees have a responsibility to Innovation regardless of where or when they post something that may reflect poorly on Innovation. The following principles apply to professional use of social media on behalf of Innovation as well as personal use of social media when referencing Innovation, its staff, students, parents and partners.

- **Take Responsibility and Use Good Judgment** – Employees are responsible for the material they post on personal blogs or other forms of social media. Employees should be courteous, respectful and thoughtful about how others may perceive or be affected by such postings. Incomplete, inaccurate, inappropriate, threatening, harassing or poorly worded postings may be harmful to others. Such postings may damage relationships, undermine Innovation's brand and/or reputation, discourage teamwork, and negatively impact Innovation's commitment to its students and the community.

- **Think Before Posting** – Anything posted by an employee is likely to be permanently connected to such employee and his or her reputation through Internet and email archives. Future employers can often have access to this information and may use it to evaluate candidates for employment. Take great care and be thoughtful before placing your identifiable comments in the public domain.
- **Protect Student Privacy** – The provisions of the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g; 34CFR Part 99), a Federal law that protects the privacy of student education records, also apply to the use of social media. FERPA has a very broad scope and generally precludes releasing any information about our students to third parties (including their names, addresses and images) by any means, including the use of social media. All Innovation employees must zealously safeguard protected student information.
- **Protect Employee Privacy** – Employees should make sure they understand how the privacy policies and security features work on the sites and/or applications where they are posting material.
- **Respect Work Commitments** – Employees must ensure that their blogging, social networking and other external media activities do not interfere with their work commitments.
- **Use of Innovation Computers** – When using Innovation’s Computer Systems and other digital devices, the use of social media for business and pedagogical purposes is permitted and encouraged under appropriate circumstances. That being said, personal use of Innovation’s computers and other digital devices for social media networks or personal blogging of on-line content is prohibited.
- **Disclaimer** – When an employee’s relationship with Innovation is clear and such employee is utilizing social media in a manner unrelated to his or her employment with Innovation, employees should make it clear that they are speaking for themselves and not on behalf of Innovation. A disclaimer, such as “The views expressed on this [blog/website] are my own and do not reflect the views of my employer,” may be appropriate.
- **Respect Copyright and Fair Use Laws** – Any employee utilizing social media must show proper respect for the laws governing copyright and fair use of copyrighted material owned by others, including any and all Innovation copyrights and/or brands.
- **Protect Proprietary Information** – Do not share confidential or proprietary information that may compromise Innovation’s business practices or security. Similarly, do not share information in violation of any laws or regulations.
- **When In Doubt, Seek Guidance** – Consult with Innovation’s Associate Director of Operations & Human Resources or the Executive Director if you have any questions related to the guidelines set forth in this policy.

Nothing in this Social Media Policy is intended to prohibit employees from complying with or exercising their rights under any applicable federal state, or local law, or from communicating

about wages, hours or other terms and conditions of their or their co-workers' employment.

**Failure to abide by Innovation's Social Media Policy may lead to disciplinary action, up to and including the termination of employment.**

### **Property of Others**

Computer software may not be used, copied or adapted in any way for personal use or for any other purpose not directly related to work performed in the usual course of business for Innovation. The unauthorized addition, deletion, or change of computer-based information is prohibited.

Likewise, employees may not download or use material from the Internet or elsewhere in violation of software licenses, or the copyright trademark and patent laws. Employees may not install or use any software obtained over the Internet without written permission from Innovation's Director of Development and Communications, Innovation's Director of Operations or Innovation's Principal.

### **Report Violations**

Any employee, who observes or learns about a violation of this policy, must report it immediately to their Supervisor, Innovation's Director of Development and Communication, Innovation's Director of Operations or Innovation's Principal.

## **PAYDAY**

Innovation complies with all applicable federal, state and local regulations concerning the payment of wages. Innovation's pay cycle is bimonthly (24 pay periods per year), unless applicable state or local regulations dictate otherwise. Payday is normally on the 15th day of the month and the last day of the month for services performed for the period ending that same day.

Employees may be paid by check, or through direct deposit to a bank account in their name, or to a joint account, provided they are one of the individuals named on the account. Employees will receive a check or direct deposit statement accompanied by a Statement of Earnings and Deductions through the normal internal distribution channels on payday.

### **Payroll Deductions**

All required deductions, such as garnishments and federal, state and local taxes, and all voluntary deductions, such as benefits or charitable contributions, will be withheld automatically from your wages at each pay period.

Your pre-tax benefits deductions will be taken before your income taxes are calculated or withheld. For example, if you purchase a monthly MetroCard, the cost of the MetroCard will be deducted from your gross pay before income taxes are calculated on the remainder of your wages.

### **Administrative Pay Corrections**

Innovation takes all reasonable steps to ensure that employees receive the correct amount of pay



in each paycheck or direct deposit, and that employees are paid on the scheduled payday.

Employees, however, are responsible for reviewing their paychecks. In the event that there is an error in the amount of pay, the employee should promptly bring the matter to the attention of the Associate Director of Finance, so that corrections can be made as soon as possible.

### **Policy Regarding Deductions for Exempt Employees**

Employees classified as exempt will be paid on a salary basis; *i.e.*, these employees will be paid a predetermined amount in salary each pay period that does not vary based on the quantity or quality of work performed.

It is our policy to comply with the salary basis requirements of the federal Fair Labor Standards Act (“FLSA”). Therefore, Innovation will not make any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that Innovation does not allow deductions that violate the FLSA.

An employee who believe an improper deduction has been made from an employee’s salary should immediately report this information to your direct supervisor, or to the Associate Director of Finance.

Reports of improper deductions will be promptly reviewed. If an improper deduction has occurred, an employee will be promptly reimbursed for any amounts due.

Employees will not be retaliated against for bringing to Innovation’s attention a concern about possible improper deduction from his or her pay.

## **SAFETY AND SECURITY**

Innovation complies with all applicable federal, state and local health and safety regulations and provides a work environment as free as possible from recognized hazards. Employees are expected to comply with all safety and health requirements, whether established by management or by federal, state or local laws and ordinances. Safety and security is the responsibility of all employees. As such, it is important to remain alert to any safety hazards, health violations or potentially unsafe conditions, and immediately report such hazards, violations or conditions to Innovation’s Chief of Staff.

### **Personal Belongings**

Employees should take care with their personal belongings. Handbags, wallets, mobile devices packages and other items should not be left unsecured or unattended at any time in the school, including classrooms. Please lock all valuables in a locked space such as a desk drawer, a file cabinet or a locker. If you require additional access to a locked space to secure your valuables, please contact the Associate Director of Operations & HR or main office staff.

### **Visitors**

The names of all visitors must be registered through the main office. Visitors will receive a temporary pass after presenting valid photo identification.

Employees should contact a member of the School Management Team if they notice someone who seems suspicious or who has not been presented as a visitor.

### **Fire, Safety and Emergency Drills**

All employees should understand fire, safety and emergency procedures and be aware at all times of the location of the fire exit(s) nearest their own classroom or workstation. All employees will be briefed on fire, safety and emergency procedures, according to MO99's safety plan. Fire Marshals and Searchers are assigned to assist employees and students during any emergency.

Periodic fire, safety and emergency drills also serve as reminders of fire, safety and emergency procedures for all employees. Accordingly, all employees must participate in periodic fire, safety and emergency drills.

## PROHIBITION AGAINST VIOLENCE IN THE WORKPLACE

Innovation is committed to promoting a safe work environment for its employees and students. Accordingly, **Innovation does not tolerate violence, or threats of violence, of any kind, in the workplace, committed by or against employees, directors, officers, volunteers or students.** To that end, the following list, while not exhaustive, provides examples of conduct and/or behavior that will not be tolerated:

- Making threatening remarks.
- Non-verbal threatening behavior.
- Causing physical injury to another person.
- Aggressive, intimidating or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging the property of Innovation, another employee, a volunteer, parent or a student.
- Possession of a weapon while on Innovation's premises or while engaged in Innovation business outside of the building.

### Reporting Procedure

Any potentially dangerous situations must be reported immediately to Innovation's Executive Director, Principal, the Associate Director of Operations and HR, or your vertical director on the School Management Team. Alternatively, if imminent harm seems likely, please call 911 immediately. If you are a victim or a witness to verbal abuse, physical violence or any other type of conduct that may constitute workplace violence by another Innovation employee, director, officer, volunteer, visitor or student, you should report the incident immediately to any of the above-referenced individuals. No employee will be subject to retaliation, intimidation or disciplinary action as a result of a good faith report of actual or potential workplace violence.

To the highest degree possible, allowing for a fair investigation and any necessary corrective action, all such complaints will be kept confidential. All reports of actual or potential workplace violence will be investigated promptly. If any investigation confirms workplace violence, Innovation will take swift and appropriate corrective actions.

## **Enforcement**

As stated above, Innovation has zero tolerance for violence of any kind in the workplace. Any employee determined to have engaged in workplace violence is subject to disciplinary action, up to, and including, termination of employment. Non-employees engaging in violent acts on Innovation's premises will be reported to the proper authorities and fully prosecuted, as the situation warrants.

## **EMPLOYEE BENEFITS**

Innovation maintains a number of programs to help our Full-Time employees defray the costs of medical and dental care, to provide income in the event of accident or catastrophic illness, and to assist in meeting other family needs and emergencies.

Employees must promptly inform Innovation's Associate Director of Operations and HR of any changes in their employee profile information, including the employee's address and related contact information, to ensure that our personnel records are accurate and up-to-date.

Innovation's Associate Director of Finance maintains booklets and plan descriptions for each individual program and can answer benefits inquiries at all times. Information concerning our medical and dental plans are available to employees from our Associate Director of Finance. As stated above, in the case of any conflict between this handbook and the content of any policy or plan document, the policy or plan document prevails over this handbook.

Finally, we note that nothing in this handbook should be deemed or construed to limit, in any way, Innovation's ability to modify, amend, add to or eliminate the benefits plans, policies and programs it offers consistent with applicable law.

### **Group Health, Dental, Vision, Life and Long-Term Disability Insurance**

Innovation provides certain group health, dental, vision, life and long-term disability insurance programs for eligible employees and their eligible dependents. Any additional coverage is at the employee's cost.

Employees are eligible to participate in these benefits on the first day of the month following the month in which the employment commences. To receive benefits, eligible employees must sign all required forms and be approved by the respective insurance carrier or benefits provider.

Full details of benefits may be found in the benefits package that will be provided to you and in the summary plan description of the respective benefit program. These documents set forth more fully your rights and obligations under the respective benefits plan.

Contact Innovation's Associate Director of Operations & HR with any questions you may have concerning your eligibility for coverage under Innovation's group health care, dental, vision, Life and/or Long-Term Disability Insurance plans.

### **COBRA**

The Federal Consolidated Budget Reconciliation Act ("COBRA") gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage for a limited

period of time under Innovation's group health care plans when a "qualifying event" would normally result in the loss of eligibility.

Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours; an employee's divorce or legal separation; and dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays 100% of the cost of coverage. Innovation provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under Innovation's health insurance plans. This notice contains important information about the employee's rights and obligations.

### **Short-Term Disability**

Innovation provides short-term disability insurance for its employees. This short-term disability insurance provides certain benefits in the event that an employee is unable to work due to non-work-related injuries or illnesses. Short-term disability coverage becomes effective on the eighth day following the onset of injury or illness and may last for up to 26 weeks.

### **Workers' Compensation**

New York State requires that you have Workers' Compensation Insurance for work-related injuries or illnesses. The cost of this insurance is paid by Innovation. If you are injured on the job, the Associate Director of Operations & HR must be notified immediately so that your injury can be treated and an accident report can be completed.

### **Retirement Savings Program**

Innovation automatically enrolls all employees in its 401k retirement plan after the employee has completed three months of employment with Innovation. Innovation offers a matching contribution to the plan, up to 5% of the employee's salary. Details of the 401K plan are provided as part of each employee's 401k package and contained in the summary plan description.

## **PERSONAL DAYS AND SICK LEAVE**

Each Full-Time employee who starts work on August 15<sup>th</sup> receives twelve (12) paid personal days for use during the academic year. Full-Time employees who start work on July 1<sup>st</sup> receive twenty-five (25) paid personal days. Innovation does not separate these into two separate pools of personal and sick days. A staff member, may for example, take 7 personal days for sickness and 3 personal days for other business, and remain in compliance with this policy. However, at least forty-eight hours (48) advance notice, given in electronic form, is required for non-emergency personal days unrelated to NYC Earned Safe and Sick Time Act ("ESSTA") Leave benefits, and approval to take such a non-emergency personal day must be obtained in advance. Innovation understands that advance notice may not be immediately feasible in the case of emergencies; however, an employee should provide notice as soon as possible when an urgent or emergency need to take a day off arises and it is not possible to give 48 hours' advance notice.

The prescribed electronic form for requesting a personal day is the Innovation Personal Day Request Form, a Google survey, which has been emailed to all staff. Employees who do not have

the form may request the current link from the Associate Director of Operations & HR.

Personal or sick leave days may be used as needed – for vacation, family or personal illness, to observe religious or other holidays, to handle parent-teacher days at school, or other personal events or emergencies.

Personal/sick days are granted in full at the beginning of the school year. Personal or sick leave days unused during a given year may be carried over to subsequent years; provided, however, that at no time shall any 12-month employee have accrued more than 30 personal/sick leave days for any school year, and no 10-month employee shall have accrued more than 17 personal/sick leave days for any school years. Personal/sick leave days shall be granted only to the extent that such carry-over days would not cause the employee to exceed that cap.

Employees will **not** be paid for any unused personal/sick days at the separation of employment under any circumstances. Unused personal/sick days at the separation of employment shall be forfeited regardless of the reason for the separation and regardless of whether such separation was initiated by the employee or by Innovation.

Part-Time employees are not eligible for any paid-time off benefits, except as outlined below, in the section entitled “New York City Sick and Safe Leave.”

### **Non-Emergency Personal Day Requests**

Standard, non-emergency requests for personal or sick leave days must be made as far in advance as possible, but no later than 48 hours in advance, and will be subject to supervisory approval based on workload and other circumstances. Such requests should be made in the electronic format referenced above and approved or denied by the employee’s Direct Supervisor or School Principal.

Taking multiple personal days in a row when school is in session tends to interrupt student learning and, as such, is discouraged. While Innovation understands that an employee may have a need to make various types of personal day requests, a non-ESSTA-related request may not always be approved based on a number of factors, including staffing or student needs.

Personal Days will not be granted on announced Black Out Days, including but not limited to days immediately before or immediately after a holiday, during any Professional Development period, or during certain important instructional and testing days, in the absence of good cause shown. Black Out Days are maintained and published in advance on the ‘Innovation Master Calendar’ document. If additional blackout days must be added mid-year, notice will be provided to staff and the ‘Innovation Master Calendar’ will be updated on its Google Doc.

### **Absence Without Notice**

An employee who fails to report to work and does not notify Innovation of his or her pending absence, whether via the above-referenced electronic form or otherwise, for three consecutive scheduled workdays is considered to have abandoned his or her job and, therefore, will be deemed to have voluntarily resigned from his or her position.

## **Sick Leave**

You may use your Personal Days to cover sick leave, which may be used for your own illness or injury, for family medical emergencies, or for other purposes described in Innovations New York City Sick and Safe Leave Policy. Innovation reserves the right to require documentation as specified in the New York City Sick and Safe Leave Policy as a condition of paying you for Personal Days used to cover sick leave. Innovation may also require a physician's signed statement approving your return to work from your own illness or injury.

If your illness or injury is expected to exceed your accrued Personal Days, please notify Innovation's Associate Director of Operations & HR, or Associate Director of Finance, prior to exceeding your accrued leave. Depending on the circumstances, you may be entitled to other types of leave (as described below) for some or all of the period of your inability to return to work. To the extent practicable, you must request such supplemental leave in writing from Innovation's Associate Director of Operations & HR prior to the expiration of your sick leave. If you do not seek and obtain such pre-approved leave, your leave extending after you have used up your available Personal Days will be treated as unexcused leave. After three consecutive days of such unexcused absence, you will be deemed to have abandoned your job and thus voluntarily resigned from your position.

### **TEMPORARY SCHEDULE CHANGE POLICY**

Employees who are scheduled to work at least 80 hours per year within New York City may be eligible for up to two temporary schedule changes per calendar year under this policy. Employees who have been employed for fewer than 120 days are not eligible for a temporary schedule change.

#### **Requests for a Temporary Schedule Change**

Eligible employees may request a temporary schedule change to address a qualifying personal event. Eligible employees are limited to two temporary schedule changes per calendar year, for up to one business day per request or up to two business days for one request.

A "temporary schedule change" under this policy means a limited alteration in the hours or times when an employee is expected to work or the location where an employee is expected to work, in order to accommodate a qualifying personal event. For example, a temporary schedule change includes, but is not limited to, using paid time off, working remotely, swapping or shifting work hours and using short-term unpaid leave. An employee may request a temporary schedule change which impacts less than a full business day.

Innovation is not required to grant the specific type of temporary schedule change that an employee requests, but may provide the employee with leave without pay to address the qualifying personal event.

For the purpose of this policy, a "qualifying personal event" means a circumstance when the employee needs to:

- (1) Care for a minor child for whom the employee provides direct and ongoing care;
- (2) Care for an individual with

- (3) a disability for whom the employee provides direct and ongoing care to meet the needs of daily living and who is a family member or who resides in the caregiver's household;
- (4) Attend a legal proceeding or hearing for public benefits for the employee, a family member, or the employee's minor child or care recipient; or
- (5) Use leave for acceptable reasons under Innovation's New York City Sick and Safe Leave Policy.

For the purposes of this policy, a "family member" means an employee's child, spouse, domestic partner, parent, sibling, grandchild, grandparent, the child or parent of an employee's spouse or domestic partner, any other individual related by blood to the employee, or any other individual whose close association with the employee is the equivalent of a family relationship.

An employee who falsely represents that they had a qualifying personal event under this policy may be subject to discipline, up to and including termination of employment.

To the extent that the terms of any other Innovation policy relating to paid time off benefits or attendance are inconsistent with the terms of this policy, the terms of this policy will apply.

### **Procedure for Requesting a Temporary Schedule Change**

Eligible employees who request a temporary schedule change must submit the request to the Associate Director of Operations & HR as soon as the employee becomes aware of the need for a temporary schedule change. When submitting such a request, employees must inform the Associate Director of Operations & HR that the temporary schedule change is due to a qualifying personal event and must make a proposal for the temporary schedule change, unless the employee seeks leave without pay.

An employee's request for a temporary schedule change may be verbal or in writing. If an employee verbally requests a temporary schedule change, the employee must submit the request in writing to the Associate Director of Operations & HR no later than two business days after the employee returns to work following the temporary schedule change. Within 14 days after an employee submits the written request, Innovation will respond to the request in writing.

### **Interaction with ESSTA Leave**

An employee does not need to use accrued ESSTA before requesting a temporary schedule change. Unpaid leave granted for a qualifying personal event under this policy does not count toward an employee's accrued ESSTA. If an employee uses ESSTA in accordance with Innovation's New York City Sick and Safe Leave policy, such ESSTA will not count toward an employee's available requests for a temporary schedule change.

### **Year-End**

The calendar year will run from July 1st through June 30<sup>th</sup>. If an employee has any available requests for a temporary schedule change on June 30<sup>th</sup>, the unused requests will not be carried over to the next year.



## **Non-Retaliation**

No employee who requests or obtains a temporary schedule change authorized under this policy will be subject to retaliation. No employee who makes a good faith complaint regarding any alleged violation of this policy will be subject to retaliation.

## **NEW YORK CITY SICK AND SAFE LEAVE**

Innovation recognizes that employees may need days off from work from time to time to address their medical needs, the medical needs of a family member, or issues relating to them (or their family member) being a victim of domestic violence. For this purpose, Innovation offers a sick and safe leave benefit program through which eligible employees receive at least a minimum level of paid time off benefits each year, referred to as ESSTA Leave. Employees who are scheduled to work at least 80 hours per year within New York City are eligible for ESSTA leave under this policy.

### **Application to Part-Time Employees:**

As referenced above, Part-Time employees are not eligible for any other paid-time off benefits. Notwithstanding the foregoing, all part-time employees will be eligible for up to 40 hours of paid time off benefits under this Policy.

### **Application to Employees Eligible For Paid Time Off Benefits Under Other Innovation Policies:**

Employees of Innovation who are eligible for other paid time off benefits – including but not limited to sick time, personal time or similar paid leave benefits under other Innovation policies – will not receive a greater total amount of paid time off benefits as a result of any provisions of this policy. Rather, use of ESSTA leave will run concurrently with the use of any other paid time off benefits until all ESSTA leave benefits (whether accrued, or projected to be accrued, during the calendar year) are exhausted. Employees may use paid time off benefits under Innovation's paid time off policies for ESSTA-qualifying reasons, if they so choose, but are not required to so do.

Once an employee uses the first 40 hours of paid time off benefits under any Innovation policy during the calendar year (or pro-rated amount for certain part-time employees who may accrue less than 40 hours of ESSTA leave per year), for any reason, ESSTA leave will be deemed exhausted for the calendar year.

When accrued ESSTA leave is available under this policy, to the extent that the terms of any other Innovation policy relating to paid time off benefits or attendance are inconsistent with the terms of this policy, the terms of this policy will apply.

The provisions below relating to use of ESSTA leave apply only when the first 40 hours of paid leave benefits (or pro-rated amount for part-time employees) are used for ESSTA-qualifying purposes.

### **Definitions:**

For purposes of this Policy:

“Eligible employee” means an employee who is scheduled to work at least 80 hours per year within New York City.

“Family offense matter” means an act, or threat of an act that may constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree (as those terms are defined by applicable sections of the New York Penal Law) between spouses or former spouses, between parent and child, or between members of the same family or household.

“Family member” means an employee’s child, spouse, domestic partner, parent, sibling, grandchild, grandparent, the child or parent of an employee’s spouse or domestic partner, any other individual related by blood to the employee, or any other individual whose close association with the employee is the equivalent of a family relationship.

“Member of the same family or household” means (i) persons related by blood or through marriage; (ii) persons legally married to or in a domestic partnership with one another; (iii) persons formerly married to or in a domestic partnership with one another regardless of whether they still reside in the same household; (iv) persons who have a child in common, regardless of whether such persons have been married or domestic partners or have lived together at any time; and (v) persons who are not related by blood or through marriage and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time.

### **Permissible Purposes of ESSTA Leave Usage:**

Employees may use accrued ESSTA leave for absences from work during mandatory hours the employee was scheduled to work within the New York City, for the following reasons:

- (1) **Personal Medical Care**: The employee’s mental or physical illness, injury or health condition; or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or need for preventative medical care;
- (2) **Family Medical Care**: Care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventative medical care; or
- (3) **Ordered Closure Due to Public Health Emergency**: Employees may be eligible to use leave in certain circumstances in the event of an ordered closure due to an officially-declared “public health emergency” issued by the NYC Commissioner of Health or NYC Mayor.

- (4) **Safe Time:** When the employee or a family member of the employee has been the victim of a family offense matter, sexual offense, stalking, or human trafficking for the following reasons:
- a. To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;
  - b. To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;
  - c. To meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
  - d. To file a complaint or domestic incident report with law enforcement;
  - e. To meet with a district attorney's office;
  - f. To enroll children in a new school; or
  - g. To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

### **ESSTA Leave Accrual and Usage**

Eligible employees accrue 40 hours of ESSTA leave upon their date of hire or on the first day of the calendar year (as defined below) in which they were hired, whichever is later. Eligible employees may neither accrue nor use more than 40 hours of ESSTA leave during any calendar year. The employee's regular rate of pay for the scheduled hours will apply.

### **Advance Notice of ESSTA Leave Required**

In order to use accrued ESSTA leave, employees must provide reasonable notice of the need to use ESSTA leave:

- (1) If the need for ESSTA leave is foreseeable, the employee should provide notice as soon as possible in advance. Employees must give at least seven (7) days advance notice when the need for ESSTA leave is foreseeable seven (7) days or more in advance.
- (2) If the need for ESSTA leave is not foreseeable at least seven (7) days in advance, the employee must give notice as soon as feasible or practicable.

When the need for use of ESSTA leave is foreseeable, the employee must submit notice of the request to use ESSTA leave in writing to the employee's supervisor in advance.

### **Verification/Documentation**

For absences of up to three (3) consecutive work days, the employee must submit written confirmation of the purpose for which ESSTA Leave was used, as authorized under this policy.

Medical documentation is not required, except as required by law.

For absences of more than three (3) consecutive work days relating to Personal Medical Care or Family Medical Care (as described above), the employee must provide documentation signed by a licensed health care provider, verifying that the ESSTA Leave was used for an authorized purpose and verifying the need for the amount of ESSTA Leave taken.

For absences of more than three (3) consecutive work days relating to Safe Time (as described above), the employee must provide documentation verifying that Safe Time was used for an authorized purpose and verifying the need for the amount of Safe Time taken, such as documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the employee or the employee's family member has sought assistance in addressing family offense matters, sexual offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the employee explaining the need for such time.

### **Year-End**

The "calendar year" will run from July 1st through June 30th. If an employee has accrued ESSTA leave remaining on June 30th, the unused ESSTA leave will be carried over to the next year, up to a maximum of 40 hours. Upon separation from employment, for any reason, any accrued but unused ESSTA leave will not be paid out.

### **Misuse of ESSTA Leave**

If an employee misuses ESSTA Leave under this Policy, they will be subject to disciplinary action, up to and including termination of employment.

### **Non-Retaliation**

No employee who requests to use or uses ESSTA Leave for purposes authorized under this Policy will be subject to retaliation. No employee who makes a good faith complaint regarding any alleged violation of this Policy will be subject to retaliation.

## **FAMILY AND MEDICAL LEAVE/NEW YORK PAID FAMILY LEAVE**

In accordance with the Family and Medical Leave Act of 1993 ("FMLA") and the New York Paid Family Leave Benefits Law ("PFL"), Innovation employees who work in New York State may request job-protected and partially-paid and/or unpaid leave for specific family qualifying events.

### **Eligibility**

#### Eligibility Under the FMLA

Employees will be eligible for leave under the FMLA if they: (a) have been employed by Innovation for at least 12 months; (b) have worked at least 1,250 hours during the 12-month period immediately before the leave will begin; and (c) work at a site of employment with 50 or more Innovation employees within 75 miles of the site.

If an employee does not satisfy these eligibility requirements, or if an employee has exhausted his or her FML leave allotment, the employee may be eligible instead for a non-FML leave. The granting of a non-FML leave is generally within the discretion of Innovation and will be based on a variety of factors, such as other legal obligations, the needs of Innovation, and any appropriate individual factors. Please contact Innovation's Associate Director of Operations & HR for additional information if necessary.

### Eligibility Under the PFL

Employees who are regularly scheduled to work 20 or more hours per week will become eligible for leave under the PFL after completing 26 consecutive weeks of employment with Innovation. The 26-week period will be tolled during any periods of absence that are due to the nature of that employment, such as semester breaks, and when employment is not terminated during those periods of absence.

Employees who are regularly scheduled to work less than 20 hours per week will be eligible for leave under the PFL after working for 175 days since their most recent hire date with Innovation.

For determining eligibility, the use of scheduled vacation time, personal, sick, holidays or other time away from work that has been approved by Innovation, or other periods where the employee is away from work but is still considered to be an employee by Innovation, count as continuous weeks of employment or days worked, as long as the employee contributes to the cost of PFL benefits during such periods of time. Absences during which the employee is receiving disability benefits are not counted as continuous weeks of employment or days worked.

Employees who become eligible for leave under the PFL will remain eligible for the remainder of their period of continuous employment with Innovation. In the case of a rehire following a termination of employment, however, employees will be required to satisfy the eligibility criteria again before becoming eligible.

### **Qualifying Reasons for Leave**

#### Reasons for Leave Under the FMLA

Employees who are eligible for leave under the FMLA may request leave for any of the following reasons:

- The birth of a child (including prenatal care and incapacity related to pregnancy) or placement of a child for adoption or foster care within the first 12 months after the child's birth, adoption, or placement;
- To care for the employee's spouse, child, or parent who has a serious health condition;
- The employee's own serious health condition prevents the employee from performing the functions of the employee's job;

- The employee experiences a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active military duty, or has been notified of an impending call to active duty; or
- Military caregiver leave (also known as covered service member leave). Employees who are the spouse, child, parent, or next of kin of a covered service member or a covered veteran may be eligible for a leave of absence necessary to care for that service member or veteran.

### Reasons for Leave Under the PFL

Employees who are eligible for leave under the PFL may request leave for any of the following reasons:

- To participate in Providing Care, including physical or psychological care, for the employee's Spouse, Domestic Partner, Child, Parent, Grandparent, or Grandchild who has a Serious Health Condition;
- To bond with a Child following birth or placement of a Child for adoption or foster care, within the first 12 months after the Child's birth, adoption, or placement (includes pre-adoption or placement for events required to effectuate adoption or placement in foster care); and/or
- Because of a Qualifying Exigency arising out of the fact that the employee's Spouse, Domestic Partner, Child, or Parent is on active military duty, or has been notified of an impending call to active duty in the armed forces of the United States.

An employee may not take leave under the PFL to address their own serious health condition or their own qualifying exigency.

### **Definitions**

#### Covered Family Members Under the FMLA

Under the FMLA, a "spouse" is a lawful husband or wife (of the same or opposite sex). Domestic partners of either sex are not covered by the FMLA. Except for leave related to a qualifying exigency, a "son or daughter" generally is a child under the age of 18 and means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*. Adult children are not covered, even if they are financially dependent on the employee (such as college students), except that a child age 18 or over who is incapable of self-care because of a mental or physical disability is covered. Children of domestic partners are not covered under the FMLA. For FMLA leave related to a qualifying exigency or military caregiver leave, a child can be of any age. A "parent" does not include in-laws.

#### Covered Family Members and Other Definitions Under the PFL

- "Child" means an employee's biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, a son or daughter of a Domestic Partner, or the person to whom the employee stands *in loco parentis*.

- “Domestic Partner” means an individual who is at least 18 years of age, who is not related by blood to the employee in a manner that would bar marriage to the employee in New York, and who is either:
  - registered as the domestic partner of the employee with any registry of domestic partnerships maintained by the employer of either party, the state, or any county, city, town, or village, or, if the employee is deceased, did so register before the employee’s death; or
  - dependent on the employee for support as shown by either unilateral dependence or mutual interdependence based on a nexus of factors including, but not limited to, the following: common ownership of real or personal property, common householding, children in common, signs of intent to marry, shared budgeting, and the length of the personal relationship with the employee or, if the employee is deceased, was so dependent on the employee immediately prior to the employee’s death.

This definition of “domestic partner” is not exclusive and Innovation reserves the right to use any definition of “domestic partner” permitted by applicable law.

- “Grandchild” means a Child of the employee’s Child.
- “Grandparent” means a Parent of the employee’s Parent.
- “Parent” means biological, foster or adoptive Parent, parent-in-law, step-parent, legal guardian, or other person who stood *in loco parentis* to the employee when the employee was a Child.
- “Providing Care” includes providing necessary physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services, and requires that the employee must be in close and continuing proximity to the care recipient.
- Under the FMLA and PFL, “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves either: (a) an overnight stay in a hospital, hospice, or residential health care facility, or (b) continuing treatment or continuing supervision by a health care provider, which means one or more of the following:
  - A period of more than three consecutive, full days during which a qualifying family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to illness, injury, impairment, or physical or mental conditions, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (1) treatment two or more times by a health care provider; or (2) treatment on at least one occasion by a health care provider, which results in a regimen of continuing treatment under the

supervision of the health care provider.

- o Any period during which a qualifying family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to a chronic serious health condition. A chronic serious health condition is one which: (1) requires periodic visits for treatment by a health care provider; (2) continues over an extended period of time (including recurring episodes of a single underlying condition); and (3) may cause episodic rather than a continuing period of incapacity. Examples of such episodic incapacity include, but are not limited to, asthma, diabetes, and epilepsy.
- o A long-term or permanent period during which a qualifying family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to an illness, injury, impairment, or physical or mental condition for which treatment may not be effective. The family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include, but are not limited to, Alzheimer's, a severe stroke, or the terminal stages of a disease.
- o A period during which a qualifying family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated because they are receiving treatment (including any period of recovery therefrom) by a health care provider for: (1) restorative surgery after an accident or other injury; or (2) a condition that would likely result in a period of incapacity of more than three consecutive full days in the absence of medical intervention or treatment. Examples include, but are not limited to, cancer (*e.g.*, chemotherapy and radiation), severe arthritis (physical therapy), or kidney disease (dialysis).
- Under the FMLA and PFL, "Qualifying Exigency" may include the need to address issues arising from short-notice deployment, attending certain military events and related activities, arranging for alternative childcare, providing care for the parents of the service-member who are incapable of active care, addressing certain financial and legal arrangements, attending certain counseling sessions, spending time with a covered service-member who is on a short-term temporary rest and recuperation leave during deployment, attending post-deployment activities, and other activities that the employee and Innovation agree upon.
- "Instructional Employees" are those employees whose principal function is to teach and instruct students in a class, small group, or individual setting.

## **Length and Nature of Leave**

### Length of Unpaid Leave Under the FMLA

Eligible employees may request up to 12 weeks of unpaid FMLA leave during a 12-month period, except that employees seeking military caregiver leave may request up to 26 weeks of unpaid leave in a single 12-month period.

### Length of Leave Under the PFL and Amount of Payment



During the calendar year beginning on January 1, 2018, eligible employees may request up to 8 weeks of leave under the PFL, during which the employee will be compensated at the rate of 50% of the employee's average weekly wage or 50% of the statewide average weekly wage, whichever amount is less. The maximum leave amount and payment benefits under the PFL will increase on January 1 of each year through January 1, 2021, per the below schedule:

<b>Effective date</b>	<b>Maximum Leave Amount</b>	<b>Benefit Amount</b>	<b>Maximum Benefit</b>
January 1, 2018	8 weeks or 40 days	50% of average weekly wage	50% of statewide average weekly wage
January 1, 2019	10 weeks or 50 days	55% of average weekly wage	55% of statewide average weekly wage
January 1, 2020	10 weeks or 50 days	60% of average weekly wage	60% of statewide average weekly wage
January 1, 2021	12 weeks or 60 days	67% of average weekly wage	67% of statewide average weekly wage

To the extent the New York State Department of Financial Services (“DFS”) delays any of the increases described above, Innovation reserves the right to consistently modify the benefit schedule in accordance with applicable law.

Employees who take PFL in weekly increments are eligible for the maximum number of weeks of leave, as indicated in the above chart, using a 12-month rolling look back period.

Employees who take PFL in daily increments are eligible for paid leave based on the average number of days worked per week during the applicable 8-week base period. For example, a part-time employee who works 3 days per week during the base period would be entitled to 24 days of PFL in 2018 (8 weeks x 3 days per week).

An employee may not be entitled to be paid for leave under the PFL under the following circumstances, and for any other circumstance outlined in the PFL certificate of insurance:

- The employee otherwise received full pay for the leave;
- The employee performed any work for pay on that day;
- The employee is receiving workers' compensation benefits (except, under certain circumstances reduced leave benefits);
- The employee does not provide the required notice or certification, as described below; or
- Any other reason permitted by law.

#### Determining the Applicable 12-month Period

For all leave under the PFL and FMLA, except for military caregiver leave under the FMLA, the 12-month period is a “rolling” 12-month period measured backward from each day that leave is taken.

The “single, 12-month period” for the purpose of military caregiver leave begins on the first day

the eligible employee takes FMLA leave to care for a covered service member or covered veteran and ends 12 months after that date. An eligible employee must begin leave to care for a covered veteran within five years of the veteran's active duty service, but the "single 12-month period" for leave may extend beyond the five-year period. Innovation may request documentation of a serious injury or illness of the service member, or documentation of next of kin status.

### Requests for Leave Near the End of an Academic Term by Instructional Employees

The following special rules apply to Instructional Employees who request FMLA and, if applicable, PFL leave at a critical point in Innovation's school year.

- If an Instructional Employee begins any FMLA leave more than 5 weeks before the end of an academic term, Innovation may require the Instructional Employee to continue taking leave until the end of the term if the leave will last at least 3 weeks and the Instructional Employee will return to work during the 3-week period before the end of the term.
- If an Instructional Employee begins FMLA leave for a purpose other than the Instructional Employee's own serious health condition or to address a qualifying exigency during the 5-week period before the end of an academic term, Innovation may require the Instructional Employee to continuing taking leave until the end of the term if the leave will last more than 2 weeks and the Instructional Employee would return to work during the 2-week period before the end of the term.
- If an Instructional Employee begins FMLA leave for a purpose other than the Instructional Employee's own serious health condition or to address a qualifying exigency during the 3-week period before the end of an academic term and the leave will last more than 5 working days, Innovation may require the Instructional Employee to continue taking leave until the end of the term.

Where an Instructional Employee is required to take leave until the end of an academic term, then only the period of leave until the Instructional Employee is ready and able to work is counted against the Instructional Employee's FMLA entitlement, and the additional required period of leave shall not be counted as FMLA leave.

Where an Instructional Employee is required to take leave until the end of an academic term, the leave was for PFL qualifying purposes, *and* the extended period of leave would also qualify as PFL leave, then the Instructional Employee shall have the option, subject to the approval of the PFL insurance carrier, of either continuing their PFL leave or declining to use PFL leave. If the PFL insurance carrier does not approve the provision of PFL leave pursuant to this section, then the extended leave shall not be counted as PFL leave. Nothing in this section shall be deemed to require an Instructional Employee to use PFL leave during a period of extended FMLA leave mandated by Innovation.

## **Intermittent Use of FMLA and PFL Leave**

### Intermittent FMLA Leave

Upon receipt of medical certification of the medical need for leave on an intermittent or reduced schedule basis, Innovation will grant such leave for purposes of the employee's own serious

health condition or to care for a parent, child or spouse with a serious health condition, or for Military Caregiver Leave. Leave may also be taken on an intermittent or reduced schedule basis when necessary for Qualified Exigency Leave. If intermittent or reduced schedule leave is needed for planned medical treatment for the employee, a family member, or a covered servicemember, including during a period of recovery from one's own serious health condition, a serious health condition of a spouse, parent, son or daughter, or a serious injury or illness of a covered servicemember, Innovation may require the employee to transfer temporarily, during the period that the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The employee will receive his or her same salary while working in the alternate position.

### Intermittent PFL Leave

Eligible employees may take leave under the PFL on an intermittent basis, in full-day increments. Employees may not take partial-day leave under the PFL.

When an employee takes intermittent PFL leave, the employee must provide notice to Innovation as soon as is practicable before each day of intermittent leave.

An employee's use of intermittent FMLA leave on a partial-day basis may, under certain circumstances, reduce an employee's PFL benefit amount. Specifically, each time an employee takes enough partial-day intermittent FMLA leaves during a 12-month period that add up to the number of hours in an employee's usual work day, Innovation may deduct one day of PFL benefits from the employee's annual PFL benefit allotment.

### Intermittent FMLA Leave for Instructional Employees

If an eligible Instructional Employee requests intermittent or reduced hours leave to care for a family member or for the Instructional Employee's own serious health condition, or to care for a covered servicemember, which is foreseeable based on planned medical treatment, and the Instructional Employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, Innovation may require the Instructional Employee to either: (a) take leave for a particular duration, which may include a block of uninterrupted leave, not to exceed the duration of the planned medical treatment; or (b) transfer temporarily to an available alternative position for which the Instructional Employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the Instructional Employee's regular position.

In the event that Innovation requires the Instructional Employee to take leave for a particular duration, and the leave is for PFL qualifying purposes, then the Instructional Employee may, subject to the approval of the PFL insurance carrier, utilize PFL leave for this period of mandated leave; provided, however, that if the Instructional Employee elects not to apply for PFL leave, then Innovation may still count this time against the Instructional Employee's PFL leave entitlement.

## **Multiple Employees Requesting Leave**

### Limitations for Spouses Requesting the Same FMLA Leave

Spouses who are eligible for FMLA leave and are both employed by Innovation are limited to a combined total of 12 weeks of leave during any rolling 12-month period if the leave is taken in connection with the birth or adoption of the employee's child or foster care placement, or to care for the employee's parent with a serious health condition.

#### Employees Requesting PFL for the Same Family Member

If more than one family member works for Innovation, Innovation may limit PFL usage so that more than one employee cannot use the same period of PFL to care for the same family member at the same time. In that circumstance, employees may be required to stagger their PFL usage, but all employees will retain their full PFL entitlement.

### **Funding and Contributions for PFL Benefits**

#### Plan Funding

PFL benefits are provided by an insurance carrier and details regarding terms and conditions of the PFL benefits are described in the PFL certificate of insurance.

#### Determining an Employee's PFL Contribution

Benefits under the PFL are generally funded by employee contributions, which are made through automatic payroll deductions from employees' paychecks. These payroll deductions will be collected from employees' after-tax wages. Employees on PFL leave must continue to make contributions during the PFL leave.

Employee contributions are calculated on a weekly basis at the rate set by the DFS. This rate is adjusted annually by DFS. For 2018, the contribution rate is 0.126% of an employee's weekly wage. The maximum amount of contributions that an employee will make during the calendar year 2018 is \$85.56.

#### Option to Waive PFL Benefits for Ineligible Employees

Employees who do not expect to become eligible for PFL benefits, because they fall into one of the following categories, have the option of waiving PFL benefits:

- Employees who are regularly scheduled to work 20 hours or more per week, but will not work 26 consecutive weeks; or
- Employees who are regularly scheduled to work less than 20 hours per week and will not work 175 days in a 12-month consecutive period.

Employees who are eligible to waive PFL benefits and wish to do so must file a waiver form with Human Resources. Employees who file a waiver form will not make any contributions for PFL benefits and will not be eligible to receive PFL benefits. If the schedule of an employee who has waived PFL benefits changes such that it is anticipated that the employee will become eligible to receive PFL benefits, the waiver will be revoked and the employee must start making contributions on a going forward basis and must pay retroactive contributions to the employee's date of hire.

## **Employee Notice Requirements**

Employees must provide notice to the Associate Director of Operations & HR of their request to take leave under the FMLA or the PFL. For any type of foreseeable FMLA or PFL leave other than qualifying exigency leave under the FMLA only, an employee must provide at least 30 days' notice before the leave begins. For foreseeable leave due to a qualifying exigency under the FMLA only, notice must be provided as soon as practicable.

If the employee is unable to foresee the need for FMLA or PFL leave 30 days in advance, then the employee must give Innovation notice as soon as practicable. Usually, this means giving notice the same day the employee receives notice or the next business day. If an employee does not give Innovation timely notice, the employee's FMLA or PFL leave may be delayed or denied.

In giving notice, an employee must provide sufficient information for the Associate Director of Operations & HR to determine if the leave qualifies for FMLA or PFL protection and the anticipated timing and duration of the leave.

If an employee requests leave under the FMLA for the purpose of planned medical treatment (including follow-up appointments), the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt Innovation's operations. For planned medical treatment under the FMLA, an employee should work with Human Resources to develop a schedule that meets the needs of both the employee and Innovation.

Employees requesting leave under the PFL must complete and submit a Request for Paid Family Leave Form (PFL-1) to the Associate Director of Operations & HR.

## **Notice to Employees Following Potential PFL Qualifying Leave**

Innovation will notify employees who are absent from work for more than seven consecutive days because of a PFL-qualifying event of the employee's rights under the PFL.

## **Certification and Other Documentation**

An employee who requests leave under the FMLA and/or PFL may be required to complete a certification and/or submit additional documentation to support the request for leave. Certification forms and documentation vary by leave type. The types of supporting documentation required are described in each certification form. Employees should contact the Associate Director of Operations & HR for copies of the necessary forms to take leave under the PFL. Employees should submit completed PFL certification forms and supporting documentation to the Associate Director of Operations & HR.

## **Responses to Requests for FMLA and PFL Leave**

### Requests for FMLA Leave

When an employee requests FMLA leave, Human Resources will first determine whether the employee is an "eligible employee" under the FMLA. If the employee is not eligible, the requested leave will be denied. If the employee is eligible, then Human Resources will determine whether the request may be granted. Within 5 business days, Human Resources will provide a written response to the request. Human Resources will approve the request, deny the

request, or ask for more information, such as a medical certification. If more information or documentation is requested, Human Resources will advise the employee of the information needed and the deadline for providing that information or documentation. The employee will receive a final response, in writing, concerning whether the request is approved or denied.

#### Requests for PFL Leave

Once Human Resources receives a completed request for PFL leave with the necessary certification and supporting documentation, the PFL insurance carrier will either pay or deny the claim within 18 days of receipt of a completed claim, in its sole discretion.

### **Compensation During Leave**

#### Pay During FMLA Leave

An employee who uses FMLA leave for any reason must use up his or her accrued, unused paid vacation days and any available paid sick/personal days at the beginning of the leave (during any time the employee is not receiving short-term disability insurance benefits, if applicable). The remaining portion of the FMLA leave will be unpaid. Employees must satisfy the procedural requirements of Innovation's sick and vacation policies in order to receive paid leave.

#### Pay During PFL Leave

Employees have the option to use accrued and available sick days, personal days, vacation days, or paid time off in partial-day increments in order to supplement their PFL benefits and receive full pay during their PFL leave. Any such paid time off will run concurrently with the approved PFL leave, such that employees will not be permitted to make more than 100% of their full pay during leave. Employees wishing to use paid time off in connection with a qualified leave under the PFL must follow the requirements set forth in Innovation's paid time off policies. In the event the employee uses accrued paid leave in connection with a PFL absence, the employee will receive a check from the PFL insurance carrier for the statutory PFL benefit, and will receive a separate check from Innovation for the accrued paid leave that is used from the employee's leave bank.

If an employee takes PFL leave for an event that also qualifies as leave under the FMLA, the employee's PFL leave will run concurrently with available FMLA leave and deplete both leave banks at the same time.

Employees cannot use PFL and short-term disability benefits at the same time, but can use them consecutively. Employees are also limited to a maximum of 26 weeks of disability and PFL benefits combined in a rolling 12-month period.

When an employee's request for PFL leave also qualifies for leave under the New York City Earned Safe and Sick Time Act ("ESSTA"), employees have the option to use accrued and available ESSTA time to supplement their approved PFL benefits and receive full pay during their PFL leave. In order to receive this benefit, employees must use accrued and available ESSTA in full-day increments during a period of approved PFL leave. If an employee uses ESSTA time to receive full pay during a period of approved PFL leave, such ESSTA time will run concurrently with the approved PFL leave and, if applicable, approved FMLA leave. Employees wishing to use ESSTA time in connection with a qualified leave under the PFL must comply with

the requirements described in Innovation's NYC Sick/Family Leave policy.

### **Benefits During Leave**

During a leave, the employee will remain covered under Innovation's health insurance plan under the same conditions that coverage would have been provided had the employee not been on leave. While on leave, the employee will need to mail the insurance premiums (which are normally deducted through payroll) to Innovation's Associate Director of Operations & HR by the first of each month. If the employee fails to return to active employment for at least 30 calendar days after an unpaid FML leave, Innovation may exercise its right to recover its share of health insurance premiums from the employee, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

An employee's use of FMLA or PFL leave will not result in the loss of any employment benefits that accrued prior to the start of an employee's FMLA or PFL leave (unless such accrued benefits, such as paid time off, were used during FMLA or PFL leave). The employee, however, will not accrue any additional benefits or seniority during any period of FMLA or PFL leave that is not paid through use of accrued leave benefits, unless otherwise required by law.

### **Periodic Status Reports**

Innovation may require an employee on FMLA or PFL leave to report periodically on the employee's status and intent to return to work.

### **Return from Leave**

#### Return from FMLA Leave

If an employee is able to return to work at or before the end of 12 weeks of FMLA (or at or before the end of 26 weeks of FMLA in the case of either military caregiver leave or combined leave of both military caregiver leave and leave for another covered reason), an employee will be, with limited exceptions, entitled to return to the same position the employee held when leave began, or to an equivalent position with equivalent pay and other terms and conditions of employment.

Innovation however, may refuse to restore those employees considered to be "key," for purposes of the FMLA, to their previous positions under certain circumstances.

If an employee is returning from an FMLA leave taken because of the employee's own serious health condition, the employee must provide a return to work certification from the employee's health care provider confirming that the employee is medically cleared to return to the same or an equivalent position. If the employee does not provide either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave for the employee's own serious health condition is concluded, the employee's employment may be terminated.

If an employee is not able to return to work at the end of the approved FMLA period, the employee may be eligible for additional leave under another program. An employee should contact Human Resources before the end of the employee's FMLA period if the employee will be unable to return to work at the end of the FMLA leave period.

### Return from PFL Leave

If an employee is able to return to work at or before the end of the applicable PFL leave period, an employee will be entitled to return to the same position the employee held when leave began, or to an equivalent position with equivalent pay and other terms and conditions of employment.

### **Non-Discrimination/Federal, State, and Local Laws**

The FMLA and PFL do not affect any federal, state, or local law prohibiting discrimination or retaliation, or supersede any federal, state, or local law that provides greater family or medical leave rights. Employees covered by the FMLA, PFL and any applicable federal, state, or local leave law will receive the greater benefit. However, there will be no duplication of leave or benefits under this policy and under the various federal, state, and local laws.

Innovation will not discriminate or retaliate against any employee for requesting, taking, or attempting to take leave to which they are entitled under the FMLA, the PFL or any similar federal, state, or local law.

### **Other Terms and Conditions**

The policies and guidelines stated in this policy shall be subject to such other terms and conditions as are provided in the Family and Medical Leave Act of 1993, the New York State Paid Family Leave Benefits Law, their respective implementing regulations, and any other applicable federal, state, and local leave laws.

Innovation will not interfere with, restrain, or deny the exercise of any right provided under FMLA or PFL; or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or PFL or for involvement in any proceeding under or relating to these statutes.

Employees who have questions about their exercise of FMLA or PFL rights should contact Innovation's Associate Director of Operations & HR.

## **OTHER TYPES OF LEAVE**

### **Disability Leave**

If your illness or injury exceeds eight (8) calendar days, or you are hospitalized, you may be eligible for short-term disability benefits, upon certification by a medical professional. During this period of time, you are eligible to receive disability leave payments up to a maximum of \$1,000.00 per week, depending on your current compensation. Short-term disability benefits will be harmonized with your available sick leave, if appropriate. Contact Innovation's Associate Director of Operations & HR for additional information and assistance.

### **Pregnancy-Related Disability Leave**

As an Innovation employee who is pregnant, you are entitled to take a medical leave for any part of the pregnancy and postpartum period that your doctor certifies you are medically unable to work. During this period of time, you are eligible to receive short-term disability leave, and to receive disability leave payments up to a maximum of \$1,000.00 per week, depending on your



current compensation.

Medical leave for pregnancy begins on the date your doctor certifies that you are unable to work for medical reasons and ends on the date your doctor certifies you are medically able to return to work. Typically physicians certify medical leave of six to eight weeks; however, in the event of complications a doctor may certify additional medical leave. You may also be entitled to leave under the provisions of the FMLA and/or PFL.

### **Child Care Leave**

Innovation employees are also eligible to take a child care leave, under the FMLA and/or PFL, when:

- You have a baby
- Your spouse or same-sex domestic partner has a baby
- You adopt a child
- You become a foster parent to a child.

Any questions concerning the applications of these policies to your particular circumstances should be addressed to our Associate Director of Operations & HR.

### **Holidays**

If a designated holiday falls on an employee's personal or sick leave day, that day off will not be deducted from the accrued personal or sick leave days.

### **Bereavement Leave**

Innovation provides regular, full-time employees, paid leave for time lost from their regular schedule in the event of a death of a member of the employee's immediate family, in accordance with the following guidelines.

Employees will be granted an authorized absence from work up to a maximum of three days without loss of pay. The three days are to be consecutive days, and they must include the day of the funeral.

Members of the immediate family are defined as follows: spouse/domestic partner, children, parents, grandparents, brothers or sisters.

When requesting time off for bereavement leave, the request should include the relationship of the deceased to the employee. Innovation may also require written confirmation from the funeral director, and/or an obituary notice establishing the employee's relationship to the deceased, and the dates of the funeral service, upon the employee's return from bereavement leave.

### **JURY DUTY**

Employees are encouraged to fulfill their civic responsibility by accepting jury duty when they are called. Jury duty is defined as serving as a juror at the request of any legally constituted court or governmental unit, whether Municipal, County, District, State or Federal. It includes active participation as a juror or being summoned for examination as a juror.

When summoned to jury duty, all employees are granted time off for the length of service on jury duty. Employees summoned to jury duty must notify their supervisor immediately upon receiving a jury duty notice, so that appropriate arrangements may be made for their absence. Employees must also submit a copy of the notice to serve as soon as possible after receipt.

Either Innovation or the employee may request an excuse from jury duty if, in Innovation's judgment, the employee's absence would create serious operational difficulties.

### **Employee Responsibility**

An employee who is summoned for jury duty must notify his or her supervisor and must promptly submit a copy of the summons to the Associate Director of Operations & HR. Employees must also inform their supervisor each day that jury duty continues while they serve. After jury duty service, employees are required to provide the *original* certificate of jury service to Innovation's Director of Operations and Finance, should retain a copy for themselves.

### **Wage/Salary Continuation**

During service on jury duty, Innovation will compensate regular employees for the difference between jury duty pay and the employee's regular straight-time salary or wages for up to two (2) weeks.

All employee benefits remain in force during jury duty service.

### **Return to Work**

Employees on jury duty are required to return to work after the jury duty has ended. Employees who are not required to go to court on a workday while serving on jury duty or who are dismissed early in the day are expected to come to work. Employees returning to work after jury duty are required to present proof of jury duty service to Innovation's Associate Director of Operations & HR.

### **VOTING LEAVE**

Employees who are registered voters will be allowed a reasonable amount of time to vote, but no more than three hours, at the beginning or end of their work day. You must request this time off at least two working days prior to Election Day.

### **MILITARY LEAVE**

Employees may take an unpaid leave, in accordance with applicable law, if they are inducted into or enlist in the Armed Forces of the United States or are called to duty as a member of a reserve unit. Employees must provide advance notice of their need for a military leave and the Associate Director of Operations & HR will request a copy of the employee's orders, which will be kept on record by Innovation. The time spent on military leave will be counted as continuous service for the purpose of determining your eligibility and accrual for various benefit plans and policies.

For military leaves extending 30 days or less, Innovation will continue to pay the portion of the

premium on health insurance, if any, that it was paying before the leave began. If the employee contributes toward such benefits for himself/herself or covered dependents, the employee must continue to pay the employee's portion of the premiums during this period; otherwise, the employee may lose his or her coverage.

Upon return from military leave, employees will be reinstated as required by law. Upon an employee's return, benefits will be reinstated with no waiting periods.

All employees who are called up or volunteer for training, active military duty, full-time National Guard duty and absences for examinations to determine fitness for duty, as part of a Regular or Reserve Unit of any branch of the US Armed Forces (i.e. Army, Navy, Marines, Air Force or Coast Guard), Army National Guard, Air National Guard, or commissioned corps of the Public Health Service, will be granted an unpaid military leave of absence. The length of the leave is determined by the employee's military orders, but may not exceed the limits prescribed by applicable federal or state law.

If an employee meets leave requirements and satisfactorily completes active military duty, the employee will be returned to the same position or a comparable position unless Innovation's business circumstances have changed so as to make the re-employment impossible or unreasonable; retraining or accommodating a disabled individual would pose an undue hardship; or the employment prior to the military leave was for a brief, non-recurrent period and there is no reasonable expectation that such employment would continue indefinitely or for a significant period.

### **Periodic Contact While on Military Leave**

To assist Innovation in determining staffing requirements while an employee is on military leave of absence, the employee is required to provide the Associate Director of Operations & HR with the address changes and updated military orders whenever those orders affect the length of time required for the military leave.

### **Benefits While on Leave**

An employee on an approved military leave is eligible for subsidized health, dental and vision insurance benefits for up to 26 weeks.

The employee will be required to cover the usual employee share of the health, dental and vision premiums. Participants who remain on leave after exhausting such maximum period may elect COBRA continuation coverage or, in the case of Uniformed Services Employment and Reemployment Rights Act ("USERRA") leave, continuation coverage for up to 24 months from the date the leave began in accordance with the regulations promulgated pursuant to USERRA, if those provisions are more favorable to the participant.

The availability of subsidized Life and/or Long Term Disability insurance benefits during military leave is dependent upon the terms outlined in the respective certificates of insurance or summary plan descriptions.

### **Termination While on Leave**

Employees will be considered to have voluntarily terminated their employment if active military duty is concluded and any of the following occur:

- The employee does not apply for reinstatement within the time frame prescribed by law.
- If, upon the expiration of the leave or release to work, the employee can no longer perform the essential duties of their former position, or other available positions for which they are qualified, with or without a reasonable accommodation.
- The employees are offered the same position or one equivalent to their prior position and refuse the position. \*

\*Employees will continue to be eligible for the same position, or an equivalent position, and will not be considered to have voluntarily terminated their employment until the expiration of the time frames for application for reinstatement prescribed by law.

### **ACCOMMODATIONS FOR NURSING MOTHERS**

Innovation will make reasonable accommodations, including reasonable break time and privacy, for employees who are nursing mothers who wish to express breast milk while at work, for up to three (3) years after the birth of the employee's child in accordance with this policy and consistent with New York Labor Law section 206-c. Lactation rooms will be selected to meet certain minimum requirements to provide privacy, functionality, and access to refrigeration.

An employee who needs a private room or break time for lactation should make a request in writing to the Human Resources Department, preferably by e-mail, with sufficient notice to allow Innovation to make scheduling and location arrangements. If possible, the request should be made during the pregnancy or before the return to work. Innovation will respond within a reasonable amount of time not to exceed five (5) business days following its receipt of a request. Human Resources can provide employees with information about the designated location for lactation breaks in closest proximity to the employee's work area and about the location for storage of expressed breast milk.

The duration of a break can vary depending on the personal needs of the working mother. Generally, each break shall be no less than twenty to thirty minutes. For non-exempt employees, lactation breaks under this policy are unpaid. Employees can elect to take shorter breaks for this purpose, which may be paid when necessary to comply with state and federal wage and hour laws. Exempt employees may be provided break time with pay when necessary to comply with state and federal wage and hours laws.

Upon election of the employee: (i) unpaid break time may run concurrently with regularly scheduled paid breaks or meal periods; or (ii) the employee may work before or after her normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk so long as such additional time requested falls within Innovation's normal work hours. Employees who choose to do this should speak with Human Resources or their direct supervisor in advance to make appropriate arrangements.

The number of breaks an employee will need to take for lactation purposes varies depending on the amount of time the employee is separated from the nursing infant and the employee's physical needs. Innovation will generally provide break time at least once every three hours if requested by the employee.

Should two or more employees need to use a lactation room at the same time, employees should contact the Human Resources to discuss and establish arrangements or for follow up. In the event that any particular request for use of a lactation room poses an undue hardship, Innovation will engage in a cooperative dialogue with the employee requesting a lactation room to determine if a reasonable accommodation is available.

Employees who use this option will not be penalized or retaliated against. For more information about this policy, contact the Human Resources Department.

### **BLOOD DONATION**

Employees who work at least twenty hours per week are generally eligible to take one period of unpaid leave each calendar year, of up to three (3) hours, to donate blood at a location away from Innovation's premises. The Employee must notify his/her supervisor or the Associate Director of Operations and HR, in advance if the Employee wishes to donate blood during working hours. If the blood donation is off-premises, reasonable notice – generally three business days – may be required. Employees may be asked to show evidence of blood donation if done off-premises.

In any calendar year, Innovation may elect to coordinate blood drives at the Employee's worksite in lieu of or in addition to providing unpaid leave for off-site donation. Employees will be notified in advance if Innovation elects to offer blood drives in lieu of unpaid leave at the Employee's work location.

### **THE DIGNITY FOR ALL STUDENTS ACT**

Innovation complies with the Dignity for All Students Act ("the Dignity Act"), an act amending the New York State Education Law to provide that no student shall be subjected to harassment or bullying by employees or students on school property or at a school function.

Students have the right to feel safe and respected, and to work and learn in an environment that is free from harassment and bullying, including sexual and other types of harassment and bullying. Innovation prohibits all forms of harassment and bullying as defined in this policy.

#### **Definition of Harassment and Bullying**

Harassment and/or bullying ("harassment") is the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identification, sex, or any category protected by law. Prohibited

conduct includes, but is not limited to: epithets, slurs, quips or negative stereotyping that relate to any of the categories above. This list is not all-inclusive. Other unwelcome acts of an offensive nature may also constitute harassment.

### **Definition of Sexual Harassment**

Sexual harassment is a type of harassment and bullying. It may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Examples of the type of behavior that may constitute sexual harassment include demands for sexual activity; sexual flirtations, advances or propositions; sexual innuendoes or suggestive jokes; comments of a sexual nature to describe an individual or an individual's body; unwelcome physical contact such as touching, pinching or brushing the body; any type of coerced sexual activity; displays of sexually suggestive objects or pictures; and obscene gestures or materials. This list is not all-inclusive. Other unwelcome acts of an offensive nature may also constitute sexual harassment.

**Romantic or sexual relationships of any kind between employees** (teacher, administrator or other staff member) **and students are expressly prohibited.**

### **General Procedures for Reporting Complaints**

Innovation encourages all members of the School to report all incidents of harassment, regardless of who the offender may be. Innovation will take prompt, reasonable action to prevent, investigate and remedy the offensive conduct.

If a student feels comfortable speaking to the offender directly and requesting that the harassment stop, Innovation encourages the student to do so. If the student is not comfortable speaking directly to the offender, or if the harassment does not cease, the conduct should be reported to Deborah DaGiau, Innovation's Dignity Act Coordinator, or to the Director of Operations (the "Point Persons"). Any student or parent who believes that they (or his or her child) have been or are being harassed or bullied by a student or by an adult should report to one of the Point Persons.

Innovation recognizes that false accusations can cause serious harm to innocent persons. Although the School encourages complaints made in good faith, if an investigation reveals that a student knowingly or maliciously accused another person falsely of harassment, the School will take all appropriate action.

### **Investigations**

Innovation will take prompt, reasonable action to prevent, investigate, and remedy instances of harassment. All allegations of harassment will be promptly investigated. The investigation may include interviews with the parties involved, and when necessary, with individuals who may have observed the alleged conduct or may have relevant knowledge. The School will attempt to protect the privacy of the individuals involved in an investigation, but cannot guarantee confidentiality.

### **Discipline**

If the School determines that *Innovation's* policy prohibiting harassment and/or bullying has been violated, Innovation will take disciplinary action against the offender. Discipline may include, but is not limited to, suspension or expulsion for students, and, for school staff, probation, suspension or termination of employment.

### **Retaliation**

Innovation prohibits retaliation against anyone who reports harassment/bullying or participates in an inquiry of such report. Any person who retaliates against a student for reporting any perceived acts of harassment/bullying will be subject to disciplinary action.

Any questions about this policy should be directed to our Dignity Act Coordinator, Deborah DaGiau.

## **STAFF & STUDENTS BOUNDARIES POLICY: MAINTAINING APPROPRIATE RELATIONSHIPS**

### **A Safe Learning Environment**

Maintaining a safe and stimulating learning environment is one of our highest priorities. Accordingly, Innovation staff members are expected to exemplify high standards of professional and ethical conduct, to maintain appropriate boundaries with students at all times, and to build relationships of trust with our students, their parents and guardians, as well as others who have an interest in Innovation and the operations of Innovation. To ensure that this trust is not violated, staff members must avoid inappropriate relationships with students, including relationships that create even the appearance of impropriety.

Appropriate interactions create a safe environment in which students may grow, learn, seek help in solving conflicts, and develop social skills.

Inappropriate interactions cross the boundaries separating student from adult needs and could create a relationship that becomes peer-to-peer rather than adult-to-child.

### **Mandated Reporting**

Staff members are mandated to report any suspected abuse or neglect of students to the Administration for Children's Services and to a member of the School Management Team (SMT). Call 311 in NYC or the New York State Central Register (SCR) directly at 1(800) 342-3720. If the child is in immediate danger, call 911.

### **Examples of appropriate staff interactions with students:**

- Maintaining personal space between staff members and students
- Exercising discretion regarding physical contact with students and sensitivity to individual preferences and cultural norms regarding physical contact
- Exercising caution when discussing personal life and personal views about politics
- Avoiding unapproved off-campus encounters with students; when these encounters are unavoidable, communicating whereabouts – at a minimum – to co-workers and to SMT vertical directors
- Treating all students fairly and equally, with appropriate modifications for students with

- documented special needs
- Following school policies concerning student and staff conduct during extracurricular activities and during Enrichment Week and other out-of-school activities
- Addressing issues of harassment and bullying in accordance with the Dignity for All Students Act Policy
- Referring students with serious emotional or social problems to the counseling staff or to the SMT
- Notifying the SMT if there is reason to believe that a student has romantic feelings toward a staff member
- Using school-approved social media and email - not personal social media and email accounts - for communicating with students, and restricting the communication to school-related matters

### **Examples of inappropriate staff interactions with students:**

- Making comments that are personal or physical in nature (e.g., “you have great legs,” “you should wear that sweater more often,” “what big muscles you have”) or may have sexual overtones; condoning inappropriate topics for discussion; condoning verbal comments with sexual overtones; flirting
- Disclosing personal and confidential information (as defined in the Innovation Employee Handbook) to the student so that the student becomes the confidant of the adult, whether disclosed in person or in any other manner, including text messaging, social media, email, etc.
- Maintaining relationships with students that are unrelated to school activities, without permission from the SMT, such as taking a student to lunch off site, gift giving, outside social activities, walking a student home or elsewhere, alone or in a private vehicle, or meeting with students off-campus
- Permitting or encouraging a culture of loose and inappropriate language and boundaries around gender, race, religion, sexual orientation, national origin, and harassment issues
- Engaging in personal physical contact, including massages, lingering touches, squeezes, kisses, caresses, or touching students who feel uncomfortable with being touched for personal or cultural reasons
- Assisting students with serious personal issues in circumstances where a referral to counseling or notice to the SMT is warranted

### **Err on the Side of Caution**

If you have any doubt whatsoever regarding whether any conduct is appropriate or inappropriate, please resolve the question by speaking to your vertical director, a member of the SMT, or a member of our counseling team.

**Failure to abide by Innovation’s Staff-Student Relationships Policy may lead to disciplinary action, up to and including the termination of employment.**

### **DRUG-FREE WORKPLACE**

Innovation is committed to maintaining a drug-free workplace that is safe for employees and students and conducive to good work performance. The sale, use, possession, purchase, manufacture, transfer or distribution of alcohol, illegal drugs or other controlled drugs or substances or drug-related equipment or paraphernalia on Innovation’s premises is prohibited.



Moreover, reporting to work under the influence of alcohol or controlled drugs or substances of any kind is prohibited.

The term “controlled drugs or substances” includes prescription drugs. Such drugs are used permissibly only when issued with a prescription, when a physician has granted permission to use or consume the drugs under working conditions, and when the physician has verified that an employee can work safely and without detriment to work productivity under the influence of such drugs.

If you violate this policy, you will be subject to appropriate disciplinary action up to and including termination of employment. Alternatively, at Innovation’s discretion, you may be required to complete satisfactorily a drug or alcohol assistance or rehabilitation program as a condition of continued employment. Any questions regarding this policy should be directed to Innovation’s Director of Operations.

### **PERSONAL CONDUCT**

Occasionally, it is necessary to use disciplinary measures when an employee’s personal conduct is contrary to Innovation’s practices, policies and procedures. Disciplinary measures may take many forms including verbal and written warnings, suspension, demotion, and discharge. Discipline need not be administered progressively; instead, disciplinary matters will be handled on a case-by-case basis. Thus, for example, an employee may be discharged for his or her first violation of an Innovation practice, policy or procedure; alternatively, the employee may be given a verbal or written warning, depending on the facts and circumstances presented. In arriving at a decision as to appropriate discipline, Innovation’s management will consider, among other things, the seriousness of the infraction, the employee’s past performance record and all other relevant circumstances.

Innovation maintains the right to discipline its employees for any reason deemed appropriate by Innovation in its sole discretion, subject to all applicable federal, state and local laws.

### **POST-HIRE OBLIGATION TO REPORT ARRESTS AND CONVICTIONS**

During employment, all employees have an affirmative obligation to inform Innovation of any arrests or convictions as they occur, and must do so by notifying Innovation’s Associate Director of Operations & HR or Innovation’s Executive Director immediately following an arrest or conviction, in a confidential manner. Innovation will review, on a case-by-case basis, the employment status of any employee who is arrested or convicted of a crime. While an arrest or conviction will not necessarily lead to dismissal, the employee’s failure to so report may lead to disciplinary action, up to and including termination. Similarly, any misrepresentation concerning the underlying facts and circumstances surrounding the arrest or conviction may lead to disciplinary action, up to and including termination.

*NOTE: Regarding past arrests, employees should not report any arrest, detention, or disposition regarding any violation of law which is no longer pending prosecution and which did not result in conviction. With respect to past convictions, employees should not report a Youthful Offender Adjudication or a conviction for a violation that is sealed pursuant to the NY Criminal Procedure Law.*

### **COMPLIANCE WITH IMMIGRATION LAWS**

Innovation complies with the provisions of the Immigration Reform and Control Act, which requires that all persons employed after the date designated in the Act be United States citizens or non-citizens authorized to remain and work in the United States. Innovation's Associate Director of Operations & HR will provide you with the Form I-9, Employment Eligibility Verification, to verify your eligibility to work in the United States.

[THERE IS NO ADDITIONAL TEXT ON THIS PAGE.]

**EMPLOYEE ACKNOWLEDGMENT FORM**

I hereby acknowledge receipt of the Innovation Employee Handbook as well as the attached Code of Conduct and Complaint Form for Reporting Harassment (collectively, the "Handbook"). I understand that it is my continuing responsibility to read and know the contents of the Handbook. I further agree that I will consult with my supervisor, the Associate Director of Operations & HR, or the Executive Director, regarding any questions I have concerning the Handbook.

I also understand and agree that Innovation's Handbook is not an employment contract for any specific period of employment or for continuing or long-term employment. Therefore, I acknowledge, understand and agree that unless I have a written agreement signed by Innovation's Executive Director providing otherwise, my employment with Innovation is at-will. Accordingly, the relationship may be terminated at any time, by Innovation or by me, with or without cause, and with or without notice.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Handbook and Innovation's policies and benefits plans may occur. I understand that revised information will supersede existing information and may modify, or eliminate existing policies and benefits plans.

Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document. No provision of this Handbook constitutes a legal or contractual obligation of Innovation and Innovation is free to change any provision at any time within its sole discretion. Changes in these policies, or new policies, shall be effective on the date they are issued by Innovation. I agree that I will update my handbook as changes are communicated to me and will return any old handbooks or policies when new ones are issued to me.

**I have read, understand, and agreed to all of the above. I have also read and understand the Innovation Handbook. I agree to return the Handbook upon termination of my employment.**

**Please return this acknowledgment form to Innovation's Associate Director of Operations and HR.**

EMPLOYEE'S NAME:

SIGNATURE:

DATE:

*[FILE ORIGINAL IN PERSONNEL FILE]*

## **CODE OF CONDUCT OF INNOVATION CHARTER HIGH SCHOOL**

The highest standard of ethical conduct and fair dealing is expected of each employee, officer, director and volunteer (each, a “School member”) of Innovation Charter High School (the “School”, “we”). The School’s reputation is a valuable asset, and the School must continually earn and embrace the public’s trust. The School members’ obligations as a group are both legal and ethical. Each School member promises to carry out his/her duties with the very highest ethical conduct and to carry out school requirements under the applicable New York State and City statutes, official charter, and federal laws that apply.

School members must assure that all actions and decisions are done to better serve students since this is the primary reason for the school’s existence. School members must maintain loyalty to the interests of the charter school’s purpose and mission. This accountability supersedes the personal interest of any member.

This policy provides general guidance on the ethical principles that must be followed by each employee, director and volunteer of the School (“you”). As no guideline can anticipate all situations, the School depends on your honesty and good judgment of every individual.

If you have any questions about this Policy, it is your responsibility to consult the Principal, the Associate Director of Operations & Human Resources, or any officer or trustee of the School that may be designated by the Executive Director as the contact person for this policy from time to time (the “Designated Person”). Only a Designated Person may make exceptions to the Policy.

You are expected to promptly disclose to the Designated Person or any member of the management of the School anything that may be in violation of this Policy. The School will not tolerate retaliation or retribution against anyone who brings violations to management’s attention.

### **ARTICLE I Compliance with Laws and Regulations**

The School’s activities are to be conducted in compliance with the letter and spirit of all laws and regulations. You are charged with the responsibility of understanding the applicable laws, recognizing potential dangers, and knowing when to seek legal advice.

### **ARTICLE II Conflicts of Interest**

A Conflict of Interest exists when an Innovation employee has an existing or potential interest, financial or otherwise, that might impair that person’s independent, unbiased judgment in the performance of his or her job. You must disclose the existence of any actual or possible conflict of interest, including disclosure of all relevant facts, to Innovation’s Director of Operations or to Innovation’s Principal.

The School has an existing Conflict of Interest Policy, which was adopted by the Board of Trustees of Innovation Charter High School, and is incorporated by reference herein. A copy of the policy is maintained by the Secretary of the Board of Trustees and is available upon request.

### **ARTICLE III Giving and Receiving Gifts**

You may not give or receive money or any gift to or from a supplier, governmental official, or other organization. Exceptions may be made for gifts that are i) customary and lawful, and/or ii) of nominal value, and/or iii) are authorized by the Designated Person.

You may accept meals and refreshments if they are infrequent, are of nominal value, and are in connection with business discussions.

You should inform anyone doing or desiring to do business with the School that all gifts other than advertising novelties are discouraged. If you do receive something with greater than nominal value, you should report it promptly. It will be returned or donated to a suitable charity.

### **ARTICLE IV Political Activity**

Innovation is a tax-exempt organization that is prohibited from directly or indirectly participating in any political campaign of or support or opposition to any candidate. The School may not contribute anything of value, including an employee's time, to political campaigns, publish or distribute materials on behalf of any candidate or party, or engage in any other activity which may be considered in support of or in opposition to any candidate.

The School recognizes that you may, in your individual capacity, participate in the political process by supporting political parties, candidates, or causes. However, you must participate in an individual capacity, and not as an employee of Innovation. You may not engage in political activities during work hours and you may not use any of Innovation's equipment or resources in connection with your political activity. You may personally contribute to a candidate or party of their choice. However, you may not be compensated or reimbursed by the School for your personal contribution. Any efforts devoted to political activity must be outside working hours. Unless authorized by the Designated Person, it must also be clear that any statements on public issues are not those of the School.

### **ARTICLE V Personal Conduct**

We strive to provide you with a healthy, safe and positive environment. The climate at the School must be free from discrimination and harassment based on race, color, religion, sex, sexual orientation, age, national origin, disability, veteran status, alienage, citizenship or any other characteristics protected by federal, state or local law.

We will not tolerate sexual advances or comments or any other conduct that creates an intimidating, hostile or otherwise offensive environment. Similarly, the use of sexual, racial or religious slurs, or any other remarks, jokes or conduct that encourages or permits an offensive environment will not be tolerated.

If you believe you are subject to improper conduct, or become aware of the improper conduct of others, you should bring this to the attention of the Designated Person. All complaints will be

investigated promptly.

Workplace violence is also strictly prohibited. This includes threatening, aggressive or violent behavior or possession of a weapon on the School's premises or while conducting School business. Also prohibited are the use, distribution, sale or possession of alcohol, drugs or any controlled substance on the School's premises or while conducting School business. You may not be on School premises or conducting School business if you are under the influence of controlled substances, illegal drugs, or alcohol.

#### **ARTICLE VI**

### **Employee Privacy and Other Confidential Information**

The only personal information about employees that the School collects is that which relates to their employment. Access to this information is limited to people with a need to know and a Designated Person must authorize any release of the information to others in advance. Personal information is released outside the School only with employee approval, except to verify employment or to satisfy legitimate investigatory or legal requirements.

If you have access to any School confidential information, including private employee information, you are responsible for acting with integrity and in accordance with this policy.

#### **ARTICLE VII**

### **Use and Protection of the School's Assets**

You have a duty to preserve the School's assets. Because we are a charitable, non-profit organization, it is imperative that everyone demonstrates cost control and follows vigorous procurement standards. Acquisitions of goods and services must be at the best possible price and quality. Assets must be periodically tracked and inventoried, with appropriate action taken if there are any losses.

#### **ARTICLE VIII**

### **Accounting and Financial Reports**

You must record and report financial information accurately and in accordance with applicable laws. Reimbursable business expenses must be reasonable, accurately reported, and supported by receipts.

The School's financial statements, and all books and records on which they are based, must accurately reflect all of the organization's transactions. All disbursements and receipts of funds must be properly authorized and recorded. No undisclosed or unreported fund may be established for any purpose.

Those responsible for the handling or disbursal of funds must assure that all transactions are executed as authorized and recorded to permit financial statements in accordance with Generally Accepted Accounting Principles.

**ARTICLE IX**  
**Compliance**

Failure to comply with this Policy will result in disciplinary action that may include reimbursement of the School for any losses or damages, termination of employment or office, and referral for criminal prosecution. Action may also be taken against supervisors or others who fail to report a violation or withhold relevant information concerning a violation of this Code of Conduct. You must sign the attached Certification.

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**CODE OF CONDUCT ACKNOWLEDGEMENT**

**INNOVATION CHARTER HIGH SCHOOL**

I have read and understand the Code of Conduct of the School and I agree to abide by this Code in all dealings for and with the School. I state that I have no interests that conflict or may conflict with my service for the School except as set forth below.

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Name:

Title:

Date:

If you wish this disclosure to be treated in confidence, please indicate here: \_\_\_\_\_

This certificate should be returned to:

Associate Director of Operations & Human Resources  
Innovation Charter High School



## **APPENDIX B: COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT**

If you believe that you have been subjected to harassment that is prohibited under Innovation's Policy Against Discrimination and Harassment, you are strongly encouraged to complete this form and submit it to any of the individuals set forth in the policy. You will not be retaliated against for filing a complaint in good faith.

### **COMPLAINANT INFORMATION**

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:     Email     Phone     In person

### **SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

### **COMPLAINT INFORMATION**

1. Your complaint of Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you:  Supervisor     Subordinate     Co-Worker     Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) harassment occurred:

Is the harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

By signing below, I hereby certify that the facts and information I provided on this form, and in connection with any documentation that I submitted with this form, are complete, true, and accurate.

*Signature:* \_\_\_\_\_ *Date:* \_\_\_\_\_