



Dixie Montessori Academy
Not just a curriculum for education, a philosophy for educating the whole child.

A Utah Charter School
Established in 2013

2020-2021
Employee Handbook
*Policies and Procedures set forth in the operation of
Dixie Montessori Academy*
Updated Oct 27, 2020

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PART I: BEST PRACTICES AND COMPLIANCE

1. AT- WILL EMPLOYMENT

The school does not offer tenured or guaranteed employment. Either the school or the employee can terminate the employment relationship at any time, with or without cause, with or without notice. This at-will employment relationship exists regardless of any other written statements or policies contained in this handbook or any other school documents or any verbal statement to the contrary.

2. EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the school to ensure equal employment opportunity without discrimination or harassment based on race, color, national origin, religion, sex, age, disability, or any other characteristic protected by law. DMA complies with applicable state and local laws governing non-discrimination in employment.

3. NON-DISCRIMINATION AND ANTI-HARASSMENT

The School is committed to a work environment in which all individuals are treated with respect and dignity. Everyone has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the school expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, harassment, or sexual harassment.

A. Definitions of Harassment

i. Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to unwanted sexual advances or requests for sexual favors, sexual jokes or innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal, or visual conduct of a sexual nature. Sex-based harassment that is harassment not involving sexual activity or language (i.e. male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

ii. Harassment based on any other protected characteristic is also strictly prohibited. Under this

policy, harassment is any verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability or any other characteristic protected by law or that of his/her relatives, friends, or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

B. Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the school (e.g., an outside vendor, consultant, or parent).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

C. Retaliation Is Prohibited

The school prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

D. Complaint Procedure: Reporting an Incident of Harassment, Discrimination or Retaliation

The school strongly urges the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the school's policy or who have concerns about such matters should file their complaints with their Director before the conduct becomes severe or pervasive.

IMPORTANT NOTICE TO ALL EMPLOYEES:

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, federal, state, and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the school strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The school will make every effort to stop alleged harassment before it becomes severe or pervasive but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

E. The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

F. Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the school believes appropriate under the circumstances.

Individuals who have questions or concerns about these policies should talk with the Director or the Operations Manager.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals or work-related social activities or discussions to avoid allegations of harassment. The law and the policies of the school prohibit disparate treatment based on sex or any other protected characteristic, regarding terms, conditions, privileges, and prerequisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

4. AMERICANS WITH DISABILITIES ACT POLICY STATEMENT

The school is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA"). It is the school's policy not to discriminate against any qualified employee or applicant regarding any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the school will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the school aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the school.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should inform Director.

A. Procedure for Requesting an Accommodation

On receipt of an accommodation request, the school Director will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the school might make to help overcome those limitations.

The school will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the school's overall financial resources and organization, and the accommodation's impact on the operation of the school, including its impact on the ability of other employees to perform their duties and on the school's ability to conduct business.

The school will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final. The ADA does not require the school to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Board of Directors. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

5. IMMIGRATION LAW COMPLIANCE

The school is committed to employing only people who are United States citizens or who are aliens legally authorized to work in the United States. We do not illegally discriminate because of a person's citizenship or national origin.

Because we comply with the Immigration Reform and Control Act of 1986, every new employee at the school is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility.

If you leave the school and are rehired, you must complete another Form I-9 if the previous I-9 with the school is more than three years old, or if the original I-9 is not accurate anymore, or if we no longer have the original I-9.

If you have questions or want information on the immigration laws, contact the Director. If you ask questions or want to complain about the immigration law, you will not be punished in any way.

PART II: POLICIES AND PROCEDURES

1. REPORTING CHANGES

It is the employee's responsibility to notify the Operations Manager of any change to contact information including but not limited to phone number, address, email address, citizenship, tax withholding status, or emergency contact information.

2. EMPLOYEE CLASSIFICATION AND OVERTIME

Salaried Employees- These employees are exempt from overtime and may be required to work extra hours to fulfill job duties.

Hourly Employees- These employees will be paid time and one-half (1.5) for any hours in a work week over 40 hours with **PRIOR** Director's approval. If additional hours over 40 hours are worked without approval, DMA reserves the right to not pay the employee time and one-half for the extra hours.

3. EMPLOYEE CATEGORIES and BENEFITS

Salaried Full Time (Entire Year), Salaried Full Time (School Year)

Employees who receive a predetermined salary and work for 30+ hours a week: These employees are eligible for employee benefits. Health insurance benefits will begin the 1st day of the month following the 30-day anniversary of employment.

Part Time Employees- Salaried and/or Hourly

Any employee who works less than 30 hours a week is considered part time and is therefore, not eligible for employee benefits.

On Call/Substitute Employees

Substitute and on call employees are not eligible for benefits.

4. HOURLY EMPLOYEES

Hourly employees are those who are paid only for the number of hours which they work. Hourly employees must record their time in and time out on the DMA time clock. Employees are responsible for ensuring their timecards are accurate. Final approval dates for each pay period will be posted in the break room so employees are aware of when timecards need to be approved by.

5. HOURS OF WORK

- Teachers are required to be at the school from **7:30 am-3:30 pm** unless otherwise stated in their salary agreement. Teachers will be required to be in their classrooms and ready to receive students by **7:45 am**. Teachers will be given a 25 - 30 minute daily break.
- Work hours for office and support staff are generally from **7:30 am-3:30 pm** unless otherwise stated in their salary agreement.
- Other part time employees will have their regular hours specified in their individual employment agreement.

All required hours may be adjusted at any time at the Director's discretion. You will be notified by an official school memo of any such change.

6. LEAVE OF ABSENCE FORMS

It is the employee's responsibility to fill out a leave request in advance when taking a vacation or leave. All leave, whether paid or unpaid, will need to be cleared with the Director or Operations Manager. Please fill out the leave request at least two weeks prior, if possible, to an absence. Teachers will be provided with a substitute list and will be responsible for scheduling their substitutes for all absences. Teachers will inform administration as soon as their substitute is scheduled.

7. PTO ACCRUAL

DMA will rollover all unused allotted PTO hours for 2019-2020 DMA full time salaried employees who are returning to DMA as a full-time salaried employee for the 2020-2021 school year. These hours are based on the 2019-2020 accrual rates.

Starting the 2020-2021 school year, each salaried employee will receive 80 hrs of PTO (based on a 6.67 hrs monthly accrual rate for 1 FTE) at the start of the contracted school year. These hours may be used either for sick or personal time off. Once these hours are used, the employee's paycheck will be docked at their hourly rate for any time taken off in the pay period that exceeds the hours the employee has accrued. If an employee voluntarily leaves or is terminated prior to the end of the school year and has used more time than they have accrued, the employee's paycheck will be docked for the overage based on the accrual rate.

Starting the 2020 – 2021 school year, employees who have unused PTO hours for the year will have two options at the end of the school year. They may rollover up to 80 hrs of unused time to the next contracted school year, or they may be paid for the unused time at the substitute rate. Employees may split the unused hours between pay and rollover however they choose. Employees cannot exceed a total of 160 hrs of accumulated time off (this includes the 80 hrs of awarded time off for the year and whatever is rolled over).

In addition to above leave, ALL employees (hourly and salaried), will be given 5 days paid maternity/paternity leave.

8. PAYROLL & PAY PERIODS

Pay dates are set as the 15th and last day of each month. Pay periods and payroll dates will be posted in the employee breakroom.

9. EVALUATION PERIOD

During the first three months of employment employees will be considered as being under an evaluation period . In addition, an employee may be placed under an evaluation period or "probation" following a poor performance review or following an incident of inappropriate behavior.

10. PERFORMANCE REVIEWS

Reviews of performance for all employees will be conducted throughout the year.

11. SALARY REVIEW

Salaries will be reviewed on a yearly basis. Salaries are dependent on availability of funding, position, years of employment, and performance level. Additional education may be considered for increase in salary on a case by case basis.

12. EMPLOYMENT OF RELATIVES

The purpose of our policy and procedures regarding the employment of relatives is to ensure employment at the school is based solely on merit and job availability, and secondly, to avoid the actual or perceived preferential treatment of relatives.

- (1) DMA Board members will not be related to DMA employees.
- (2) Any decision regarding the hiring, termination, job performance review, salary or discipline of a DMA employee shall not be made by a relative;
- (3) Candidates for employment at DMA must disclose any family relationships prior to employment; and
- (4) Relatives may not act in a direct supervisory role over one another.

For purposes of this section, “relative” is defined as father, mother, husband, wife, son, daughter, sister, brother, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. Further protections against preferential treatment will also be contained in DMA’s conflict of interest policy which will require Board Members to disclose all financial interests they have in any service provided to the school.

13. REFERENCE CHECKS

Current employees of DMA may, upon request, give a reference to an outside entity in behalf of a former co-worker.

All inquiries regarding evaluations of a former employee should be referred to the Director or Operations Manager.

14. PERSONNEL FILES

The school maintains a personnel file on each employee which is kept and maintained by the Operations Manager. This information is proprietary and will not be removed or copied from the Operations Manager’s office unless there is a valid business reason to do so.

Employees may view their personnel files during regular business hours by contacting the Operations Manager. However, employees may not remove any documents from their personnel files.

15. PERSONAL LEAVE OF ABSENCE

Requests for personal leave without pay are considered individually and granted at the discretion of school administration. The reason for the request, the employee's length of service, the employee's work record and the demands of the individual's job are examples of the type of factors typically considered in evaluating a request for personal leave of absence. A request for personal leave of absence may be granted only if the employee is not eligible for any other type of leave.

An employee may not be on personal leave of absence for more than 2 months in a school year. Employees who are granted personal leave are still responsible to pay the employee portion of any benefit programs in which they participate. Arrangements should be made with administration to coordinate the payment of premiums and other costs during leave periods when regular payroll withholding is not possible.

An employee will sign an agreement of understanding regarding how their pay will be affected by the leave of absence and what premium payments they will be responsible for. These calculations will be provided by the Business Administrator.

16. MILITARY LEAVE

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted unpaid leave of absence for military service, training, or related obligations in accordance with applicable law. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position he or she held prior to the leave or to a position with like seniority, status and pay that the employee is qualified to perform.

A. Leave for Active or Reserve Duty

Upon receipt of orders for active or reserve duty, an employee should notify the Operations Manager, as soon as possible, and submit a copy of the military orders to the Operations Manager (unless he/she is unable to do so because of military necessity or it is otherwise impossible or unreasonable).

B. Leave for Training and Other Related Obligations (e.g., fitness for service examinations)

Employees will also be granted time off for military training (normally 14 days plus travel time) and other related obligations, such as for an examination to determine fitness to perform service. Employees should advise the Operations Manager of their training schedule and/or other related obligations as far in advance as possible.

C. Return from Military Leave: (Notice Required)

Upon return from military service, an employee must provide notice of or submit an application for reemployment in accordance with the following schedule:

1) An employee who served for less than 31 days or who reported for a fitness examination, must provide notice of reemployment at the beginning of the first full regular scheduled work period that starts at least eight hours after the employee has returned from the location of service.

2) An employee who served for more than 30 days, but less than 181 days, must submit an application for reemployment no later than 14 days after completing his/her period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible.

3) An employee who served for more than 180 days must submit an application for reemployment no later than 90 days after the completion of the uniformed service.

4) An employee who has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving must report to the Operations Manager (if the service was less than 31 days), or submit an application for reemployment (if the service was greater than 30 days), at the end of the necessary recovery period (but which may not exceed two years).

D. Required Documentation

An employee whose military service was for more than 30 days must provide documentation within two weeks of his/her return (unless such documentation does not yet exist or is not readily available) showing the following: (i) the application for reemployment is timely (i.e. submitted within the required time period); (ii) the period of service has not exceeded five years; and (iii) the employee received an honorable or general discharge.

17. LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT ("FMLA")

The Family and Medical Leave Act (FMLA) provide eligible employees with up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12 month period. During this leave, an eligible employee is entitled to continued group health plan coverage as if the employee had continued to work. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or to an equivalent position.

A. Employee Eligibility Criteria

To be eligible for FMLA leave, an employee must have been employed by the school for at least 12 months (which need not be consecutive); for at least 1,250 hours during the 12 month period immediately preceding the commencement of the leave.

B. Events, Which May Entitle An Employee to FMLA Leave

FMLA leave may be taken for any, or for a combination of, the following reasons: the birth of the employee's child or to care for the newborn child; the placement of a child with the employee for adoption or foster care or to care for the newly placed child; to care for the employee's spouse, child or parent (but not in-law) with a serious health condition; and/or the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job.

A "serious health condition" is an injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. [NOTE: A more detailed definition of "serious health condition" can be found in the Department of Labor's Certification of Health Care Provider Form (Form WH-380-December 1994).]

C. How Much FMLA Leave May Be Taken

An eligible employee is entitled to up to 12 workweeks of unpaid leave during a 12- month period for any FMLA qualifying reason(s). The 12-month period is the 12 months beginning on the employee's

anniversary date of employment.

D. Limitations on FMLA Leave

Leave to care for a newborn or for a newly placed child must conclude within 12 months after the birth or placement of the child. When both spouses are employed by the school, they are together entitled to a combined total of 12 workweeks of FMLA leave within the designated 12 month period for the birth, adoption or foster care placement of a child with the employees, for aftercare of the newborn or newly placed child, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to additional FMLA leave for other FMLA qualifying reasons (i.e., the difference between the leave taken individually for any of the above reasons and 12 workweeks, but not more than a total of 12 workweeks per person).

For example, if each spouse took 6 weeks of leave to care for a newborn child, each could later use an additional 6 weeks due to his/her own serious health condition or to care for a child with a serious health condition.

E. Intermittent or Reduced Work Schedule Leave

Intermittent leave is leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday. Leave to care for a newborn or for a newly placed child may not be taken intermittently or on a reduced work schedule *unless the school agrees with respect to an individual leave request*.

Leave because of an employee's own serious health condition, or to care for an employee's spouse, child or parent with a serious health condition, may be taken all at once or, where medically necessary, intermittently or on a reduced work schedule.

If an employee takes leave intermittently or on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the school's operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the school may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

F. Requests for FMLA Leave

An employee should request FMLA leave by obtaining the proper form from the Operations Manager, which will then be submitted to the Director for approval.

When leave is foreseeable for childbirth, placement of a child or planned medical treatment for the employee's or family member's serious health condition, the employee must provide the school with at least 30 days advance notice, or such shorter notice as is practicable (i.e., within 1 or 2 business days of learning of the need for the leave). When the timing of the leave is not foreseeable, the employee must provide the school with notice of the need for leave as soon as practicable (i.e., within 1 or 2 business days of learning of the need for the leave).

G. Required Documentation

When leave is taken to care for a family member, the school may require the employee to provide documentation or statement of family relationship (e.g., birth certificate or court document).

An employee may be required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition. Medical certification forms are available from the Operations Manager.

If the school has reason to doubt the employee's initial certification, the school may: (i) with the employee's permission, have a designated health care provider contact the employee's health care provider to clarify or authenticate the initial certification; and/or (ii) require the employee to obtain a second opinion by an independent the school-designated provider at the school's expense. If the initial and second certifications differ, the school may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.

During FMLA leave, the school may request that the employee provide recertification of a serious health condition at intervals in accordance with the FMLA. In addition, during FMLA leave, the employee must provide the school with periodic reports regarding the employee's status and intent to return to work. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide DMA with reasonable notice (i.e., within 2 business days) of the employee's changed circumstances and new return to work date. If the employee gives the school notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned.

Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

H. Use of Paid and Unpaid Leave

FMLA provides eligible employees with up to 12 workweeks of unpaid leave. If an employee has accrued paid leave (e.g., vacation, sick leave, personal leave), however, the employee *must* use any qualifying paid leave first. "Qualifying paid leave" is leave that would otherwise be available to the employee for the purpose for which the FMLA leave is taken. The remainder of the 12 workweeks of leave, if any, will be unpaid FMLA leave. Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the 12-workweek leave period.

(NOTE: The FMLA gives the employer the right to require that the employee use qualifying paid leave prior to taking unpaid FMLA leave. In the alternative, the employee may elect to use qualifying paid

leave. The Department of Labor takes the position that an employee's receipt of workers' compensation or disability payments precludes the employee from electing, and prohibits the employer from requiring, substitution of accrued paid leave for any part of the absence covered by such payments.)

I. Designation of Leave

The school will notify the employee that leave has been designated as FMLA leave. The school may provisionally designate the employee's leave as FMLA leave if the school has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave.

If the employee has not notified the school of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify the Operations Manager within 2 business days of the employee's return to work that the leave was for an FMLA reason.

(NOTE: It is the Employer's responsibility to designate leave, paid or unpaid, as FMLA qualifying and to give the employee notice of the designation. The Department of Labor takes the position that, absent extenuating circumstances, the Employer must give the employee notice of the designation within 2 business days after the Employer has acquired knowledge that leave is being taken for an FMLA qualifying reason. The notice may be written or oral but, if oral, must be confirmed in writing no later than the next payday that occurs one week or more after the oral notice. It is important to designate leave (whether paid or unpaid) as FMLA leave in a timely manner. Otherwise, for example, an employee who takes several weeks of paid sick leave that is not designated as FMLA leave may then be entitled to an additional 12 weeks of leave under the FMLA.)

J. Maintenance of Health Benefits

During FMLA leave an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work.

If the employee's payment of health insurance premiums is more than 30 days late, the school may discontinue health insurance coverage upon notice to the employee.

K. Return from FMLA Leave

Upon return from FMLA leave, the school will place the employee in the same position the employee held before the leave or an equivalent position with equivalent pay, benefits, and other employment terms.

L. Limitations on Reinstatement

An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

The school reserves the right to deny reinstatement to salaried, eligible employees who are among the

highest paid 10 percent of the school's employees employed within 75 miles of the worksite ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to the school's operations.

M. Failure to Return To Work Following FMLA Leave

If the employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned. DMA may recover health insurance premiums that DMA paid on behalf of the employee during any unpaid FMLA leave except that DMA's share of such premiums may not be recovered if the employee fails to return to work because of the employee's or a family member's serious health condition or because of other circumstances beyond the employee's control. In such cases, DMA may require the employee to provide medical certification of the employee's or the family member's serious health condition.

18. WORKER'S COMPENSATION INSURANCE

All employees are covered by workers' compensation insurance. Employees must report any accident or injury immediately to the Operations Manager so that the necessary paperwork may be completed.

19. ACCIDENTS AND EMERGENCIES

Maintaining a safe work environment requires the continuous cooperation of all employees. The school strongly encourages employees to communicate with fellow employees and their supervisor regarding safety issues.

All employees will be provided care, first-aid and emergency service, as required, for injuries or illnesses while on school premises. Employees should contact the Director, Operations Manager, and/or 911 in the event of an accident or emergency.

If an employee is injured on the job, the school provides coverage and protection in accordance with the Worker's Compensation Law. When an injury is sustained while at work, it must be reported immediately to the Director or the Operations Manager of the incident.

Failure to report accidents is a serious matter as it may preclude an employee's coverage under Worker's Compensation Insurance.

20. HEALTH EXAMINATIONS

Purpose: To protect employees and students of DMA from harm and insure employee fitness for duty.

Whenever, in the judgment of the administration, an employee's health places the welfare of pupils or the efficiency of the school in question, the employee shall, upon request from the administration, submit to a physical health or psychiatric examination.

21. OPEN DOOR POLICY

The school promotes an atmosphere whereby employees can talk freely with members of the administrative staff. Employees are encouraged to openly discuss with their administrative staff any concerns, allowing for appropriate action to be taken. If the administrative staff cannot be of assistance, the Director is available for consultation and guidance. The school is interested in all of our employees' success and happiness.

Procedures for Due Process

Any employee who has a grievance may, through a written request, meet with the Board of Directors. The Board of Directors will hear the employee's grievance and make a decision. Decisions of the Board are final.

DMA Board of Director's No Action Policy: With the exception of concerns pertaining to school safety neither the board, its officers or members, or its committees will take any action on any stakeholder concern or complaint until the school's Director has first had the opportunity to address it, except to inform the person(s) stating the complaint or concern of this policy. If, in the Director's opinion, the board, or any of its officers or members, or committees violates this policy to the detriment of a good working relationship with the board, the Director is required to report the violation to the whole board.

22. INTERNAL INVESTIGATIONS AND SEARCHES

From time to time, DMA may conduct internal investigations pertaining to security, auditing or work-related matters. Employees are required to cooperate fully with and assist in these investigations if requested to do so.

Whenever necessary, at DMA's discretion, work areas (i.e., desks, file cabinets, etc.) and personal belongings (i.e., briefcases, handbags, etc.) may be subject to a search without notice. Employees are required to cooperate.

DMA will generally try to obtain an employee's consent before conducting a search of work areas or personal belongings but may not always be able to do so.

23. EMPLOYER INFORMATION AND PROPERTY

The protection of DMA's business information, property, and all other school assets are vital to the interests and success of DMA. No DMA related information or property, including without limitation, documents, files, records, computer files, equipment, office supplies, or similar materials (except in the ordinary course of performing duties on behalf of DMA) may, therefore, be removed from DMA's premises. In addition, when an employee leaves DMA, the employee must return to DMA all of DMA's related information and property that the employee has in his/her possession, including without limitation, documents, files, records, manuals, information stored on a personal computer or on a computer disc, supplies, and equipment. Violation of this policy is a serious offense and may result in appropriate disciplinary action.

24. PERSONAL PROPERTY

Be advised that if you choose to bring personal property to DMA, the school is not responsible for any loss or damage sustained while on school property.

25. EMPLOYEE VISITORS

Please arrange any visits to take place before school, after school or during your lunch break. It is not appropriate to leave your classroom to meet a visitor nor should your students be left alone at any time.

26. USE OF DMA SCHOOL EQUIPMENT

If DMA provides any supplies, equipment, and materials necessary for you to perform your job, these items are to be used solely for DMA's purposes. Employees are expected to exercise care in the use of DMA equipment and property and use such property only for authorized purposes. Loss, damages, or theft of DMA property should be reported at once. Negligence in the care and use of DMA property may be considered grounds for discipline, up to and including termination.

DMA 's equipment, such as telephones, facsimile and copier machine, is intended for business purposes. An employee may only use this equipment for non-business purposes in an emergency and only with the permission of the Director or Operations Manager. Personal usage, in an emergency, of these or other equipment that results in a charge to DMA should be reported immediately to the Operations Manager so that reimbursement can be made.

Upon termination of employment, the employee must return all DMA property, equipment, work related products and documents in his or her possession or control.

27. DISMISSALS

Every school employee has the status of "employee-at-will", meaning that no one has a contractual right, expressed or implied, to remain in school's employ. The school may terminate an employee's employment, or an employee may terminate his/her employment, without cause, and with or without notice, at any time for any reason. No supervisor or other representative of the school has the authority to enter any agreement for employment for any specified period, or to make any agreement contrary to the above.

28. IMMEDIATE DISMISSALS/MISCONDUCT

Any employee whose conduct, actions or performance violates or conflicts with the school's policies may be terminated immediately and without warning.

The following are some examples of grounds for immediate dismissal of an employee:

- Breach of trust or dishonesty
- Possession of pornography
- Use of school equipment to access pornography
- Conviction of a felony
- Willful violation of an established policy or rule

- Falsification of DMA records
- Gross negligence
- Insubordination
- Violation of the Anti-Harassment and/or Equal Employment Opportunity Policies
- Time card or sign-in book violations
- Undue and unauthorized absence from duty during regularly scheduled work hours
- Deliberate non-performance of work
- Larceny or unauthorized possession of, or the use of, property belonging to any co-worker, visitor, or customer of the school
- Possession of dangerous weapons on the premises (does not apply to those with a current Utah concealed firearm permit whose firearm is kept concealed on their person)
- Unauthorized possession, use or copying of any records that are the property of the school
- Unauthorized posting or removal of notices from bulletin boards
- Excessive absenteeism or lateness
- Marring, defacing or other willful destruction of any supplies, equipment or property of the school
- Failure to call or directly contact your supervisor when you will be late or absent from work
- Fighting or other serious breach of acceptable behavior
- Violation of the Alcohol or Drug Policy
- Theft
- Violation of the school's Policies
- Gambling, conducting games of chance or possession of such devices on the premises or during work hours
- Leaving the work premises without authorization during work hours.
- Sleeping on duty

This list is intended to be representative of the types of activities that may result in disciplinary action. It is not exhaustive and is not intended to be comprehensive and does not change the employment-at-will relationship between the employee and DMA.

In the event of dismissal for misconduct, all benefits end at the end of the month of termination.

29. DISCIPLINE OTHER THAN IMMEDIATE TERMINATION

All employees are expected to meet the school's standards of work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency and general compliance with DMA's policies and procedures.

If an employee does not meet these standards, DMA may, under appropriate circumstances, take corrective action, other than immediate dismissal.

The intent of corrective action is to formally document problems while providing the employee with a reasonable time within which to improve performance. The process is designed to encourage development by providing employees with guidance in areas that need improvement such as poor work

performance, attendance problems, personal conduct, general compliance with DMA policies and procedures and/or other disciplinary problems.

A. Written Warnings

The Director should discuss the problem and present a written warning to the employee in the presence of the Operations Manager. This should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and include any additional comments before signing it. A record of the discussion and the employee's comments should be placed in the employee file in the Operations Manager's Office.

B. Post Resignation/Termination Procedures

Return all the school property--
School Laptop
Picture Identification Card
Office keys
Any additional school-owned or issued property

Employees may choose the continuation or waiver of comprehensive medical coverage and dental coverage under COBRA. Specific information will be provided at the exit interview.

C. Final Paycheck

Employees leaving DMA must return office keys, laptop or other equipment, etc. If there are unpaid obligations to DMA, the final paycheck will reflect the appropriate deductions. If the employee is terminated the final paycheck will be issued within 24 hours. If the employee leaves voluntarily the final paycheck will either be mailed or direct deposited during the next normal pay period.

D. Health Benefits

Employer paid benefits end on the last day of the month of your last day of employment.

30. SCHOOL SECURITY

The last administrative employee out in the afternoon/evening will be responsible to make sure the building is locked.

31. SUBSTITUTE TEACHERS

Substitute teachers are required to abide by all DMA's policies, programs, and expectations. It is the substitute's responsibility to make him/herself knowledgeable of DMA's policies and procedures. Lack of knowledge of a policy does not absolve the substitute of the responsibility to follow procedures, nor the consequences of noncompliance.

32. EMERGENCY LESSON PLANS

Teachers are expected to have at least one day of instructional “emergency” lesson plans, along with other necessary items in a sub binder (Roles, drill procedures, schedules, etc). These lesson plans should be low tech and usable regardless of a substitute’s ability to access the network.

Teachers should supply substitutes with an appropriately planned daily lesson plan that is aligned to the subject matter. Movies, crosswords, and other “filler” items are not considered best practice sub lessons.

Sub binders are kept in the front office. If a teacher knows that they will be absent for more than one day, then additional plans should be submitted for the substitute.

33. BREAST FEEDING

DMA will provide a private, secure area for employees that are breast feeding or pumping during work hours.

34. CONSTITUTIONALLY PROTECTED PRAYER

Students are entitled to engage in prayer or moments of silence. Student prayer groups must be organized by students NOT the teachers. Teachers may pray privately and may participate in a student organized prayer but may not serve as the organizers. Teachers must provide appropriate supervision and activities for all students that do not participate in the student organized prayer. Teachers should also protect the rights of non-participants by keeping others from commenting or pushing them to participate.

35. PURCHASE APPROVAL

A purchase request must be submitted to the office manager prior to purchase. The Director will approve or deny the purchase request. The Operations Manager will make all school purchases unless an employee receives written approval from the Director to personally make the purchase. In this event, a reimbursement form along with receipts are to be turned into the Office Manager to process for reimbursement.

- All curriculum purchases: Approval by the Board and the Director.
- Purchases under \$5000 will be reviewed by the Board finance committee.
- Purchases of \$5000 or more: Approval by the Board.
- Purchases more than 30% of a single budget line item: Approval by the Board.

In case of emergency purchases for the welfare of the school, the director will inform the Board prior to purchase.

36. COMPETITIVE BIDS

DMA will use the following competitive procurement process:

- Purchases of one item over \$1,000 requires two quotes
- Purchases of a group of items or services over \$5,000 require two quotes.
- Any purchase over \$50,000 requires an RFP or request for quotes.

- Payment is only authorized for the quoted amount; any additional payment or changes require the use of one or more Change Order which will be treated as separate purchases.

37. TRAVEL & OTHER EXPENSE REIMBURSEMENT

Prior to any travel arrangements being made, the employee must receive written approval from the Director for the travel. The employee will work with the Operations Manager in securing lodging and transportation. All costs must be submitted to the Director for approval PRIOR to the purchase/reservation. Reimbursements will not be paid for any purchases made by the employee where written prior approval from the Director was not obtained.

PART III: STANDARDS OF CONDUCT

1. DRESS CODE FACULTY AND STAFF

The Director has the responsibility to establish and communicate dress standards according to the demands and expectations of an employee's position. Employees serve as role-models and must avoid any clothing that distracts or adversely impacts a teacher's or the school's responsibility to be educationally effective. Employees are expected to dress in good taste and to be well-groomed. Cleanliness of self and attire, neatness, and attractive grooming are stressed and expected.

Dress standard questions are most often resolved by self-reflection; if you are in doubt, dress above the standard not below the standard. If employees refuse to follow the Employee Dress Code, the Director will first speak with the employee about the concern explaining the value and need to maintain high standards and to provide positive examples to students.

If the employee refuses to maintain dress and grooming standards, the Director may consider the disciplinary policy to assist in correcting the problem.

2. DRUG & ALCOHOL ABUSE

Manufacture, distribution, dispensation, possession, or use of any illegal drug, alcohol, or controlled substance while on the school's premises is strictly prohibited. These activities constitute serious violations of the school rules, jeopardize the school and can create situations that are unsafe or that substantially interfere with job performance. Employees in violation of the policy are subject to appropriate disciplinary action, up to and including dismissal. Additionally, the school reserves the right to require an employee to undergo a medical evaluation under appropriate circumstances.

3. SMOKING/VAPING/TOBACCO

Smoking, Vaping, and tobacco products are not permitted on DMA property.

4. ATTENDANCE, PUNCTUALITY AND DEPENDABILITY

Because DMA depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and commitment are always essential. As such,

employees are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time.

Moreover, an employee must notify the Operations Manager as far in advance as possible, but not later than one hour before his/her scheduled starting time if he/she expects to be late or absent. This policy applies for each day of his/her absence. Please be respectful and refrain from calling/texting between 9:00 pm and 6:00 am. If you are a teacher, you are required to schedule your own substitute. Please inform the Operations Manager of which substitute will be covering your absence.

An employee who fails to contact the Operations Manager may be considered as having voluntarily resigned.

A careful record of absenteeism and lateness is kept by the Operations Manager and becomes part of the personnel record. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in dismissal.

5. WORKPLACE VIOLENCE POLICY

The school strongly believes that all employees should be treated with dignity and respect. Acts of violence will not be tolerated. Any instances of violence must be reported to the Director or Operations Manager. All complaints will be fully investigated.

The school will promptly respond to any incident or suggestion of violence. Violation of this policy will result in disciplinary action, up to and including immediate discharge.

A. Prohibited Conduct

DMA will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

B. Reporting Procedures

Any potentially dangerous situations must be reported immediately to the Director or Operations Manager. Reports can be made anonymously. All incidents reported will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them. The school will actively intervene at any indication of a possibly hostile or violent situation.

C. Risk Reduction Measures

Hiring: The school takes reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

Safety: The school conducts annual inspections of the premises to evaluate and determine any vulnerability for workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

Individual Situations: While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the Director or Operations Manager if any employee exhibits behavior, which could be a sign of potentially dangerous situations.

Such behavior includes:

- Discussing weapons or bringing them to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

6. EMPLOYER NOTIFICATION

Employees are required to notify the Director or Operations Manager in the event of any arrest or similar actions taken by local law enforcement. Employees are not required to discuss details of the event, nor guilt or innocence, simply notification of the arrest and the charges made. In some cases, arrest may lead to paid or unpaid leave until an appropriate resolution to the legal matter is obtained.

7. EMAIL/TEXT/VOICEMAIL

The email, voicemail and DMA provided cell phone systems are the property of DMA. They have been provided by DMA for use in conducting DMA business. All communications and information transmitted by, received from, or stored in this system are DMA records and property of DMA.

Employees have no right of personal privacy in any matter stored in, created, received, or sent over DMA email/text/voicemail systems. DMA, in its discretion as owner of the email/text/voicemail systems, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored

in, created, received, or sent over the email/text/voicemail systems, for any reason without the permission of any employee and without notice.

Even though DMA reserves the right to retrieve and read any email/text/voicemail messages, those messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or listen to any voicemail messages or read text messages that are not sent to them. Any exception to this policy must receive the prior approval of DMA's management.

Because email/text/voicemail records and messages may be subject to discovery in litigation, DMA employees are expected to avoid making statements in voicemail or email that would not reflect favorably on the employee or DMA if disclosed in a litigation or otherwise.

8. INTERNET USE

Certain employees may be provided with access to the Internet to assist them in performing their jobs. The Internet can be a valuable source of information and research. In addition, e-mail can provide excellent means of communicating with other employees, our customers and clients, outside vendors, and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment. If you abuse your right to use the Internet, it will be taken away from you. In addition, you may be subject to disciplinary action, including possible termination, and civil and criminal liability.

Disclaimer of liability for use of Internet:

DMA is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

No expectation of privacy

The computers and computer accounts given to employees are to assist them in performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to DMA and may only be used for business purposes.

Monitoring computer usage

DMA has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.

Blocking of inappropriate content

DMA will use software to identify inappropriate or sexually explicit Internet sites in accordance with the Children's Internet Protection Act (CIPA). Such sites may be blocked from access by DMA networks. In the event you nonetheless encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site was subject to DMA blocking software.

Prohibited activities

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristic protected by law), or violation of DMA's equal employment opportunity policy and its policies against sexual or other harassment may not be downloaded from the Internet or displayed or stored in DMA 's computers.

Employees encountering or receiving this kind of material should immediately report the incident to the Director. DMA's equal employment opportunity policy and its policies against sexual or other harassment apply fully to the use of the Internet and any violation of those policies is grounds for discipline up to and including discharge.

Illegal copying

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. You may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the Director.

HANDBOOK ACKNOWLEDGEMENT

I understand that this handbook replaces all prior verbal and written communications regarding Dixie Montessori Academy working conditions, policies, procedures, and appeal processes.

I understand it is my responsibility to read and be familiar with the contents of this handbook and DMA policies and procedures. All DMA policies can be found on the DMA website. A hard copy of DMA policies and procedures is available for review in the DMA front office. I will act in accordance of the handbook and policies and procedures as a condition of my employment with Dixie Montessori Academy.

I understand that if I have questions or concerns at any time about the handbook, standards of conduct, policies, or procedures, I will consult the Director or Operations Manager for clarification.

I acknowledge that I have received a copy of the Dixie Montessori Academy Employee Handbook:

Signature

Date