Equal Employment Opportunity

EQUAL EMPLOYMENT OPPORTUNITY

The Charter School of Wilmington believes that each individual is entitled to equal employment opportunity without regard to race, color, religion, gender, national origin, age, disability, genetic information, veteran status, sexual orientation ... or any other characteristic protected under federal, state, or local anti-discrimination laws. The school’s equal employment opportunity practices extend to recruitment, hiring, selection, compensation, benefits, transfer, promotion, training, discipline, and all other terms, conditions, and privileges of employment.

All employees are responsible for complying with the school’s equal employment opportunity policy.

Filing a Discrimination Claim with the School

If you believe you have been subjected to any form of unlawful discrimination, please promptly submit a written complaint to the Vice President for Operations & Finance. If the object of your complaint is the Vice President for Operations and Finance, you should submit the complaint to the School President. If the object of your complaint is the President, you should submit the complaint to the Chairperson of the Board of Directors.

Your complaint should be specific and should include facts, the names of individuals involved, and the names of any witnesses, if applicable.

The school will promptly undertake an investigation and will attempt to resolve the issue. Those investigating for the school will preserve the confidentiality of facts and identities as much as practical. Those making a complaint or participating in an investigation are expected to maintain appropriate confidentiality and to act professionally and discreetly at all times. The school will not retaliate against any employee for filing a complaint or for participating in an investigation in good faith.
ADA/Disability Accommodation

ADA/DISABILITY ACCOMMODATION

In compliance with the Americans with Disabilities Act (ADA) and applicable state law, The Charter School of Wilmington will not unlawfully discriminate against qualified applicants or employees with disabilities who can perform the essential functions of their jobs with or without reasonable accommodations. The school will not discriminate based on disability or perceived disability in hiring, promotion, discharge, compensation, job training, benefits, classification, referral, or any other aspects, terms, or conditions of employment.

In accordance with the law, it is the school’s policy to provide such qualified applicants and employees with reasonable accommodations, except where such accommodations would impose an undue hardship on the school. Any employee who requires an accommodation to perform the essential functions of the job should contact the President and request such an accommodation.

The individual with the disability should be prepared to discuss what type of accommodation is needed to perform the job. You should be aware that dialogue regarding the accommodation requested may occur. In collaboration with the candidate or employee, the school will make every effort to identify and implement an accommodation that is reasonable and will not impose an undue hardship.

Filing a Discrimination Claim with the School
If you believe you have been subjected to any form of unlawful discrimination, please promptly submit a written complaint to the Vice President for Operations & Finance. If the object of your complaint is the Vice President for Operations & Finance, you should submit the complaint to the President. If the object of your complaint is the President, you should submit the complaint to the Chairperson of the Board of Directors. Your complaint should be specific and should include facts, the names of individuals involved, and the names of any witnesses, if applicable.

The school will promptly undertake an investigation and will attempt to resolve the issue. Those investigating for the school will preserve the confidentiality of facts and identities as much as practical. Those making complaints are expected to maintain appropriate confidentiality as well and to act professionally and discreetly at all times. The school
will not retaliate against any employee for filing a complaint or for participating in an investigation in good faith.
Unlawful Harassment

UNLAWFUL HARASSMENT (INCLUDING SEXUAL HARASSMENT)

Overview
The Charter School of Wilmington is committed to providing a work environment free of unlawful harassment. The school’s policy prohibits sexual harassment and harassment based on race, sex, sexual orientation, color, ethnicity, religion, national origin, disability, genetic information, age, military status, or any other basis protected by federal, state, or local law or ordinance or regulation. (See the school’s Equal Employment Opportunity and Non-Discrimination Policy elsewhere in this handbook). All such harassment is unlawful.

The school’s Policy Against Unlawful Harassment applies to all persons involved in the operation of the school and prohibits unlawful harassment by or toward any employee of the school, including administration, faculty, and staff as well as supervisors and co-workers. The school will also take all reasonable steps to prevent or eliminate harassment by or toward non-employees—including students, guests, visitors, vendors, suppliers, donors, volunteers, and anyone else who may have job-related contact with our employees.

Prohibitions
All unlawful harassment is prohibited and includes, but is not limited to, the following behavior.

- Verbal conduct such as epithets, derogatory jokes or comments, slurs, or unwanted sexual advances, invitations, or comments
- Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures
- Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss and offers of employment benefits in return for sexual favors
- Retaliation for having reported or threatened to report harassment
This policy applies to all phases of employment (whether on- or off-campus, and whether it occurs during or after regular business hours), including, but not limited to, recruiting, testing, hiring, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.

**Filing a Harassment Complaint with the School**

If you believe that you have been subjected to or have observed any form of unlawful harassment, please provide a written complaint to the Vice President for Operations & Finance. If the Vice President for Operations & Finance is the object of your complaint, please direct your complaint to the President of the School. If the President is the object of your complaint, please direct your complaint to the Chairperson of the Board of Directors.

You should report your complaint as soon as possible. Your complaint should be specific and should include the names of individuals involved and the names of any witnesses.

In addition, when supervisors become aware of conduct that violates or may violate this policy, they must report any and all instances to the Vice President for Operations & Finance or to the President.

**Investigations**

The school will undertake an effective, thorough, and objective investigation of the harassment allegations promptly upon receiving a complaint or becoming aware of alleged harassment. The school encourages all employees to report any incidents of harassment prohibited by this policy immediately so that complaints can be quickly and fairly resolved.

All complaints will be handled as confidentially as possible and information will be disclosed only as it is necessary to complete the investigation and resolve the matter.
Consequences
If the school determines that unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the school to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination. Appropriate action will also be taken to deter future harassment.

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

Bad Faith Claims
Disciplinary action may be taken against individuals reporting a claim in bad faith. “Bad faith” does not mean a claim that the complainant believes is valid but is later determined to be invalid. Rather, bad faith is meant to include individuals who submit claims that they know to be false or erroneous, for the purpose of hurting someone or damaging his/her reputation or other similar negative purposes (such as for their own personal gain).

Education
All employees are required to attend annual training on the unlawful harassment policy. Employees who have been involved in a harassment complaint may be required to attend additional training.
Whistleblower and Non-Retaliation Policy

WHISTLEBLOWER AND NON-RETAILIATION POLICY

A whistleblower as defined by this policy is an employee of the school who reports an activity that he or she considers to be illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate school or law enforcement officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed; and other fraudulent financial reporting.

If an employee has knowledge of or a concern about illegal or dishonest fraudulent activity, the employee is to contact the Vice President for Operations & Finance. If the President is the object or concern of the complaint, it should be directed instead to the President of the Board of Directors. Due to the serious and sensitive nature of such complaints, the employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally or knowingly files a false report of wrongdoing will be subject to corrective action up to and including discharge.

Confidentiality
Whistleblower protections are provided in two important areas—confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense.
Retaliation Protection
The school will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as discharge, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he or she is being retaliated against must contact the President (or the President of the Board of Directors, as appropriate) immediately.

The right of a whistleblower to protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted in writing to the Vice President for Operations & Finance, who is responsible for investigating and coordinating corrective action.
Employment Classifications

EMPLOYMENT CLASSIFICATIONS

All employees will be designated as either full-time or part-time, and their positions will be designated as either exempt or non-exempt.

Full-time and Part-time
Employees regularly scheduled to work 37 or more hours per week will be considered full-time employees. All other employees will be considered part-time.

Non-Exempt and Exempt
Based on the federal Fair Labor Standards Act (FLSA) and corresponding state regulations, all positions will be designated either “exempt” or “non-exempt.”

*Non-exempt positions* are eligible for overtime pay or compensatory time and employees in these positions must record their hours worked on a daily basis, using the timesheet (or similar record-keeping process) provided by the school.

*Exempt positions* are not eligible for overtime pay. Exempt positions are paid on a salaried basis, and the amount of pay generally does not vary based on the number of hours worked during the week.

Please see the Vice President for Operations & Finance with any questions regarding the classification of your position.
The Charter School of Wilmington is committed to employing only individuals who are authorized to work in the United States. The Charter School of Wilmington does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act (IRCA) of 1986, within three days of beginning employment, each new employee must complete the Employment Eligibility Verification Form I-9, and present the proper documentation establishing identity and employment eligibility. Employees who do not comply with these regulations will not be allowed to continue employment, in accordance with federal law.

Employees with questions regarding this policy are encouraged to contact the Vice President for Operations & Finance.
Work Week and Overtime

WORK WEEK AND OVERTIME PAY

Non-exempt positions are eligible for overtime pay or compensatory time at a rate of 1.5 times regular pay for all hours worked in excess of 40 in one week.

The school’s work week (for purposes of calculating overtime) runs from 12:00 a.m. on Sunday to 11:59 p.m. on Saturday.

Overtime must be approved in advance by the President or the Vice President for Operations & Finance.

Compensation, either in the form of cash payment or compensatory time, will be determined by the President or the Vice President for Operations and Finance.

Accumulated compensatory time should be used as soon as possible after accrual provided such usage does not disrupt the operations of the School. The approval process for the use of compensatory time should be similar to the approval process for other leave.

Compensatory time may never be taken before it is earned.