

LAYC CAREER ACADEMY

EMPLOYEE POLICIES

Sexual Harassment

Sexual harassment constitutes discrimination and is illegal. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (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 that 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 involve individuals of the same sex or, perceived sex, and those who share the same sexual orientation or same gender identity or expression. Sexual harassment may also be committed by persons of the opposite sex or gender identity.

Unwelcome conduct that may constitute sexual harassment may include but is not limited to: sex acts; sexual displays; giving preference to another who is engaged in a sexual or romantic relationship; using sexually degrading language; describing another's appearance; using sexually offensive comments or off color language, jokes or innuendos; seeking or sending pictures of body parts or messages of suggestive nature; displaying or disseminating sexually suggestive objects or data; unnecessary and inappropriate touching or physical contact; leering; ogling; making suggestive gestures or sounds; making inquiries regarding someone's private sex life; describing one's own sex life; any workplace sexual comments, conduct, displays and suggestions between two willing parties that would be offensive to a reasonable third party; unwanted repeated contact; sexual assault; stalking; trapping someone so that they are not free to leave; threats relating to sex or the refusal to have sex.

Particular caution and judgment must be exercised in any romantic and/or sexual relationships between Career Academy personnel because it is sometimes difficult to distinguish between consensual and unwelcome situations. If a romantic and/or sexual relationship develops between coworkers or an employee and a supervisor, Human Resources should be notified as soon as possible so that the company can make any arrangements if necessary to protect the employee and the school. Sexual or romantic relationships between employees and supervisors are strongly discouraged. If such a

relationship develops, arrangements will be made to change the direct reporting relationship between the two individuals.

1. Responsibility

Management is primarily responsible for seeing that LAYC Career Academy's equal employment-opportunity policies are implemented, but all employees share in the responsibility for assuring that, by their behavior, these policies are effective and apply uniformly to everyone. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, should report the incident to his or her immediate supervisor or any management representative with whom he or she feels comfortable.

All managers have a special responsibility to report any complaint of illegal harassment that they are aware of or should have been aware of *immediately* to Human Resources. Managers and Management *must* make such reports even if the circumstances of the complaint are unclear and cannot be immediately substantiated. Prompt reporting and investigation by an impartial third party is critical to stopping illegal harassment before it becomes severe or pervasive.

2. Reporting

Although employees are normally expected to raise employment concerns in the first instance with their supervisors, employees may bypass their supervisor when they have concerns about sexual, racial, or any other form of harassment, and go directly to the Principal, the Executive Director, or the Board (in that order). Employees who believe they have been the subjects of harassment and employees who believe they have witnessed another employee being harassed are encouraged to raise their concerns.

Any complaints will be investigated thoroughly and promptly. Confidentiality will be maintained to the extent practical and appropriate under the circumstances, given Career Academy's duty to investigate all complaints. LAYC Career Academy will take appropriate action to remedy the situation. Any employee found to have harassed a fellow employee or subordinate will be subject to severe disciplinary action up to and including termination.

No retaliation or adverse employment action will be taken against any employee for making a good-faith report of alleged harassment. Retaliation is a serious violation of LAYC Career Academy's policy. Any employee found to have engaged in retaliation will be subject to discipline, up to and including termination. Concerns about attempted

retaliation should be raised (and will be handled) in the same manner as any other concern about equal opportunity rights.

Employees with questions or concerns about LAYC Career Academy's policy on harassment in the workplace are urged to speak with the Principal or Executive Director.

Equal Opportunity

At LAYC Career Academy there shall be no discrimination with respect to employment, upgrading, transfer, recruitment, recruitment advertising, demotion, layoff, termination, rates of pay, other forms of compensation, selection for training and apprenticeship, or any of the terms and conditions of employment, on the basis of actual or perceived race, creed, color, religion, national origin, citizenship, ancestry, sex, gender identity or expression, age, disability, marital status, familial status, military status, sexual orientation, personal appearance, family responsibilities, matriculation, tobacco use, political affiliation, genetic information or any other characteristic protected by applicable federal, state, or local laws. Any employee, including supervisors, involved in improper discriminatory practices will be subject to appropriate disciplinary action, up to and including termination.

Discrimination complaints should be reported to an employee's immediate supervisor, the Principal, or the Executive Director. If the complaint is about the Executive Director, the complaint should be reported to the Chair of the Board of Directors. Equal employment opportunity notices are posted in appropriate areas as required by law. The notices summarize the rights of employees to equal opportunity in employment and provide the names and addresses of various government agencies that may be contacted in the event any person believes he or she has suffered discrimination.

1. Diversity in the Workplace

LAYC Career Academy is committed to a diverse workplace. LAYC Career Academy will reflect this commitment in its efforts to broaden opportunities for a full range of qualified candidates in accordance with applicable legal obligations, including affirmative action. LAYC Career Academy maintains an equal employment opportunity program for all employees and seeks to recruit and develop the best qualified persons available regardless of age, race, color, religion, sex, gender identity or expression, sexual orientation, national origin, disability, creed, citizenship, ancestry, disability, marital status, familial status, military status, genetic information or any other characteristic protected by applicable federal, state, or local laws. LAYC Career Academy also recruits, develops, and provides opportunities for qualified disabled persons and veterans.

1. Americans with Disabilities Act

LAYC Career Academy is committed to complying with all applicable provisions of the Americans with Disabilities Act (“ADA”) and all applicable state and local laws to ensure equal opportunity in employment for all qualified persons with disabilities.

2. Religious Accommodations

LAYC Career Academy recognizes the importance and value of accommodating religious observances and practices, and LAYC Career Academy is committed to supporting equality of employment opportunity by affirming the values of diversity and inclusiveness. This commitment includes embracing religious diversity. As part of this commitment, LAYC Career Academy will make good faith efforts to provide a reasonable accommodation of an employee’s sincerely held religious belief, unless LAYC Career Academy believes such an accommodation would create an undue hardship. The intent of this Religious Accommodations Policy is to facilitate open communication between employees and Management and Human Resources to specifically discuss and take action to reasonably accommodate our employees’ religious observance obligations.

In case any aspect of this policy conflicts with federal, state, or local law or regulation, that law or regulation will prevail, without negating the rest of this policy.

If available, employees may elect to use, according to the applicable LAYC Career Academy policy, personal days to accommodate their religious observance obligations. Whenever an employee encounters conflicts between his or her religious observance obligations and his or her work schedule, task assignment, dress code, or other work-related matter, the employee should immediately contact either Human Resources or their immediate manager to discuss possible religious accommodations.

Review of these requests must be based on the impact of the accommodation on the work environment and work assignments. Management should seek the assistance of Human Resources. After an accommodation is discussed with Human Resources and his or her supervisor and if accepted by the employee, the supervisor should document the accommodation and make the appropriate arrangements, such as schedule adjustments, personnel swaps, or task reallocations.

3. HIV/AIDS in the Workplace

Misunderstandings about HIV/AIDS are widespread, often causing fears and anxieties. LAYC Career Academy will deal with HIV/AIDS in a humanitarian and nondiscriminatory

fashion, while assuring the safety and health of all employees. All employees will be trained to understand HIV/AIDS.

LAYC Career Academy is committed to a responsible policy of nondiscrimination regarding HIV/AIDS. An employee living with AIDS or carrying HIV will be treated the same as any other employee suffering from a chronic illness or dealing with a disability. LAYC Career Academy will respect the confidentiality of all employees so affected.

Drug-Free Workplace

Consistent with LAYC Career Academy's obligations under federal law and with LAYC Career Academy's mission, LAYC Career Academy has formulated a policy regarding alcohol, drug, and controlled substance abuse. This policy, set forth below, is applicable to all LAYC Career Academy employees regardless of work location or employment status.

Alcohol, drug, and controlled substance abuse in the workplace reflects a national problem. LAYC Career Academy has a strong commitment to its employees to provide an alcohol, drug, and controlled substance-free work environment. Likewise, LAYC Career Academy is committed to providing this type of environment for the school community.

Alcohol is defined as a beverage that may be legally sold and consumed and that has an alcoholic content in excess of .5% by volume. Drugs are defined as any physical or mind-altering substance or any "controlled substance" or "controlled dangerous substance" as defined by federal, state, or local statutes. These include, but are not limited to, any nonprescription drug or narcotic, heroin, cocaine, or marijuana, or a prescribed drug that is abused or not used in accordance with a physician's evaluation.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace. Any employee found to be unlawfully using, manufacturing, selling, distributing, dispensing, possessing, trafficking, or being impaired by any drugs in the workplace or at any time during his or her employment with LAYC Career Academy will be considered in violation of LAYC Career Academy's drug and alcohol policy. In addition, any employee found to be using, possessing, or being impaired by alcohol on LAYC Career Academy property or while performing assigned duties elsewhere will be considered in violation of LAYC Career Academy's drug and alcohol policy. Violators of LAYC Career Academy's drug and alcohol policy may be subject to a full range of disciplinary actions, up to and including termination. Furthermore, any employee who has knowledge of a violation of this drug and alcohol policy has a duty to report such conduct promptly to the Principal or Executive Director.

All potential new hires may be asked, at LAYC Career Academy's discretion, to undergo a drug test prior to their start of employment. Testing positive for substances that are illegal on either the federal, state, or local level may result in rescission of an offer of employment. Once employed, an employee may be required to submit to a drug or alcohol test at any time deemed necessary by LAYC Career Academy. LAYC Career Academy reserves the right to request a drug or alcohol test of a single employee, a group of employees, or all employees, at any time, without prior notification of the request. If a test is requested, employees will be expected to submit to testing as soon as immediately practicable. Refusal to submit to a drug or alcohol test at the request of LAYC Career Academy is grounds for immediate termination. A positive test result may result in immediate termination, but LAYC Career Academy reserves the right to recommend treatment for a drug or alcohol problem and make further employment contingent on successful completion of such a program. Employees undergoing counseling or treatment will not be exempt from LAYC Career Academy's rules, policies, procedures, or disciplinary application.

As stated elsewhere in this Manual, LAYC Career Academy reserves the right to search any employee's personal effects brought on LAYC Career Academy property as well as an employee's work area if an employee is suspected of being involved in alcohol, drug, or controlled substance abuse activities. Employees must notify LAYC Career Academy in writing of any criminal drug statute conviction in the workplace within five (5) calendar days of the conviction. A criminal drug conviction may result in immediate termination, but LAYC Career Academy reserves the right to recommend treatment for a drug or alcohol problem and make further employment contingent on successful completion of such a program. Employees undergoing counseling or treatment will not be exempt from LAYC Career Academy's rules, policies, procedures, or disciplinary application.

Employees will be asked to sign an acknowledgement that they received this policy.

Staff Complaint Resolution Process

LAYC Career Academy recognizes that disputes may call for various forms of resolution.

1. Mediation

LAYC Career Academy encourages the use of mediation when disputes between co-workers and between employees and the Principal or Executive Director cannot be resolved directly by the parties. The Executive Director, his/her designee, or the Principal will secure the services of a mediator when appropriate.

Participation in mediation does not waive an employee's, the Principal's, or Executive Director's right to proceed with the formal complaint process or corrective interview procedure set forth below.

2. Filing a Complaint

In situations in which an employee wishes to bring a complaint to the attention of the Principal or Executive Director, the following procedure is to be utilized:

If the complaint is against a co-worker:

If an employee feels that an issue requires an action or explanation, the employee should first discuss it with the Principal. The Principal should offer suggestions regarding resolution of the situation. This could include a meeting with the co-worker, a meeting between the co-worker and the Principal, or any other possible measure aimed at resolving the situation.

If the employee does not consider the answer or action to be satisfactory, then the employee should fill out the Employee Complaint Form and present it to the Principal for action. The Principal will, when practicable, respond to the employee's complaint within ten calendar days, in writing. If a complete answer is not possible within the ten-day period, a new date must be established in agreement with the employee.

If the situation remains unresolved for a period of thirty days from the original date of the complaint, the Principal will refer it to the Executive Director. The employee may also request a meeting with the Executive Director. The decision of the Executive Director is final.

Agreements will be kept in the confidential personnel files.

Staff should not be reluctant to make use of this procedure in order to establish a hearing on a situation they believe needs to be resolved.

If the complaint is against your supervisor:

If the situation involves the Principal and/or the nature of the problem cannot be properly discussed with the Principal, the employee may discuss the situation with the Executive Director.

Follow the same steps as described above.

If the complaint is against the Executive Director:

Contact the Chair of the Board of Directors.

Whistle Blower Policy

If any employee reasonably believes that there is some violation of law, rule, regulation or contract of LAYC Career Academy, that employee must make protected disclosures to the Executive Director or the Principal. It is the intent of LAYC Career Academy to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all employees is necessary for LAYC Career Academy to achieve compliance with various laws and regulations.

LAYC Career Academy will not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of LAYC Career Academy, or of another individual or entity with whom LAYC Career Academy has a business relationship, on the basis of a reasonable belief that the practice is in violation of law or a clear mandate of public policy. LAYC Career Academy will not retaliate against employees who disclose or threaten to disclose to a supervisor or a public body any activity, policy, or practice of LAYC Career Academy that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment. LAYC Career Academy will also not retaliate against any employee refuses to comply with an illegal order.