

Approved by the TAPA Board Of Directors on: October 13, 2020

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WELCOME TO TAPA

Welcome to TAPA!

Thank you for joining the TAPA Ensemble! You have a great contribution to make and we sincerely hope that you will find your employment at TAPA to be a rewarding experience.

The greatest measure of the TAPA's success is our lifelong impact on our students. We strive for positive student outcomes not only in higher education, employment, and economic stability, but also in the areas of civic leadership, social conscience, and emotional intelligence. We will have succeeded if, by continuing to shape creative and compassionate artist-scholars, we affect positive change in the city we serve and the community at large.

By joining the TAPA Ensemble, you are making the following commitment to our students and families:

- 1. You will acknowledge and demonstrate respect for our diverse Ensemble of different races, religions, abilities, genders, gender identities, cultures, sexual orientations, classes, and points of view.
- 2. You will demonstrate respect by considering others' feelings and needs when making choices that impact the Ensemble.
- 3. You will demonstrate respect for the TAPA Ensemble by putting forth maximum effort in all curricular and extracurricular events and activities.
- 4. You will remember that the welfare of the students is our primary concern. The heart of our job is caring for the students.

This Employee Personnel Policy Manual should provide answers to most of the questions you may have about our benefit policies, procedures and benefit programs. You are responsible for reading and understanding this Employee Personnel Policy Manual. If anything is unclear, please discuss the matter with your Lead Teacher, the Director of Finance, or the Head of School. We extend to you our personal best wishes for your success and fulfillment at TAPA.

Sincerely, Dana Borrelli-Murray, President, The TAPA Board Elizabeth Richards-Hegnauer, TAPA Head of School

About Trinity Academy for the Performing Arts (TAPA)

TAPA is an academically-rigorous, arts-integrated public charter school for students in grades 7-12. TAPA is woven into the diverse and creative fabric of the city of Providence, fostering engaged, well-rounded artistic leaders.

TAPA is an independent public charter school which operates as a distinct Local Education Agency (LEA; i.e. school district) of the State of Rhode Island. TAPA's charter was granted in 2010 by the Board of Regents for Elementary and Secondary Education upon recommendation by the Commissioner of Elementary and Secondary Education. TAPA opened for the 2010-11 school year, and the Board of Regents renewed the charter after five years of operation. (The Board of Regents is now the Board of Education.) TAPA operates as a private non-profit corporation, and it has been granted tax exempt status under Section 501(c)(3) of the Internal Revenue Code. TAPA is governed by a Board of Directors, who hires and evaluates the Head of School. The Head of School, in turn, serves as the chief executive of the organization and superintendent of TAPA.

Rhode Island General Law §16-77.3 governs the establishment of independent charter schools: http://www.rilin.state.ri.us/Statutes/TITLE16/16-77.3/16-77.3-2.HTM

TAPA's Mission Statement

Through a rigorous arts-integrated program, TAPA, a public charter school in Providence, Rhode Island, cultivates artist-scholars who are prepared for collegiate and professional success and leadership in a global society.

At TAPA, arts are the catalyst to connect neighbors, amplify voice, and empower a safe community. Our students develop the artist mindset and a lifelong spark for learning.

TAPA's Anti-Oppression Creative Community

We strive to be an Anti-Oppression community that reflects and responds to the diversity of our school community, city and local arts community. Just as our approach to academic learning is based on an arts-integrated curriculum, our approach to responsible citizenship and allyship is accomplished by cultivating a mutually "warm/demanding" tone from/to students, families, and employees. We have high expectations for each other as a community and we work to support each other in our journeys by practicing inclusion in our curriculum, instructional practices, and our school climate.

TAPA aims to cultivate a community that not only accepts, but values and respects diverse perspectives. While we cannot erase the institutional, ideological, interpersonal, and internalized oppression that is embedded in our society's culture of schooling, we can imagine something more inclusive, empowering, and loving. As a community of artists, we use the medium of liberating relationships to create and maintain a strong, sustainable, accepting community. We believe in art as a catalyst to unite; to understand; and to heal.

Our creative community is enriched by the cultural, religious, racial, ethnic and linguistic diversity of our neurodiverse families, students and employees. TAPA welcomes the full spectrum of sexual orientation, gender identity, and differing abilities brought to our school by our students, employees and families. Our families' varied compositions—traditional or single parent or same-sex parent, nuclear or extended, adoptive or chosen or blended—reflect the larger creative community in which the TAPA Ensemble lives; and illustrates for our students the many different ways in which families can be built. In TAPA's commitment to creating a safe, caring environment where everyone can be themselves without fear of harassment, ridicule, or rejection, we know that the work is messy, the work is never done, and the work is worth doing.

Equal Opportunity Employer and Disability Accommodation

Equal Employment Opportunity is a fundamental principle at TAPA, where employment is based upon personal capabilities and qualifications without discrimination based on race, color, religion, creed, sex, age, marital status, national origin, mental or physical disability, political affiliation, veteran status, sexual orientation, gender identity or expression, genetic information, marital status, or any beneficiary of any program financially assisted under Title 1 of the Workforce Investment Act of 1998 (WIA) on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or on the basis of their participation in any Rhode Island Department of Labor or active veteran status, genetic predisposition or carrier status, pregnancy or any other protected characteristic as established by law.

TAPA is committed to complying with all applicable provisions of federal, state and local laws prohibiting discrimination on the basis of disability. It is TAPA policy not to discriminate against any qualified employee or applicant with regard to 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, TAPA will provide reasonable accommodations to a qualified individual with a disability who has made TAPA aware of their disability, provided that such accommodation does not constitute an undue hardship on TAPA. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Head of School. TAPA encourages individuals with disabilities to come forward and request reasonable accommodation.

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Gender Identity Policy

As a gender-inclusive school, TAPA recognizes that gender impacts all individuals in our community, and endeavors to interrupt binary notions of gender, normalize gender diversity, question limited portrayals of gender, support self-reflection, and, above all else, teach and model empathy and respect. It is TAPA's policy that every member of our community has the right to be addressed by the name and pronoun(s) that corresponds to their gender identity.

About This Manual

Highly qualified employees and a positive work environment increase the opportunity for student success and enhance TAPA's effectiveness and performance. The TAPA Board is interested in its employees as individuals and recognizes its responsibility for promoting general employee welfare. "Employees" includes Administration as well as faculty. In addition, individuals who are not employees of TAPA but who nevertheless work on premises are also expected to comply with the terms and conditions of this Personnel Policy.

This document contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if employees have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice, they should address their specific questions to the Director of Finance or the Head of School. All employees are responsible for reading, understanding, and complying with the provisions of this Manual. Our objective is to provide TAPA employees with a work environment that is constructive to both personal and professional growth. Changes will be effective on the dates determined by the Admin Team and TAPA Board, and after those dates all superseded policies will be null.

Neither this Policy Manual nor any other TAPA document (except an executed employment contract), confers any contractual right, either express or implied, to remain in TAPA's employ, nor does it guarantee any fixed terms and conditions of employment. Except as otherwise provided in an executed contract of employment or law, employment is not for any specific time and may be terminated at will, with or without cause and without prior notice, by TAPA or employees may resign for any reason at any time. No representative of TAPA except the Head of School has the authority to make recommendations to the TAPA Board for the hiring or dismissal of an employee.

SECTION 1 - EMPLOYMENT AT TAPA

1.1 At Will Employment

Employment with TAPA is at will except for certified teachers hired under annual contracts. It is entered into voluntarily, and employees are free to resign at any time, with or without cause (although TAPA requests and tries to give at least thirty days' notice). Similarly, TAPA may terminate the employment relationship at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Rhode Island General Law Title 16 Education includes Chapter 16-13, Teachers' Tenure. Chapter 16-13 Teachers' Tenure applies to TAPA and is incorporated by reference into this policy. (http://webserver.rilin.state.ri.us/Statutes/TITLE16/16-13/INDEX.HTM). A year of tenure service is earned during a school year in which an employee subject to the statute is present for 135 or more of the 180 school days. Personal and Sick Days, and professional development days, do not count towards the 135 days.

The provisions of the Personnel Policy have been developed at the discretion of the TAPA Board and, except for its policy of employment-at-will, may be amended or cancelled at any time. These provisions supersede all existing policies and practices.

1.2 Employee Status

An "employee" of TAPA is a person who regularly works for TAPA on a wage or salary basis. "Employees" may include exempt, non-exempt, regular full-time, regular part-time, and temporary persons, and others employed with TAPA who are subject to the control and direction of TAPA in the performance of their duties. All TAPA employees have paid days off from work on the following federal and state holidays: New Year's Day, Martin Luther King, Jr. Birthday, Presidents Day, Memorial Day, Independence Day (4th of July), Rhode Island's August Holiday (Victory Day), Labor Day, Indigenous People's Day (Columbus Day), Veterans Day, Thanksgiving Day, Christmas Day

The categories of TAPA Employee are listed below:

- <u>Exempt:</u> Employees whose positions meet specific criteria established by the Fair Labor Standards Act (FLSA) and who are exempt from overtime pay requirements.
- <u>Non-Exempt:</u> Employees whose positions do not meet FLSA criteria and who are paid one and one-half their regular rate of pay for hours worked in excess of 40 hours per week.
- <u>Regular Full-time</u>: A full-time employee is, for a calendar month, an employee employed on average at least 30 hours of service per week, or 130 hours of service per month.
- <u>Regular Part-time</u>: A part-time employee is, for a calendar month, an employee employed on average less than 30 hours of service per week, or less than 130 hours of service per month.

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- <u>Temporary (Full-time Or Part-time)</u>: Those whose performance is being evaluated to determine whether further employment in a specific position or with TAPA is appropriate, or individuals who are hired as interim replacements (substitutes) to assist in the completion of a specific project or for an employee on leave. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until they are notified of a change.
- <u>Regular Full-time:</u> Employees who have completed their probationary period and who are regularly scheduled to work 40 hours per week. Generally, they are eligible for the TAPA benefit package, subject to the terms, conditions, and limitations of each benefit program. All Regular Full-Time employees work a minimum of 200 school days (190 days each school year while TAPA is in session and an additional ten days of Professional Development).
 - TAPA has three categories of Regular Full Time employees:
 - Teaching Employees whose primary job is to educate students. This category includes but is not limited to: Teachers and Artists in Residence. Teaching Employees works 200 days over the course of the school year. Teaching Employees are not required to work over most scheduled school breaks.
 - Admin and Office Employees who lead and manage TAPA. This category includes, but is not limited to, the Head of School and Assistant Head of School, All Directors and Deans, the Data Manager, the Guidance Counselor, and the Family/Community Liaison. In addition to the 200 days worked by Teaching Employees, members of the TAPA Admin and Office Employees work an additional 20 days each school year on other duties, for a total of 220 work days, which means that they work over some scheduled school breaks.
 - Custodial and Clerical Employees who take care of the building (cleaning and upkeep), as well as clerical tasks. This category includes but is not limited to, the front desk receptionist/clerk, the school custodian. In addition to the 220 days worked by Admin and Office Employees, Custodial and Clerical employees work an additional ten days each school year, for a total of 230 work days. This means that they work over many scheduled school breaks.

1.3 Probationary Period and Orientation For New Employees

The probationary period for regular full-time and regular part-time employees other than certified teachers is 120 days from the date of hire. During this time, employees have the opportunity to evaluate TAPA as a place to work and TAPA has its opportunity to evaluate the employee. During this introductory period, both the employee and TAPA have the right to terminate employment without advance notice. Upon satisfactory completion of the probationary period, a 120 day review will be given and the employee will be given "regular" status. All employees, regardless of classification or length of service, are expected to meet and maintain standards for job performance and behavior.

Summer Orientation/PD Week is an opportunity for new employees to engage with our ensemble through team building, diversity equity and inclusion training, and with sessions centered around school-wide policies (RIDE regulations, curricula, teacher evaluations, TAPA initiatives, and policy/procedures). We expect our employees to engage in orientation with flexibility, a willingness to engage in a cycle of inquiry and feedback, and to embody the values of a growth mindset.

1.4 Employment Applications and Teacher Certification

TAPA expects all information contained in an employment application to be accurate, and similarly expects the accuracy of any/all data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination.

Employees shall be responsible for meeting all certification requirements under applicable law, including but not limited to conforming to all of the Rhode Island Department of Education (RIDE) program requirements around new certifications, renewal certifications or emergency permits for their specific position. This obligation on the part of the employee is on-going. The Rhode Island Department of Education charges a fee to instate/reinstate teacher certifications; those costs are to be paid by the employee. Employees must provide proof of a current and valid RI certification or emergency permit to the Head of School prior to the start of school. Should an employee's certification or emergency permit lapse or if an employee should fail to meet the designated program requirements, the employee will be immediately terminated.

In addition, all employees are expected to hold a valid driver's license unless a disability precludes them from doing so and driving is not an essential function of the employee's duties.

1.5 Criminal Background Check and Immigration Law Compliance

As a school providing educational programming and services to students and families, it is TAPA's primary responsibility to ensure the protection of the recipients of its services.

In light of this obligation, TAPA will require a recent National and State Criminal Background Check from every potential employee and consultant prior to their being hired; all volunteers/interns who will work directly with children must get a state background check prior to beginning their work at TAPA.

This is pursuant to RI General Law Title 16 Education chapter 2-18.1 Criminal records review:

(a) Any person seeking employment with a private school or public school department who has not previously been employed by a private school or public school department in Rhode Island during the past twelve (12) months shall undergo a national and state criminal background check

to be initiated prior to, or within one week of employment after receiving a conditional offer of employment; provided, however, that employees hired prior to August 1, 2001, and or who have been continuously employed by a public school department in Rhode Island during the past twelve (12) months shall be exempt from the requirements of this section and § 16-2-18.2. (b) The applicant shall apply to the bureau of criminal identification (BCI), department of the attorney general, state police, or local police department where they reside, for a national and state criminal records check. Fingerprinting shall be required. Upon the discovery of any disqualifying information, the bureau of criminal identification, state police or local police department will inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, will notify the employer, in writing, that disqualifying information has been discovered. (c) An employee against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the employer who shall make a judgment regarding the employment of the employee. (d) In those situations in which no disgualifying information has been found, the bureau of criminal identification, state police, or local police department shall inform the applicant and the employer, in writing, of this fact.

This process will be repeated periodically as long as the employee, consultant, or volunteer is engaged by TAPA. If a check reveals information that is inconsistent with the mission of TAPA, the person will be ineligible for employment.

TAPA employs only United States citizens and those non-U.S. citizens authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with TAPA within the past three years or if their previous I-9 is no longer retained or valid.

1.6 Employee Personnel Files and Personnel Data Changes

Employee personnel files shall include the information required to be maintained by applicable law, including but not limited to files which are used or have been used to determine that employee's qualifications for employment, promotion, additional compensation, termination, or disciplinary action. Personnel files are the property of TAPA and the Director of Finance shall have overall responsibility for maintaining and preserving the confidentiality of the personnel files within the provisions of applicable law. As personnel files are considered confidential, access to personnel files will be limited to authorized persons with a job-related need to know the information.

On up to three (3) occasions in any calendar year, each employee will have the right, upon written request with not less than seven (7) business days' advance notice, to inspect the contents of their own personnel file. The inspection shall be made in the presence of the Director of Finance or their designee. Employees shall not be permitted to make copies of or remove their personnel files from the place of inspection. At the employee's request, however, the Director of Finance or their designee shall provide copies of requested documents. The employee may be charged a fee reasonably related to the cost of supplying such copies.

Each employee has a responsibility to promptly notify the Data Manager of any changes in personnel data such as: mailing address, telephone numbers, name and number of dependents, and individuals to be contacted in the event of an emergency. An employee's personnel data should be accurate at all times.

1.7 Emergency Closings

At times, emergencies may require the closing of TAPA. If it becomes necessary for TAPA to close, employees will be notified by text/email/telephone of the closing. Days that TAPA is closed due to inclement weather may create a need to extend the school year or shorten holiday breaks. All full time non exempt employees will receive pay during emergency closings

1.8 Outside Employment

An employee may hold a job with another organization as long as they satisfactorily perform their job responsibilities with TAPA. In cases of conflict with any outside activity, each employee's obligations to TAPA must be given priority. Full-time employees are hired and continue in TAPA's employ with the understanding that TAPA is their primary employer. Employees should consider the impact that outside employment may have on their health and physical endurance as well as mandated compliance with TAPA's Conflict of Interest policy, at 1.9, below. All employees will be judged by the same performance standards and will be subject to TAPA's scheduling demands, regardless of any existing outside work requirements.

If TAPA determines that an employee's outside work interferes with their performance or the ability to meet the requirements of TAPA (as they are modified from time to time), or such outside work has a negative impact on the day-to-day life of TAPA, the employee may be required to terminate the outside employment if the employee wishes to remain employed by TAPA.

In general, outside work activities are not allowed when they:

- Prevent employees from fully performing work for which they are employed at TAPA.
- Involve organizations that:

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- o are doing, or seek to do, business with TAPA including actual or potential vendors
- violate provisions of law or TAPA policies or rules.

Additionally, employees may not engage in solicitation of services or in the distribution of literature during TAPA working time, using TAPA listservs/contact information, or in TAPA working areas.

1.9 Conflict of Interest

Outside employment will present a conflict of interest if it has an actual, perceived or potential adverse impact on TAPA, the employee's performance, or other members of the TAPA community as determined by the Head of School.

Employees must disclose any actual or potential conflicts of interest, in writing, to the Head of School. A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain for the employee or an immediate family member (i.e., spouse or significant other, children, parents, siblings) as a result of the TAPA business dealings. A violation of this policy will result in discipline, up to and including termination.

Under no circumstance may a teacher accept compensation from a parent or student for tutoring a student for whom the teacher assigns a grade.

1.10 Nepotism

TAPA discourages the employment of relatives of employees. TAPA's small size increases the likelihood of a conflict of interest, and nepotism (or the appearance thereof) has the potential to adversely impact work performance. At no time can the relative of an employee be hired into a direct supervisor or subordinate relationship of that employee. For the purpose of this policy, a "relative" is defined as any person who is related by blood or marriage, or whose relationship to an employee is similar to that of persons who are related by blood or marriage. This policy also applies to individuals who are not legally related to but who reside with an employee, or may be in a romantic relationship with an employee. <u>Note:</u> Employees in these relationships prior to the implementation of this policy (10/13/2020) are exempt from it.

1.11 Duty To Cultivate Principles of Morality

All certified teachers are reminded that Rhode Island law requires that "Every teacher shall aim to implant and cultivate in the minds of all children committed to his or her care the principles of morality and virtue." Thus, conduct outside school may have impacts on both certification and employment.

SECTION 2 - GUIDELINES FOR BEHAVIOR AT WORK

2.1 Open Communications Policy

TAPA strongly encourages employee participation in decisions affecting them and their daily professional responsibilities. Our greatest strength lies in our employees and our ability to work together collaboratively. TAPA encourages our employees to engage in open communication about all aspects of our organization.

Employees are encouraged to discuss any problems or concerns with their Lead Teacher or Direct Supervisor so appropriate action may be taken. If the Lead Teacher cannot be of assistance, the Head of School is available for consultation and guidance.

2.2 Employee Dress Code

As professional educators and artists, TAPA employees are expected to meet and demonstrate standards of dress and presentation as guided by general expectations of cleanliness and appropriateness. TAPA recognizes that professional standards of dress are steeped in and impacted by norms based around gender, class, culture, profession, religion, body type, and other factors that are open to interpretation.

As individual needs and artistic work may create unique expectations around dress and presentation, TAPA Administration will inform employees both personally and -- if necessary -- in writing, should there be any recurring issue with meeting these expectations.

Broadly speaking, the TAPA Employee Dress Code Includes:

- All TAPA employees are expected to wear clothes to work; intentional nudity is prohibited.
- Clothing including:
 - Slacks, Pants Pants/shorts or unripped jeans with finished seams.
 - Skirts/Dresses with finished seams, of a length at which the employee can sit comfortably.
 - Shirts Collared shirts, sweaters, polo-type shirts, blouses, turtlenecks
 - Any and All TAPA Gear Any article of clothing that represents or celebrates TAPA or a TAPA event
- Any representation of profanity, violence, drug/alcohol use and/or gang affiliation (tattoos, clothing, etc.) is strictly forbidden.
- Shoes appropriate to participate in any emergency evacuation of the school.

Consult Lead Teachers if there are any questions about appropriate attire.

2.3 The TAPA Staff Council

The TAPA Staff Council is composed of all non-Administrative members of the TAPA Staff. Its standing objective is to provide a process for clear communication of needs and expectations between TAPA employees and the Admin Team. The Staff Council exists upon the understanding that all of the members of the TAPA community are working towards the overall benefit of the students and TAPA.

The Staff Council, through the Staff Representatives, is able to share the perspectives of staff on contemporary discussions in the decision-making process. Council meetings allow all staff present to provide unjuried input about topics which the Admin Team is considering at that time.

Staff Representatives Objectives, Norms and Responsibilities

The role of the Staff Representative is to provide direct staff voice into Leadership Team discussions and serve as an informational liaison between the Leadership Team and the staff as a whole. The focus of the Staff Representatives should be on synthesizing and delivering information, and gathering input from the staff, as an efficient and streamlined means of communicating. To do this, Staff Representatives must attend multiple Leadership Team meetings per month as well as sit on the TAPA Board of Directors as full voting members, and attend all Board meetings. Clear, professional, and timely communication is expected, both through email and meetings.

Norms

- Retain a diplomatic composure in all conversations
- Respect confidentiality
- Maintain clear and professional communication with each other as Staff Representatives, with TAPA leadership, and with the staff at large, through meetings and email
- Stay solution-oriented

Responsibilities

- Staff Representatives must attend regular meetings, as well as maintain clear communication, both in meetings and via email.
- Bi-weekly leadership meeting
- Monthly Board of Directors meetings
- Monthly Board of Directors committee meetings (of at least one committee)
- Bi-weekly Staff Representatives meeting
- Facilitate productive and respectful monthly Staff Council meetings
- Read and respond to email in a timely and professional manner
- Facilitate or attend additional meetings related to Staff Representative responsibilities upon request

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• Understand and comply with all of the requirements of the Rhode Island Code of Ethics

Staff Representative Elections

There are two Staff Representatives during any given year, each holding that role for one two-year term. The terms are staggered, so there is always a veteran member and a new member, allowing for mutual support, training and induction.

At the end of each school year, the incumbent Staff Representatives will seek individuals to nominate for the upcoming school year. Those nominations along with any staff who are nominated by the staff will then be voted on by the staff by secret ballot. The nominees with the most votes will then be announced as the Staff Representatives for the upcoming year and proceed with an induction process with the current Staff Representatives.

2.4 Production Parameters for TAPA Arts Shows

TAPA advocates strongly for freedom and creativity for our students and employees. As a public school, however, there are limitations that we must put on the work that we share with the greater community. As an institution, we have put these limitations in place primarily to ensure the emotional safety of our student performers and audience members, many of whom have trauma histories around violence (sexual and otherwise). Therefore we must do what we can to ensure that content is not traumatizing or hurtful to those who view it or participate in it. TAPA ensures performer and audience emotional safety in myriad ways, including trigger warnings (issued from the stage prior to a performance); information provided to audiences via posters, programs and other advertising about the content of a production; and informed conversations between TAPA student artists and TAPA Administration prior to a production. Additionally, we have set out the following parameters for TAPA shows:

Violence

• Realistic depictions of violence are discouraged, but may be appropriate in Senior Shows, but intense or persistent violence is not appropriate

Language

- Snippets of language that go "beyond polite conversation" and/or brief profanity are permitted at all shows; this may require a warning to the audience.
- Harsher profanity is only appropriate at a Senior Show.
- Multiple occurrences of "harsher words" are not appropriate for any TAPA show.
 - However, the Artists in Residence may request that the TAPA Administration allow a piece if they believe the language is justified by the context or manner in which the words are used.
- The "clean version" or "radio edits" of songs should be utilized in school and at school events, unless another version is required for educational purposes.

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Substance abuse

- The depiction of illegal drug use, underage alcohol use, and/or smoking is restricted to Senior Shows only, and requires the approval of the Director of Performing arts Education.
- Student work should not glamorize substance use and can never depict the use of actual drugs or alcohol.

Nudity

• Nudity (displaying bare breasts, genitals, and/or buttocks) is not permitted.

Sexual Content

- Neither explicit nor simulated sexual content is appropriate at a TAPA show
- Be thoughtful about the sexual content of song lyrics.

Rules of Thumb:

- If an artistic point can be effectively made without including the content above, it should be.
- Instructors should use their best judgement, and give honest trigger warnings to protect/respect the emotional safety of our community members
- If School Day Shows were movies, they would be Family Friendly and rated "G" or "PG."
- If Senior Shows were movies, they would be rated up to "PG-13"; anything that approaches an "R" rating must be approved by the Director of Performing arts Education and be necessary for educational purposes.

2.4A TAPA Employees and Artistic Freedom

As an institution, TAPA intentionally hires employees with interest and experience in the arts. We stand by a policy of artistic freedom for TAPA employees in their personal art-making practice outside of their work for/affiliation with TAPA. Artistic freedom is the freedom to imagine, create and distribute diverse cultural expressions free of censorship or interference. Artistic freedom embodies the following bundle of rights protected under international law:

- the right to create without censorship or intimidation
- the right to have artistic work supported, distributed, remunerated
- the right to freedom of movement
- the right to freedom of association
- the right to protection of social and economic rights
- the right to participate in cultural life

However, as it is the responsibility of the Head of School to both support employee artmaking and run a public school, the Head of School must be notified when an employee's personal art-making goes outside of the parameters listed for student/school-sponsored productions, above. While the Head of School is not in the role of censoring personal artmaking, advance notice allows the Head of School to anticipate any potential community response. Additionally, and as relevant, we expect that employees' personal artwork follow the parameters laid out in 5.4, below

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2.5 Substance Use/Abuse Policy

TAPA is a drug-free, tobacco-free and alcohol-free workplace. While on TAPA premises or at a school-sponsored event with TAPA students present, no employee may use, possess, distribute, sell, or be under the influence of alcohol, illegal drugs, tobacco or tobacco/nicotine products. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Employees who use tobacco are only permitted to do so off of school grounds and during times when they are not responsible for students. The use of tobacco must not interfere with any employee's primary responsibilities at TAPA.

Violations of this policy will lead to disciplinary action, up to and including termination and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

2.6 Reporting Child Abuse or Neglect

TAPA is dedicated to protecting our students from child abuse and neglect, and to responding effectively to incidents of child abuse and neglect. TAPA recognizes that schools and school personnel play an important role in identifying child abuse and neglect because of the sustained contact that we have with children. Creating an environment in which student safety, health and welfare are protected not only ensures the wellbeing of our students, but also helps in removing obstacles to their learning and achieving at high levels. TAPA will work cooperatively with all agencies with responsibility for addressing child abuse and neglect, most especially with the Division of Child Protective Services of Rhode Island's Department for Children, Youth and Families.

Rhode Island General Laws §§ 40-11-3 and 40-11-3.3 require that any person who has reasonable cause

- to know or suspect that any child has been:
- abused or neglected by a parent or other person responsible for his or her welfare
- a victim of sexual abuse by another child
- has a victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program as defined in § 40-11-2;

shall, within twenty-four (24) hours, transfer that information to the department of children, youth and families or its agent who shall cause the report to be investigated immediately.

All employees are mandated reporters, and reports are made by calling the Child Abuse Hotline at 1-800-RI-CHILD. In order to streamline this process, employees suspecting any of the above shall bring their report to a member of the Admin Team. The member of the Admin Team, in consultation with the

School Nurse and/or the School Social Worker, shall accompany the employee in making the call to ensure that all contextual information is provided to the Child Abuse Hotline.

Employees who fail to comply with their mandatory obligation to report abuse and neglect may be subject not only to the penalties provided by law as enforced by law enforcement officials, but also to disciplinary action, up to and including termination.

The Head of School shall have the responsibility to ensure that this policy is implemented throughout the school, that parents are made aware of how TAPA is addressing the issue of reporting child abuse and neglect, that TAPA has implemented the above protocol for reporting, and that the protocol is being followed.

2.7 Confidentiality About Student Records

All information contained in students' records, including information contained in an electronic database, is confidential and maintained in accordance with the Family Educational Rights and Privacy Act. These records are the property of TAPA, whose responsibility it is to secure the information against loss, defacement, tampering or use by unauthorized persons.

Do not speak about students in hallways or public areas. Information about students is confidential and must not be discussed except on a need-to-know basis with other TAPA employees. No student's files are to be taken off premises except with the permission of the Head of School.

2.8 Physical Contact With Others In The Workplace

In Rhode Island, touching is considered to be battery and is illegal if there is an intentional use of force or violence upon the person of another. A battery, thus, occurs if the actor intends to inflict an offensive contact without the other's consent. There is no requirement for maliciousness or intent to inflict actual damage. The essential element of a battery is physical contact, whether injurious or merely offensive, and a battery may be committed by touching another through clothing.

Employees must treat all students and colleagues with respect. They may not commit any abusive act with, to, or in the presence of any student or colleague. This includes any use of language that is considered profane, vulgar, or demeaning; any sexual act or solicitation thereof; any act of child abuse; any act of sexual harassment; any act of inappropriate touching. If a child or employee specifically requests that they not be touched for any reason, then that request must be honored without question. Employees should apply the rules of common sense in the circumstances they find themselves. No employee will use corporal punishment against a student.

TAPA employees must act in a reasonable and prudent manner at all times. Employees must:

- Never leave a student (or students) unsupervised.
- Not be one-on-one in a vehicle with a student. It is preferable to have two non-related adults and two or three students in the same car whenever possible; however, two students and one adult is acceptable if there is no other option. If an employee finds themselves in a situation where the employee believes that they must be one-on-one in a vehicle with a student, the employee must contact a member of the Admin Team in advance of doing so.
- Require students to conduct themselves in an orderly, safe manner and administer such disciplinary actions as reasonable and proper in any situation involving student misconduct.
- Set students up for success with clear expectations and positive discipline.
- Report any unsafe conditions on school grounds to a Member of the Admin Team so that it may be corrected.

In the case of an accident that results in injury to an employee or student, regardless of how insignificant the injury may appear, employees must immediately notify the appropriate supervisor <u>and</u> see the school nurse to fill out an accident report within 24 hours. This also applies to any situation during a TAPA program that can result in illness or a hospital visit.

Employees must complete an Accident Report on all such incidents within 24 hours. The employee and their Lead Teacher should sign this report and file it with the Director of Finance. These reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

2.9 Co-Harassment and Violence In The Workplace

TAPA is committed to providing a work environment that is free of discrimination and harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, gender identity, ability, sexual orientation or any other legally protected characteristic will not be tolerated. This includes verbal aggression and/or threatening verbal behavior, in addition to physical actions.

All employees are expected to report immediately any unlawful harassment or discrimination to their Lead Teacher or to a member of the Admin Team. Employees can raise concerns and make reports without fear of retaliation. Retaliation of any sort will not be tolerated and will be subject to disciplinary action, up to and including termination.

A Lead Teacher or member of the Admin Team who becomes aware of unlawful harassment or discrimination shall promptly advise the Head of School, who will handle the matter in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination.

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Acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect TAPA or which occur on TAPA property will not be tolerated. Violations of this policy by any individual on TAPA property will lead to disciplinary action, up to and including termination and/or legal action as appropriate. All employees are encouraged to report incidents of threats or acts of physical violence using the complaint procedure below.

2.10 Complaint Procedure

Step 1. Have A Direct Conversation, In Good Faith

Whenever possible, when a TAPA employee has a concern or complaint about a colleague, they will make a good faith effort to address that complaint directly with the individual. The best policy is to address concerns early and solve problems together.

a. If the employee is not comfortable speaking to the individual one-on-one, the presence of a member of the Admin Team or a staff representative may be requested, in order to ensure the conversation remains restorative in nature. If at any time the interaction becomes hostile or unprofessional, the employee may escalate to Step 2.

Step 2. Submitting A Complaint To the Lead Teacher or Other Appropriate Supervisor

If the employee feels that their concern has not been appropriately addressed by a direct conversation in good faith, the employee will submit information about the complaint in writing, to their Lead Teacher. When appropriate, the Lead teacher will use restorative methods to facilitate repairing the relationship between the concerned parties.

Step 3. Submitting A Complaint To A Member Of The TAPA Admin Team

If the Lead Teacher is not able to assist in addressing the problem, the complaint can be escalated to a member of the Admin Team. Depending on the nature of the complaint, select the best person to help resolve the problem; if the complaint is about a member of the Admin Team, the employee shall not select the individual against whom they have a complaint. The Member of the Admin Team will document receipt of the employee's complaint. If the complaint is in regards to the Head of School, the employee should make the complaint to the Board President.

Step 4. Follow Up Meeting To Determine If The Complaint Was Addressed.

The member of the Admin Team to whom the complaint was brought will make every effort to resolve the problem through communication. The member of the Admin Team will share these efforts with the employee at a meeting. The employee can request another employee to participate and/or another member of the Admin Team. The meeting will be documented with the complaint, proposed solutions, action steps, and next steps.

Step 5. Documentation

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The complaint process shall be documented by the member of the Admin Team, which may include problem identification, possible solutions, selection of resolution, timeline for implementation, and follow-up. This documentation may be included in the personnel file.

Step 6. Contacting the TAPA Board

If the good faith effort has failed to address the employee's complaint, the employee may submit the documentation from steps 1-5 to The TAPA Board.

Step 7. The TAPA Board or the TAPA Personnel Committee will convene and respond within ten days of the written complaint and documentation.

Further investigation may be warranted.

2.11 Student Sexual Harassment

Pursuant to TAPA's Title IX policy, all employees must immediately report employee-on-student and student-on-student sexual harassment to a member of the Admin Team. Failure to do so may result in discipline, up to and including termination.

2.12 Whistleblower Policy

TAPA is committed to maintaining a workplace where employees are free to raise good faith concerns regarding the business practices, specifically: (1) reporting suspected violations of law, including but not limited to federal laws and regulations; (2) providing truthful information in connection with an inquiry or investigation by a court, agency, law enforcement, or other governmental body; and (3) identifying potential violations of the policies contained in TAPA Employee Personnel Policy.

An employee who wishes to report a suspected violation may do so confidentially by contacting a member of the Admin Team, following the procedure above, but beginning at Step Three. Members of the Admin Team who receive complaints of retaliation shall immediately inform the Head of School, who will report to the Board President. Reports of suspected violations of law or policy and reports of retaliation will be investigated promptly and in a manner intended to protect confidentiality, consistent with a full and fair investigation. The Head of School will conduct, or designate other internal or external parties to conduct the investigations. The investigating parties will notify the concerned individuals of their findings directly. If the report involves the Head of School, the employee may contact the Board President directly.

It is unlawful for TAPA or any of its employees to, in any way, retaliate or tolerate retaliation against any employee, student, or other applicable individual under this policy for filing a complaint, reporting an incident or participating in the above-listed complaint procedures. Retaliation will result in disciplinary action, up to and including termination.

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SECTION 3 - PERFORMANCE AND PAY

3.1 Punctuality, Sign-in/Sign-out and Job Assignments

Punctuality: TAPA expects all employees to be on time and ready to begin work at the beginning of their day, and to work the full allotted time they are assigned each day. All exempt employees must arrive and sign in no later than fifteen minutes prior to their first work task/class/obligation at TAPA. For all teaching and learning employees, that time would be 7:45am on any day that school is in session with an 8am start.

At the most basic level, it is the responsibility of employees to be present in school during the school day, supervising students, and performing the functions of their job. Latenesses that result in the risk of students being unsupervised, however, will be of particular concern. An employee is considered to be excessively late if they arrive after 7:45am (or their established start time) more than 2% of the year to date. Latenesses beyond that will be considered a "lateness pattern," and each lateness thereafter may carry the same weight as an absence. Other factors, like the degree and reason for the lateness, as well as whether or not the employee informed TAPA that they would be late, will be taken into consideration.

<u>Sign-in/Sign-Out</u>: The daily sign in/sign out sheet is kept at the Front Desk and must reflect the hours and days worked by all employees. All absences from the building, including but not limited to lunch breaks and off-site meetings, must be reported on the daily sign-in/sign-out sheet.

<u>Job Assignments:</u> TAPA reserves the right to assign employees to jobs other than their usual assignment when necessary, provided the employee is capable of performing the essential functions of the alternate assignment.

Non-exempt employees are not to work before or after their scheduled hours unless specifically authorized for each occurrence by a member of the Admin Team. Non-exempt employees are not allowed to perform work while on a scheduled non-paid lunch break, unless specifically assigned by a member of the Admin Team. Non-exempt employees will be paid in those circumstances, including overtime if the non-exempt employee works in excess of forty hours.

3.2 Absences From Work and Work Obligations Outside The School Day

TAPA is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside an employee's work hours may arise. Paid Sick Days and Personal Days have been provided for this purpose. Please see section 4.3 for detailed information on Sick and Personal Days. Every absence from work must be submitted by the Time Off Request Form; three consecutive days of no call/no show is considered a voluntary termination.

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Attendance at a reasonable number of relevant TAPA-sponsored functions is mandatory as outlined in the school calendar. Certain outside-of-school events, including but not limited to Parent Teacher Conference and the Welcome Back Potluck, are considered to be required work hours for full-time employees. The dates and times of mandatory events are listed on the annual school year calendar; any date changes will be shared with employees no later than one month prior to the event to the extent foreseeable. Exempt employees are expected to use a .5 Personal or Sick day if they do not attend.

3.3 Annual Employee Evaluations

All employees will be observed on an ongoing basis using both formal and informal observations. Results of formal observations, consisting of the evaluator's observations and recommendations, will be put in writing and included within the employee's personnel file.

3.4 Basis For Determining Pay

An Employee's rate of pay may be influenced by the nature and scope of their job, what other employers pay for comparable jobs (external equity), what TAPA pays employees in comparable positions (internal equity), personal and professional experience, and performance. Certified teachers will be paid on a ten-step scale established by the Board as required by state law.

3.5 Wage Increases and Date Of Compensation Changes

The wage or salary of all Admin Staff and nonexempt employees will be reviewed at least once each year. The employee's review date will be on or about the end of the school year or fiscal year and subject to Board approval of the Annual Budget. Changes to the amount of an employee's wage or salary will become effective on the first regular pay period following the change.

3.6 Paychecks, Direct Deposit and Pay Periods

Paychecks are issued twice a month, on the 15th and last day of each month for all employees. Exempt employees are guaranteed 24 pay periods annually. All employees shall be paid by direct payroll deposit in the financial institution account of the employee's choice.

3.7 Error In Pay

Every effort is made to avoid errors in pay. Employees who believe an error has been made should tell the Director of Finance immediately. The Director of Finance will take steps to research the problem and endeavor to make any necessary corrections by the next regular payday. In the event of an underpayment, TAPA will correct the error in the next regular payroll. In the event of an overpayment, TAPA and the employee will correct the error in a mutually agreeable manner.

3.8 Wage Garnishment

When an employee's wages are garnished by court order, TAPA is legally bound to withhold the amount indicated in the garnishment order from the employee's paycheck. TAPA will, however, honor the Federal Consumer Credit Protection Act, which places restrictions on the total amount that may be garnished from an employee's paycheck.

3.9 Reimbursement for TAPA materials

As TAPA is a 501 c(3) Tax Exempt Organization, TAPA will not pay or reimburse for taxes. However, purchases of materials/supplies made for TAPA, by employees, will be approved for reimbursement when:

- A receipt is provided
- The expense exists within a Department Budget
- The purchase has been pre-approved by a Lead Teacher or member of the Admin Team

That said, if at all possible, Purchase Request Forms (PRFs) should be filled out and submitted <u>prior</u> to making any purchase.

3.10 Restorative and Corrective Action

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

TAPA strongly holds the position of administering equitable and consistent discipline for unsatisfactory conduct and/or performance in the workplace. TAPA's own best interest lies in ensuring fair treatment of all employees and in making certain that corrective actions are prompt, uniform, and impartial. The major purpose of any restorative or corrective action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. This may call for any of five steps depending on the severity of the problem and the number of occurrences:

- Restorative Conference
- Verbal warning
- Written warning
- Suspension with or without pay
- Termination

TAPA is committed to a Restorative Justice model of discipline and expectations for all members of the TAPA community, including students and employees. To that end, whenever possible, the TAPA Admin Team will begin the process above by meeting with the employee in a restorative manner, to discuss the issue and come up with a collaborative plan to correct the action. It is TAPA's hope that most employee

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problems can be corrected at an early stage, benefiting both the employee and TAPA. There are, however, certain types of employee actions that are serious enough to justify either a suspension or termination of employment, without going through the steps above.

SECTION 4 - BENEFITS AND TIME OFF

TAPA strives to provide the best, most equitable and cost-effective benefits for employees. The total cost to provide the TAPA benefit program is a significant supplement to employee pay and should be viewed as additional compensation.

Benefit Plan Documents: All TAPA employees will be provided with summary plan descriptions upon eligibility and enrollment. The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event of a conflict between these documents and this policy, the plan documents will govern. All of these official documents are readily available from the Director of Finance for review. Employees are able to access any/all benefit plan documents by contacting the Business Office/Director of Finance with three Business days' notice.

<u>TAPA Right to Modify</u>: TAPA reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including any health benefits that may be extended to retirees and their dependents. Further, TAPA reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans. For more complete information regarding any of our benefit programs, please speak with the Director of Finance.

4.1 TAPA Funds for Professional Development and Growth

TAPA encourages continuing education and professional development for all of its employees and dedicates a significant amount of the annual budget to fund the cost of these professional growth opportunities. Any employee interested in having TAPA pay for a professional development activity outside of those scheduled on the TAPA calendar should bring their request to their Lead Teacher or a member of the Admin Team. Decision making criteria will focus on the value of the opportunity to the faculty member's professional growth, as well as:

- The overall benefit to the Department, grade level, subject area or School
- The impact of the opportunity on the faculty member's personal renewal
- The financial impact on the budget and availability of funds
- Recent professional growth opportunities taken by the faculty member
- The financial limitations of the allotted budget for professional development.

In addition to encouraging employees to opt-in to Professional Development activities of their choice, all TAPA employees participate in a minimum of ten scheduled professional development days per the TAPA Calendar; new employees may be required to participate in additional required development programs.

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4.2 Social Security/Medicare and State Retirement Benefits

TAPA withholds income tax from all employees' earnings and participates in FICA (Social Security), for temporary employees and Medicare withholding and matching programs as required by law. TAPA offers participation in the ERSRI retirement plan for those employees -- generally certified teachers and administrators -- who are eligible to participate.

4.3 Paid Time Off: Personal Days, Sick Days, and Time Off For Artmaking

<u>Personal Days</u> are for personal business that cannot be addressed during non-work hours. All full-time employees will be provided with three Personal Days to be used annually; Personal Days for part-time employees will be pro-rated. No Personal Days will be carried over to the following year, and no Personal Days can be borrowed from future years. Advanced approval by the Head of School is required to use Personal Days. Requests must be submitted a minimum of one week in advance via <u>www.tapaprovidence.org/time-off-request.html</u>; Personal Day requests submitted later than that deadline may be automatically rejected.

- Personal Days may be taken in full or 1/2 day increments, and for hourly paid employees can only be used to bring the work week to a maximum of 40 hours.
- Every effort will be made to approve Personal Day requests, but the TAPA schedule will sometimes necessitate their rejection.
- Eligible employees may use personal days for religious holidays that are not otherwise included as holidays in the TAPA calendar.
- Generally speaking, Personal Days cannot be taken the day before or after any school breaks.

<u>Sick Days</u> provide paid time off to all employees for absence due to medical necessity for themselves, their children, spouse or other immediate family member. All full-time employees will be provided with seven Sick Days to be used annually; Sick Days for part-time employees will be prorated based on a calculation made for each part-time employee at the time of hire, based on the amount of hours the employee has been hired to work. No Sick Days will be carried over to the following year and no Sick Days can be borrowed from future years; unused sick time shall not be paid out to employees upon separation from employment. No advance approval is required to use Sick Days, but each employee is responsible for notifying TAPA via <u>www.tapaprovidence.org/time-off-request.html</u> no later than 6:00am on the day the employee is calling out sick; Sick Day requests submitted later than that deadline may be automatically rejected. Employees who are too ill to request sick days for themselves should be sure to have someone complete the Time Off Request Form for them.

- Sick Days may be taken in full or 1/2 day increments, and for hourly paid employees can only be used to bring the work week to a maximum of 40 hours.
- Sick Days cannot be converted to Personal Days.

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- For Sick Days of more than three (3) consecutive work days, the employee may be required to provide reasonable documentation that the time was used for a purpose covered by this policy.
 - Reasonable documentation may also be required for Sick Days taken prior to or after a weekend, vacation, or school break.

<u>Employee Time Off For Art-making</u> As an institution, TAPA intentionally hires employees with interest and experience in the arts. We strongly encourage our employees to engage in art-making within the classrooms, and we support their personal art-making outside of the TAPA school schedule. However, we are aware that there will be occurrences when a TAPA employee needs to take time off to engage in art-making that cannot otherwise be completed during non-work hours.

For these occasions, employees are encouraged to use their Personal Days. Or, for unpaid art-making that is also of educational relevance to work at TAPA, employees may request paid PD days; however, paid PD days cannot be used for paid art-making. Additionally, employees may request to convert unused Sick Days into "Time Off For Art-Making" days. If an employee has neither sick nor personal days remaining, they may request unpaid time off. Requests to convert days or take unpaid time off must be submitted at least two weeks prior to the day(s) requested and will be approved at the discretion of the Head of School.

Please note: Temporary employees, workers being paid short or long-term disability insurance, and workers being paid workers' compensation are not eligible to receive any paid time off, including Sick Days or Personal Days.

Paid time off, including sick days or personal days, cannot be used as an excuse to be late for work. If an employee is committing fraud or abuse by engaging in an activity that is not consistent with allowable purposes for leave in this policy, or if an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, the employee will be subject to discipline, up to and including termination of employment for misuse of sick days. Time taken off in excess of entitled days will be unpaid, and can result in disciplinary action, up to and including employment termination.

4.4 Additional Time Off: Bereavement, Jury Duty, Witness Duty, and Military Service

<u>Bereavement:</u> In the event of the death of a close individual, TAPA will provide full-time employees up to three days of paid bereavement leave (beyond personal days). If a funeral is more than 500 miles from home, employees may receive paid leave for five days. Documentation for verification purposes may be required. Additional paid/unpaid bereavement leave may be granted with the approval of the Head of School. Requests for Bereavement Leave must be submitted via <u>www.tapaprovidence.org/time-off-request.html</u>

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<u>Jury Duty:</u> Upon notification by a court to report for jury duty, the employee shall immediately request jury duty during non-school months. In the event this request is not granted, the employees must show the summons to their Lead Teacher and submit for time off via <u>www.tapaprovidence.org/</u> <u>time-off-request.html</u> as soon as possible, so that TAPA may make arrangements to accommodate their absence. If an employee is selected to serve on a jury, they may request up to two weeks of paid jury duty leave over any three year period. If the employee needs more than two weeks, they may use available Personal Days (but not Sick Days) or may request an unpaid Leave of Absence. During Jury Duty Leave, employees will be paid the difference between the amount received from the court and their regular pay, excluding overtime. An employee must submit a copy of the summons or subpoena and the attendance and payment records to TAPA in order to be compensated. Employees are expected to report for work whenever the court schedule permits. Jury duty leave time will not be considered hours worked for the purpose of performing overtime calculations.

<u>Witness Duty:</u> When called to be a witness, employees must show the subpoena to their Lead Teacher and submit for time off via <u>www.tapaprovidence.org/time-off-request.html</u> as soon as possible, so that TAPA may accommodate the employee's absence. If an employee has been called or subpoenaed as a witness by TAPA or in their role as an employee, the employee will receive paid time off for the entire period of witness duty. If requested to appear in court by a party other than TAPA, employees will be granted a maximum of two regular working days of paid time off unless they are a party in which case the employee may use Personal Day(s), if any, but not sick days. If the employee needs more than two days may request an unpaid Leave of Absence. Employees will be paid at their base rate, minus any witness fee. unless the employee appears as a paid expert witness. The employee is expected to report for work whenever the court schedule permits. Witness duty leave time will not be considered hours worked for the purpose of performing overtime calculations.

<u>Military Duty</u>: Regular employees requiring a leave of absence for service in the uniformed services are provided leave and will be re-employed at the end of the leave. Policies governing this leave are designed according to the Uniformed Services Leave and Re-Employment Act and applicable state regulations. The policy covers those employees who enter active military duty voluntarily and extends to Reservists or National Guard members who are called to limited active duty or extended training duty, including regularly scheduled annual training and military summer camp training.

- <u>Eligibility</u> All employees except those hired on a temporary basis are eligible for the leave.
- <u>Length of Leave</u> The length of the military leave is determined by the uniformed services organization calling the employee to active duty.
- <u>Request Procedure -</u> The employee must provide written notice of their obligation or intention to perform service in the uniformed services unless notice is precluded by military necessity or is otherwise unreasonable or impossible. Failure to do so may result in loss of re-employment rights. The written notice may be submitted <u>www.tapaprovidence.org/time-off-request.html</u>

• <u>Pay While on Leave -</u> Military leaves are without pay except for exempt employees who work for TAPA for part of the work week.

<u>Sabbaticals and Other Unpaid Leaves Of Absence</u>: Administration may grant a long-term leave of absence to eligible professional employees. Requests for long-term leaves of absence shall be subject to the discretion of the Head of School.

4.5 Parenting Leave

Whenever possible, employees must provide a minimum of one month's (30 days) notice prior to the date that they would like a Parenting Leave to begin.

Leave for all employees when they become parents: Upon the birth or adoption of a child, TAPA gives all employees five days of Paid Time Off, in addition to Sick and Personal Days, which can also be applied to this leave. In addition, upon the birth or adoption of a child, employees may qualify for the following:

Leave for a new parent who has given birth: When an employee gives birth to a child, the employee may apply to the State of Rhode Island-sponsored Temporary Disability Insurance ("TDI") program. If the employee is eligible for TDI, TAPA will pay the employee the difference between their salary and the TDI payments, so that the employee's net compensation remains the same for a period of up to six weeks or eight weeks in the case of a c-section (the state limits on TDI).

Leave for a new parent who has not given birth (including foster and adoptive parents): When, during the first twelve months of parenting, an employee needs leave to bond with their newborn child or a child newly placed for adoption or foster care, they may qualify for this leave. In order to qualify, the employee must make an application to determine eligibility under the State of Rhode Island-sponsored Temporary Caregiver Insurance ("TCI") program. If they are eligible, TAPA will pay the employee the difference between their salary and the TCI payments, so that the employee's net compensation remains the same for a period of up to four weeks (the state limit on TCI).

Under these policies, the amount of paid time off provided to an employee would be between 7 and 11 weeks: 4-6 weeks of TCI/TDI [or 8 weeks, in the case of a c-section] + 5 days paid time off + (total remaining sick and personal days, not to exceed 10 annually). An employee may also qualify for additional unpaid leave through FMLA (below).

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4.6 Family and Medical Leave (FMLA)

In accordance with the Rhode Island Parental and Family Medical Leave Act, TAPA will grant jobprotected unpaid family and medical leave to eligible employees for up to thirteen consecutive weeks in any two calendar years for any one or more of the following reasons:

- A. The birth of a child and in order to care for such child or the placement of a child under 16 years of age with the employee for adoption, which can be extended for a total of 26 weeks; or
- B. In order to care for an immediate family member (spouse, child, parent, or parent-in-law) of the employee if such immediate family member has a serious health condition; or
- C. The employee's own serious health condition makes the employee unable to perform the functions of their position.

Definitions

- A. "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage and does not include unmarried domestic partners.
- B. "Child" means a biological or adopted child either under 18 years of age, or 18 years of age or older, who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care.
- C. "Serious Health Condition" means a disabling physical or mental illness, injury, impairment, or condition that involves:
 - a. Inpatient care in a hospital, hospice, or nursing home; or
 - b. Outpatient care requiring continuing treatment or supervision by a health care provider.

Coverage and Eligibility

To be eligible for family/medical leave an employee must have worked for TAPA for at least twelve consecutive months for an average of 30 or more hours per week.

Substitution of Paid and Unpaid Leave under This Policy Will Not Exceed thirteen Consecutive Weeks

An employee will be required to substitute paid leave for any part of a family/medical leave taken for any reason. When an employee has used accrued paid vacation and/or sick days for a portion of family/medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid consecutive leave provided equals thirteen weeks.

Notice Requirement

A. An employee is required to give 30 days' notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be completed by the employee and returned to TAPA. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed "Request for Family/Medical Leave" form.

- B. If an employee fails to give 30 days' notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until 30 days after the employee provides notice.
- C. When planning medical treatment, an employee must attempt to make a reasonable effort to schedule the leave so as not to unduly disrupt TAPA's operations, subject to the approval of the health care provider.

Medical Certification

- A. For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Certification of Health Care Provider" form and return the certification to TAPA. Medical certification must be provided by the employee within fifteen days after requested. If the employee fails to provide adequate certification within this time period, then TAPA may delay leave until such certification is produced (except in cases of medical emergency). In the case of a medical emergency, the employee must submit certification as soon as is reasonably possible.
- B. TAPA may require a second or third opinion (at its own expense), periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report to return to work.
- C. All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

Effect on Benefits

- A. An employee granted a leave under this policy will continue to be covered under TAPA's group health insurance plan and life insurance plan under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
- B. Employee contributions will be required either through payroll deduction or by direct payment to TAPA. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- C. If an employee's contribution is more than 30 days late, TAPA may terminate the employee's insurance coverage.
- D. If TAPA pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the Employer for delinquent payments (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.
- E. If the employee fails to return from unpaid family/medical leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), TAPA may seek reimbursement from the employee for the portion of

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the premiums paid by TAPA on behalf of that employee (also known as the employer contribution) during the period of leave.

- F. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but will not lose anything accrued prior to leave.
- G. No vacation days, Sick Days or Personal Days are accrued while on leave.

Job Protection

- A. If the employee returns to work within thirteen weeks following a family/medical leave, they will be reinstated to their former position or an equivalent position with equivalent pay, benefits, status and authority.
- B. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
- C. If the employee fails to return to work on or before the previously agreed upon return to work date, in the absence of further communication with the Business Office, they will be considered to have abandoned their job.
- D. Should an employee choose not to return to work during the 13-week leave, they should notify the Business Office. Once notification is received, the employee is no longer eligible for leave or any School benefits associated with the leave.

Department of Labor Opinion on FMLA Leave for IEP Meetings

On August 8, 2019, the Wage and Hour Division of the U.S. Department of Labor ("WHD") issued an opinion that provides that an employee may take intermittent FMLA leave to attend their child's IEP meetings, depending on the medical needs of the child.

Citing the FMLA and its regulations, the WHD opinion states that an employee may use FMLA leave intermittently or on a reduced leave schedule when medically necessary because of a family member's serious health condition. The opinion also explains that care for a family member includes both physical and psychological care. Due to the fact that the employee was attending the IEP meetings to address educational and special medical needs of their children who had serious health conditions, the WHD concludes that such a basis is a qualifying reason for intermittent FMLA leave.

In sum, the WHD opinion supports an employee's use of FMLA intermittent leave to attend IEP meetings for their child if such attendance is to help meeting participants make medical decisions regarding prescribed speech, physical, and occupational therapy; discuss their child's progress with providers of such services; and ensure that school environment is suitable to their medical, social, and academic needs.

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SECTION 5 - EMPLOYEE PRIVACY & TECHNOLOGY USE

5.1 TAPA Internet and Device Use

Employees may be issued devices (computers, cell phones, speakers, video cameras, tablets, LCD projectors, etc.) to further the work that they do for TAPA. The following guidelines are provided to help keep the devices secure and in good repair.

- When not using their devices, use a reasonable measure of protection to create a barrier that protects it from theft.
- Develop the habit of keeping devices in a locked drawer or in a locked classroom.
- Report any loss or damage of devices or peripherals immediately by completing a damage or repair request on the TAPA forms page (www.tapaprovidence.org/forms).

All internet connected devices at TAPA, both those issued to employees and those used by students, as well as the TAPA email system, are considered to be the property of TAPA. All communications and information transmitted by, received from, created or stored in its computers' system (whether through word processing programs, email, the Internet or otherwise) are TAPA's records and property of TAPA.

Although TAPA does not wish to examine personal information, from time to time TAPA may need to access its technology resources. TAPA has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, without limitation, reviewing documents created and stored on its computer system, deleting any matter stored in its system (including, without limitation, its email and word processing systems), monitoring sites visited by employees on the Internet, monitoring chat and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing email sent and received by users. Further, TAPA may exercise its right to monitor its computer system for any reason and without the permission of any employee. Additionally, all email messages and other files may be stored on a central backup system in the normal course of data management. Therefore, employees should not have an expectation of privacy in anything they create, store, send or receive on the computer system. TAPA has the right to read an employee's email at any time; employees have no expectation of privacy in their email. The TAPA Admin Team will not, however, read emails without a reasonable suspicion of violation of law or school policy, and reviewing other people's emails absent a valid business reason will result in discipline, up to and including termination.

Notwithstanding the foregoing, email messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any email messages that are not sent to them or by them. Additionally, all TAPA employees are provided with an email signature template that they must use on all TAPA correspondence.

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5.2 Employee Communication with Students and Families

TAPA expects employees to exercise proper decorum and use good judgment to maintain appropriate boundaries in their interactions and relationships with students, families, and guardians. Employees should not give particular students excessive attention; they should communicate with students only on school related activities; and they should maintain professionalism at all times.

The same standards of conduct apply to electronic communications, including but not limited to social networking, electronic mail, text messaging, cell phone, and telephone. <u>Employees may not have current</u> or former TAPA students below the age of 18, or their parents/family members, as "friends" or contacts on social networking sites. If there is a pre-existing relationship between an employee and a current or former TAPA students below the age of 18, and/or their parents/family members, the employee must disclose this to the Head of School

All written contact with students and families should be made through TAPA's computer systems or through US Mail originating at TAPA. Employees should not give students their address, home telephone number, or non-TAPA email addresses without prior approval of the Head of School. This policy does not apply to parents or guardians of TAPA students.

Employees should write email communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on TAPA letterhead. Since email and computer files may be subject to discovery in litigation, employees are expected to avoid making statements in email or computer files that would not reflect favorably on the employee or TAPA if disclosed in litigation or otherwise.

5.3 Internet Safety

TAPA is committed to:

- Preventing users from accessing or transmitting inappropriate material via the Internet, electronic mail, or other forms of direct electronic communications;
- Preventing unauthorized access and other unlawful online activity;
- Preventing unauthorized online disclosures, use, or dissemination of personal identification information of minors; and
- Complying with the Children's Internet Protection Act (CIPA) [Pub. L. No. 106-554 and 47 USC 254(h)].

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the CIPA, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to employee supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes. To the extent practical, steps shall be taken to promote the safety and security of users of the TAPA online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by CIPA, prevention of inappropriate network usage includes:

- unauthorized access, including so-called "hacking," and other unlawful activities; and
- unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

It is the responsibility of all members of the TAPA employees to educate, supervise, and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21st Century Act (among the other requirements for CIPA, provides for educating minors about appropriate online behavior).

Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the Technology Director or designated representatives.

5.4 TAPA Internet Posting Policy

If an employee develops a website, blog, social media profile/site, or other online or in-person presence (outside of a TAPA-sponsored site, such as a Google Classroom or the TAPA website) that mentions TAPA and/or our current and potential employees, partners, students, and families, the employee must:

- Identify that they are an employee of TAPA and that the views expressed are theirs alone and do not represent the views of TAPA.
 - Unless given permission by the Head of School, employees are not authorized to speak on behalf of TAPA, or to represent that they do so.
- Let the Head of School know that they are writing about TAPA. The Head of School may choose to visit the site from time to time to understand their point of view.
- Speak respectfully about TAPA and our current and potential employees, partners, students and families.
- Recognize that the employee (not TAPA) is legally liable for anything they present online.
- Refer any media contacts or other inquiries (including from families) about TAPA and our current and potential employees, or partners, to the Head of School.

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- This does not specifically include employee opinions, writing, and interviews about matters of public concern or unrelated TAPA and TAPA's current and potential employees, partners, students and families.
- Not share information that is confidential and/or proprietary about TAPA. This includes any information that has not been publicly released by TAPA. If the employee has any questions about this, they should speak with the Head of School.
- Not use the TAPA logo without explicit permission in writing from TAPA. This is to prevent the appearance that an employee speaks for or represents TAPA officially.
- Not engage in name-calling or oppressive behavior that will reflect negatively on the reputation of TAPA.
- Honor the privacy rights of our current employees by seeking their permission before writing about or displaying internal school happenings that might be considered to be a breach of their privacy and confidentiality.

TAPA encourages its employees to write knowledgeably, accurately, and using appropriate professionalism. TAPA employee web interaction can result in members of the public forming opinions about TAPA.

5.5 Internal Investigations And Searches

From time to time TAPA may conduct internal investigations pertaining to security, auditing, or workrelated matters. Employees must cooperate fully with and assist in these investigations. Whenever necessary, at TAPA's discretion, employees' work areas (i.e. desks, file cabinets, lockers) and personal belongings (i.e. briefcases, handbags) may be subject to a search without notice. Employees are required to cooperate. Because even a routine search for TAPA property might result in the discovery of an employee's personal possessions, all employees are encouraged to refrain from bringing into the workplace any item of personal property that they do not wish to reveal to TAPA. However, Admin Team will not search employees' belongings or work areas without a reasonable suspicion of violation of law or school policy, and doing so absent a valid reason will result in discipline, up to and including termination.

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

SECTION 6 - SEPARATION OF EMPLOYMENT

6.1 Employment Termination

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are a few examples of some of the most common circumstances under which employment is terminated:

- **Resignation:** voluntary employment termination initiated by an employee.
- **Termination:** involuntary employment termination initiated by TAPA.
- Layoff/Non-Retention or Non-Renewal of Contract: involuntary employment termination initiated by TAPA for non-disciplinary reasons.
- **Surplus**: involuntary employment termination initiated by TAPA for budgetary or program reorganization reasons.

When a non-exempt employee intends to terminate their employment, the employee shall give TAPA at least two (2) weeks written notice, preferably four. An exempt employee shall give at least four (4) weeks written notice. Since employment with TAPA is based on mutual consent, both the employee and TAPA have the right to terminate employment at will, with or without cause subject to Rhode Island law, particularly as it relates to the annual contracts of certified teachers.

Any employee who terminates employment with TAPA shall return all files, records, keys, computer(s), cellphone(s), and any other materials that are property of TAPA. No final settlement of an employee's pay will be made until all items are returned in appropriate condition. The cost of replacing non-returned items will be deducted from the employee's final paycheck. Furthermore, any outstanding financial obligations owed to TAPA will also be deducted from the employee's final check.

Employee's benefits will be affected by employment termination in the manner laid out below. Some benefits may be continued at the employee's expense if the employee elects to do so. The employee will be notified of the benefits that may be continued and of the terms, conditions, and limitations.

6.2 Non-Renewal

Certified teachers who are going to receive a non-renewal notice will be notified in writing prior to the Head of School making a recommendation to the Board and again if the Board adopts the Head of School's recommendation. For non-tenured teachers, a recommendation of non-renewal may be based on TAPA's ability to find a "better" qualified teacher for a given job. Tenured teachers will only be dismissed for good and just cause. Members of the faculty will receive this notification prior to March 1st of each year,* while non-faculty employees may be notified at a later date.

Whenever possible, a non-renewal notice will be for the end of the school year, and given sufficiently in advance that TAPA can support the non-renewed employee in their search for alternate future employment. The reasons for non-renewal cannot be based on an employee's exercise of Constitutional rights, or based unlawfully on an employee's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or age.

* If a teacher is being dismissed due to fiscal exigency or program reorganization, the notice of dismissal shall be given to the teacher, in writing, on or before June 1st of the school year immediately preceding the school year in which the dismissal is to become effective.

6.3 COBRA Benefits

The Federal Consolidated Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the TAPA health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or leave of absence, divorce or legal separation and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at TAPA group rates plus an administration fee. TAPA, or our carrier, provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the TAPA health insurance plan. The notice contains important information about the employee's rights and obligations.

6.4 Employee Exit Protocol In Regards To Students

When an adult leaves a position where relationships are developed with students, it is important that the emotions of both the adult and the students are respected. The protocol below is designed to support both the privacy and feelings of the departing adult, as well as the needs of our students.

When an adult is departing, TAPA holds the expectation that they will inform their classes/Advisees (in a developmentally appropriate manner of their choosing) no later than two weeks from their anticipated departure date. After this date, The Admin Team will have to share information with students and employees that discloses the adult's departure.

Though every adult should take the steps they feel are best and most appropriate for emotional and intellectual/professional health of themselves and their students, some suggested strategies include:

• Letter Writing: Adult to students, and students to adult, either group or individual.

- Off Campus Lunch Trip: If funds can be gathered, a more intimate off-campus trip for lunch might allow for a more personal and comfortable exchange.
- Photo Gift: A group photo, particularly of Advisories, can be a meaningful gift that can help the Advisory maintain their memories and sense of identity.

Additionally, Students may desire to maintain contact with adults who have chosen to leave TAPA. If professional and not in violation of any TAPA policies, or policies of a subsequent employer/district, then email, other communication mediums, and attendance at events like ArtsFests and Graduations are tools to maintain healthy communication between adults and TAPA students.

6.5 Exit Interviews

TAPA conducts exit interviews to discuss an employee's reasons for leaving and any impressions that the employee may have about TAPA. During the exit interview, employees can provide insights into areas for improvement for TAPA. Every attempt will be made to keep all information confidential.

ACKNOWLEDGEMENT

The TAPA Personnel Policy describes important information about TAPA, and I understand that I should consult my Lead Teacher and/or members of the Admin Team regarding any questions not answered in the Personnel Policy. I have entered into my employment relationship with TAPA voluntarily, and I acknowledge there is no specified length of employment. Accordingly, either I or TAPA can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Personnel Policy may occur, except to TAPA's policy of employment-at- will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the TAPA Board has the authority to adopt revisions to the policies in this Personnel Policy.

Furthermore, I acknowledge that this Personnel Policy is neither a contract of employment nor a legal document. I have reviewed this document, and I understand that it is my responsibility to read and comply with the policies contained herein and any revisions made to it.

EMPLOYEE NAME (printed):

EMPLOYEE SIGNATURE:

DATE: _____

SECTION 7 - APPENDIX

	2020-2023 TAPA Salary Steps
1	\$41,500
2	\$43,000
3	\$46,305
4	\$48,529
5	\$50,860
6	\$53,302
7	\$55,862
8	\$58,545
9	\$61,356
10	\$64,303
11	\$67,391
12	\$70,628
Note: Staff with a Master's Degree or higher will receive an additional \$1,500 annually.	