



MOAB CHARTER SCHOOL

Employee Handbook

Effective Date February 20, 2019

This Employee Handbook supersedes and replaces all previous Employee Handbooks and relevant policies of MCS

<u>Introduction</u>	3
Welcome to MCS!	3
About This Handbook	3
About MCS	4
<u>General Provisions</u>	4
Expectations	4
At Will Employment	4
Equal Employment	4
Reasonable Accommodation	5
Immigration Law Compliance	5
Evaluation or Introductory Period	5
Transfers	6
Work Assignments	6
Personnel File	6
Reporting Personal Information Changes	6
Orientation	6
Job Classifications	6
Visitors	7
Workplace Attire (Staff Dress Code Policy)	7
Telephone and Cellular Telephone Use	7
Electronic devices	7
Voice Mail and Electronic Mail	8
Electronic Assets Usage	8
Mileage Reimbursement	9
Driving Safety	9
Automobile Accident	10
Use of MCS Property	10
Work-Product and Purchased Materials	10
Postage, Shipping and Office Supplies	11
Personal Property	11
Personal Safety	11
Parking	11
MCS Security	11
Food and Beverages	12
Monitoring and Searches	12
Confidential Information	12
Archiving, Data Destruction and Recycling	13
Non-Solicitation	13
Competing Employment	13
Employment of Relatives	13
Whistleblower Protection	14
<u>Standards of Conduct</u>	14
Conflicts of Interest	16
Business Gifts	16
Unlawful and Sexual Harassment	16
Anti-Bullying	18

Safe MCS Environment	19
MCS Computer Network	20
Social Media and Online Forums	20
Background Checks, Arrests and Criminal Convictions	21
Drugs and Alcohol	21
Smoking and Open Flames	22
Violence and Weapons	22
<u>Payroll and Compensation</u>	22
Payroll Reporting and Pay-stubs	22
Paycheck Offsets	23
The MCS Year	23
Pay Periods	23
Hours of Work	23
Breaks	23
Lactation Breaks	23
Time Keeping	24
Overtime	24
Advances and Loans	24
Attendance and Punctuality	24
Compensation Changes	25
Expense Reimbursement	25
Availability for Work	25
Mandatory Meetings	26
<u>Employee Leave</u>	
Employee Leave—Paid Time Off (PTO)	26
Employee Leave—Other	26
Holidays	27
Family and Medical Leave Act	27
Personal Leave of Absence	27
Bereavement Leave	28
Jury Duty	28
Witness Duty	28
Voting Leave	28
Military Duty	28
Emergency Closings and Severe Weather	29
<u>Employee Benefits</u>	29
Benefits Eligibility	29
Initial Benefits Enrollment Period	30
Medical Insurance	30
Retirement Plan	30
Worker’s Compensation	30
Continuation of Benefits	30
Unemployment Benefits	31

Employee Performance and Corrective Action

Performance Reviews, Promotion and Demotion	31
Employee Communication and Relations	31
Grievances (Confidential Review of Concerns Policy)	32
Corrective Action	32

Employee Separations

Resignation	33
Job Abandonment	33
Termination	33
Termination Process	34
Employment References	34

Appendix A

RECEIPT AND ACKNOWLEDGEMENT OF EMPLOYEE HANDBOOK 38

35

Introduction

Welcome Home to Moab Charter School!

We are pleased to have you with us as part of our MCS family and teaching team. Just like any good team, teamwork is essential to our success. Our hope is that the MCS and you will contribute much toward the mutual benefit of each other and the entire MCS community. This handbook is written for you. Its purpose is to provide meaningful information that will inform you of our culture and principles, benefits, policies, operational procedures and other things that will prove helpful during your employment with us.

You are one of the most important people at our school. You determine much of how our students and their families feel about MCS. You are on the front lines. What you do matters! We want you to have the information and resources you need to be successful and will do what we can to support you in your role here. Do everything you can to be a positive force for good within our school so that the needs of our students are met, even exceeded.

About This Handbook

The following pages contain information regarding many of the policies and procedures of Moab Charter School, a public charter school (hereby referred to as "MCS"). This is not an employment contract; either expressed or implied, and is not intended to create contractual obligations of any kind.

MCS values the many talents and abilities of its employees and seeks to foster an open, cooperative and dynamic environment where employees and the school alike can thrive. If you would like further information or have questions about any of the policies and procedures outlined in this handbook, please feel free to bring them to the attention of the Director, or the MCS Board.

Moab Charter School is a public charter school offering free, appropriate, public education to the students of the Grand County area. MCS began as a private school called Moab Academy. In August, 2004, Moab Community school obtained approval of its charter, and all assets of Moab Academy were assigned to MCS. Moab Charter School is dedicated to providing individualized education through small differentiated classes. The Utah Core Standards guide our curriculum development, and our instructional methodologies are founded on scientifically researched methods, which address a diversity of learning styles. Every child's unique abilities are nurtured and developed through a dynamic, innovative educational experience integrating fundamental academics with science, technology, the arts, and a global perspective.

General Provisions

Expectations

We expect that every employee will read, understand and apply MCS's policies and procedures outlined in this handbook and in all handbooks, manuals, policies, job descriptions, memos and other correspondence. We expect all employees who do not understand any policy, procedure or day-to-day instruction given to speak to the Director immediately for clarification.

At Will Employment

Per Utah State Law, MCS does not offer tenured or guaranteed employment. The MCS employee/employer relationship is an at-will relationship and can be terminated by either party at any time, with or without cause, and with or without notice, including after any evaluation period. Any handbooks, manuals, policies and procedures (including this handbook) maintained by MCS are not contractual in nature, and therefore may be waived, suspended, amended, deviated from or abolished at the sole discretion of MCS at any time. Nothing in the policies of MCS or any other MCS document or statement will be considered as creating continued or guaranteed employment or benefits. MCS's policies are subject to change or amendment. Notwithstanding the foregoing, MCS will never change the at-will employment status of its employees. This provision does not affect employees' legal right to organize through a collective bargaining agreement. No policy or procedure in this handbook or in any document or practice of MCS shall be construed to limit the nature of the at-will employment relationship.

Equal Employment

It is the established policy of MCS to provide equal employment opportunities to all qualified persons and to administer all aspects and conditions of employment without regard to race, religion, color, sex, gender, sexual orientation, pregnancy, age, national origin, ancestry, physical or mental disability, severe/morbid obesity, medical condition, military or veteran status, genetic information, marital status, ethnicity, alienage, gender identity or any other protected classification, in accordance with applicable federal, state, and local laws. MCS takes allegations of discrimination, intimidation, harassment, and retaliation very seriously and will promptly conduct an investigation when warranted.

Equal employment opportunity includes, but is not limited to, employment, training, promotion, demotion, transfer, leaves of absence and termination.

Reasonable Accommodation

It is the policy of MCS to comply with all the relevant and applicable provisions of the federal Americans with Disabilities Act (ADA), as well as state and local laws concerning the employment of persons with disabilities. The MCS will not discriminate against any qualified employee or job applicant because of a person's physical or mental disability with respect to any terms, privileges or conditions of employment, including, but not limited to hiring, advancement, discharge, compensation and training.

Employees who become disabled should notify administration if the conditions of the disability impair their ability to perform the essential functions of their position. Where necessary and feasible, reasonable accommodations will be made for qualified disabled employees to perform the essential functions of the job in question, as long as the accommodation does not cause MCS undue hardship.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threats cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of other individuals in the workplace will be placed on appropriate leave until a decision has been made by management in regard to the employee's immediate employment situation.

Immigration Law Compliance

MCS hires only those persons legally authorized to work in the United States, including U.S. citizens and non-citizen that are properly authorized to work in the U.S. under the Immigration Reform and Control Act of 1986. As a condition of employment, all new and former employees rehired must show valid documentation of identity and eligibility to work in the United States. The federal I- 9 form will be used for this purpose. Each individual employed by MCS will be required to produce, within three (3) days, proof of his/her identity and eligibility to work in the United States. Each individual hired by MCS will be required to certify on the appropriate Form I-9 his / her identity and right to work in the United States.

Introductory Period

The employee's first year of employment with MCS is considered an introductory period. This introductory period will be a time for getting to know fellow employees and the tasks involved in the position, as well as becoming familiar with the school's culture and dynamic. The Director or mentor will work closely with each employee to help them understand the needs and processes of their job.

Over the course of this introductory period, three (3) evaluations will occur. At the end of the introductory period the Director will discuss each employee's job performance with them. During the course of the discussion, employees are encouraged to give their comments and ideas as well.

Please understand that completion of the introductory period does not guarantee continued employment for any specified period of time, nor does it require that an employee be discharged only for cause. Please also understand that completion of the introductory period does not imply that employees now have a contract of employment with MCS, other than at-will. Completion of the introductory period does not alter the at-will employment relationship.

Transfers

MCS reserves its right to place employees where, and in whatever jobs it deems necessary. Current employees may request a transfer for open positions for which they are qualified. All job transfers, job changes, reassignments, promotions or lateral transfers are at the discretion of the Director or MCS Board.

Work Assignments

In addition to specific duties that may accompany an individual's job responsibilities, each job also includes "and other assigned duties." From time to time, employees may be required to perform duties or tasks of a fellow employee who is absent or for a position that is temporarily vacant. Employees will be compensated at their regular rate of pay while performing other assigned duties on a temporary basis.

Personnel File

MCS keeps personnel files on each of its employees. These files are MCS property, confidential in nature and are managed by the Director. Employee personnel files will not be copied or be removed from the premises unless there is a legitimate business need to do so.

All employees may view their personnel file by contacting the MCS office for an appointment during regular business hours. No employee may view the contents of his or her personnel file without the Director present or alter or remove any document in his or her personnel file.

Reporting Personal Information Changes

To avoid errors, employees are responsible for promptly notifying the MCS office of any change in their name, address, telephone number, marital status, citizenship, tax withholding allowances, emergency contact information, insurance beneficiary, or dependent insurance coverage and any other related information for employment, payroll or benefit administration purposes. Accurate and correct information is vital for benefits and insurance coverage, records and other MCS files.

Orientation

New employees will receive basic orientation to MCS and its facilities. They will also receive a copy of the Employee Handbook, Staff Manual and/or Policy Manual, selected MCS Policies and are required to read it and ask clarifying questions. The employee must sign a receipt and acknowledgement of the employee handbook and policy manual. The signed acknowledgement will be placed in the employee's personnel file.

Job Classifications

Employees are classified in one of two major categories: "Exempt" and "Non-exempt."

1. Exempt: In a school, exempt employees are generally salaried and generally fall into one or more of the following three classifications: professional (instructional), administrative and/or supervisory. These employees are exempt from the applicable provisions of state employment law and federal law, including the Fair Labor Standards Act (FLSA).
2. Non-exempt: non-exempt employees are generally part time and/or paid hourly. Non-exempt employees are eligible to receive overtime pay in accordance with FLSA. These employees are

required to submit a time record for each pay period, approved by the appropriate supervisor, for the purpose of tracking hours worked and calculating compensation. MCS employs persons to perform the Essential Job Functions primarily on campus within a defined schedule. Any work performed off campus or outside of regularly scheduled hours must be pre-authorized by the MCS Director in order to receive compensation for such work. No work may be performed outside of scheduled hours. MCS does not authorize or require non-exempt employees to perform work at home or at any other location without the express written pre-authorization of the Director, or the MCS Board.

This handbook applies to both Exempt and Non- Exempt employees. Employees' job classifications may only be changed by written authorization from the Director or MCS Board.

Employees are also classified within one of the following three statuses:

1. Full-time: any employee that is regularly scheduled to work 32 hours a week or more during the school year. In most cases, regular full-time employees are eligible for standard MCS benefits, subject to the terms and conditions of benefit plans and Plan Documents.
2. Part-time: any employee that is regularly scheduled to work less than 32 hours per week during the school year. Part-time employees are generally not eligible for standard MCS benefit plans.
3. Temporary, Substitute or On-call (Temporary Worker): any employee that has a predetermined start and end date of employment, is hired for a short-term project, fills in or is on-call; or substitutes for regular full-time or part-time employees and does not have an ongoing set schedule. Temporary, substitute or on-call employees will remain so unless offered permanent employment in writing by the MCS director.

Visitors

Only authorized staff, students, parents, volunteers, and visitors are permitted at MCS facilities. Visits from friends and family should be kept to a minimum (incidental) and should not occur during MCS hours. Employees are responsible for the conduct of their guests.

All visitors must enter through the reception area and check in with the main office. Any employee that notices an unauthorized visitor should notify the Director, or mentor, immediately.

Workplace Attire (Staff Dress Code Policy)

Maintaining a professional, appropriate appearance is important to the success of Moab Charter School. Each employee projects the reputation of the organization. Part of this impression depends on each employee's choice of dress.

Moab Charter School has chosen to offer a casual dress environment for employees. Employees are expected to use good judgement and to show courtesy to Moab Charter School co-workers and stakeholders by dressing in a manner that is presentable and appropriate. At all times employees are asked to be cognizant that regardless of their interaction with students, parents, and volunteers or campus visitors, Moab Charter School is still a place of business and professionalism.

Any questions related to the content of this policy or its interpretation should be directed to the Director.

Telephone and Cellular Telephone Use

Personal cellular phone use, and personal telephone calls should be kept to a minimum and, except for emergencies, be made outside of MCS hours. Personal toll (long-distance) calls shall not be made at the school's expense. Employees may not talk on their cell phones during work hours except in extreme emergencies.

Electronic devices

With the exception of necessary medical devices, employees may not use personal electronic devices that interfere with their ability to perform essential job functions, including personal iPods or other audio (MP3) players. Employees who do not have a business need to interact with others may be allowed to use personal electronic devices with the approval of the Director..

7

Voice Mail and Electronic Mail

All electronic and telephone communication systems and all communications and information transmitted by, received from, or stored in these systems are the property of MCS and as such are intended for job-related purposes. Personal use should be kept to a minimum. Electronic or telephone communication systems may not be used to transmit messages that may be considered inappropriate under MCS's policies, including the Network Use Policy and Agreement. Employees are not permitted to download a file, use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized MCS representative. All pass codes are the property of MCS and may be used by MCS to access electronic and telephone communications at any time. MCS reserves the right to monitor any electronic, telephone, or other communications made using MCS systems or property. Employee emails using MCS's email domain or accessed or stored on MCS's computer or network are public records and will be provided to any member of the public that requests them consistent with public records laws and rules.

Electronic Assets Usage

MCS recognizes that use of the Internet has many benefits for the school and its employees. The Internet and e-mail make communication more efficient and effective. Therefore, employees are encouraged to use the Internet appropriately. Unacceptable usage of the Internet can place MCS and others at risk.

The following guidelines have been established for using the Internet and e-mail in an appropriate, ethical and professional manner:

- The MCS Internet and e-mail access may not be used for transmitting, retrieving or storing of any communications of a defamatory, discriminatory or harassing nature or materials that are obscene or X-rated. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. Harassment of any kind is prohibited.
- Disparaging, abusive, profane, or offensive language; materials that would adversely or negatively reflect upon the MCS or be contrary to the school's best interests; and any illegal activities – including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access to any computers on the Internet or e-mail – are forbidden.
- Copyrighted materials belonging to entities other than the MCS may not be transmitted by employees on the school's network. All employees obtaining access to other companies' or individual's materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only. If you find something on the Internet that may be interesting to others, do not copy it to a network drive. Instead, give the URL (uniform resource locator or "address") to the person who may be interested in the information and have that person look at it on his / her own.
- Do not use the system in a way that disrupts its use by others. This includes excessive dial-in usage, sending or receiving many large files and "spamming" (sending e-mail messages to thousands of users.)
- The Internet is full of useful programs that can be downloaded, but some of them may contain computer viruses that can extensively damage our computers. Be sure to virus-check

downloaded files immediately. Instructions on how to check for viruses are available through the IT Support. Also, many browser add-on packages (called “plug-ins”) are available to download. There is no guarantee that such will be compatible with other programs on the network and such may cause problems; therefore, please refrain from downloading such plug-ins.

8

- Each employee is responsible for the content of all text, audio or images that he/she places or sends over the MCS Internet and e-mail system. No e-mail or other electronic communications
- may be sent which hides the identity of the sender or represents the sender as someone else. Also, be aware that the MCS name is attached to all messages, so use discretion in formulating messages.
- E-mail is not guaranteed to be private or confidential. All electronic communications are MCS property. Therefore, MCS reserves the right to examine, monitor and regulate e-mail messages, directories and files, as well as Internet usage. Also, the Internet is not secure so don't assume that others cannot read or possibly alter your messages.
- Internal and external e-mail messages are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside of MCS.

All MCS supplied technology, including computer systems and MCS related work records, belong to the MCS and not the employee. MCS routinely monitors usage patterns for its e-mail and Internet communications. Although encouraged to explore the resources available on the Internet, employees should use discretion in the sites that are accessed.

Since the entire computer systems and software, as well as the e-mail and Internet connection, are MCS-owned, all MCS policies are in effect at all times. Any employee who abuses the privilege of MCS-facilitated access to e-mail or the Internet, may be denied access to the Internet and, if appropriate, be subject to disciplinary action up to and including termination.

Mileage Reimbursement

With pre-authorized approval from the Director, MCS will reimburse employees at the business standard mileage rate per IRS requirements for miles traveled by the employee in the employee's car while traveling to and returning from MCS related meetings, seminars etc. Please see MCS Travel Policy, as posted on the website, for clarification.

Driving Safety

The safety and well-being of our employees is of critical importance to the organization. We therefore each have a responsibility to not only protect ourselves when on the road but also should do our part to protect those around us. Employees that are required to drive on MCS business will be expected to consistently follow all the safety procedures below.

1. All employees are expected to wear seat belts at all time while in a moving vehicle being used for MCS business, whether they are the driver or a passenger.
2. Use of handheld cell phones, whether personal or business-owned, while behind the wheel of a moving vehicle is strictly prohibited. This includes the use for making or receiving phone calls, sending or receiving text messages or e-mails, and downloading information from the web. If you need to engage in any of these activities while driving, you must pull over to a safe location and stop your vehicle prior to using your cell phone.

3. Employees are required to turn off cell phones or put them on vibrate before starting their car.
4. Although use of cell phones under any circumstances is strongly discouraged while driving, the use of hands-free technology may be warranted in emergency circumstances only.
5. The use of other handheld electronic devices, such as iPads, iPods, laptops, electronic readers, and the like are strictly prohibited while driving a vehicle on MCS business.

9

6. Engaging in other distracting activities including, but not limited to, eating, putting on makeup, reading or changing radio stations or music, is also strongly discouraged while driving, even when in slow-moving traffic.
7. Use of alcohol, drugs or other substances, including certain over-the-counter cold or allergy medications that in any way impair driving ability, is prohibited.
8. All employees are expected to follow all driving laws and safety rules such as adherence to posted speed limits and directional signs, use of turn signals and avoidance of confrontational or offensive behavior while driving.
9. Employees should never allow anyone to ride in any part of the vehicle not specifically intended for passenger use and/or any seat that does not include a working seat belt.
10. Employees must promptly report any accidents to local law enforcement as well as to MCS in accordance with established procedures.
11. Employees are also required to report any moving or parking violations received while driving on MCS business.

Failure to adhere to these procedures may result in disciplinary action up to and including termination of employment.

Automobile Accident

If an employee is involved in an automobile accident while on MCS business he/ she must report the accident to the Director or MCS Board immediately. Employees should request and obtain a police report and police investigation at the scene of the accident.

Employees are not to drive a personal vehicle for MCS business unless authorized to do so. If the job requires an employee to operate his/ her personal vehicle, then the employee shall be required to submit proof of a current and valid state driver's license. If employees use their own vehicle, either by authorization or requirement, to carry out the business of MCS, they must submit a photocopy of the cover page of their insurance policy covering that vehicle as proof of that insurance.

Personal vehicle insurance policies are primary coverage on all personal vehicles driven on MCS business.

Use of MCS Property

All MCS workspace is the property of MCS and must be available to management at all times. The use of personal locks on any MCS property is strictly forbidden and will be removed, destroyed and discarded. No MCS property may be used to store personal files or items except incidental personal effects. No MCS equipment, including computers, photocopiers or printers may be used for personal business. MCS retains the right to inspect (search) all items on MCS property at any time, with or without cause and with or without notice. Any items on MCS property, including computers, electronic devices, vehicles or parcels taken out of or being apparent for removal are subject to inspection and search.

Work-Product and Purchased Materials

Employees neither gain nor retain ownership rights to the material provided, purchased or used by them using MCS funds while employed by MCS. They neither gain nor retain ownership rights to the material, or work-product created by them in conjunction with any MCS duty or project during or after employment at MCS. MCS retains ownership of the work-product created by employees while employed by the school (and after employment if MCS terminates); and may use the results of employees efforts in any manner appropriate including licensing such work product to others with or without remuneration to employees. Upon termination or (earlier when requested), employees must return all materials provided to them or

10

purchased by them with MCS funds during employment. Employees who fail to return all materials and supplies, or who retain MCS's work-product upon termination of employment for any reason (any separation) may be subject to criminal charges.

Employees who have developed creative works, authored or developed intellectual property prior to their employment with the MCS that is related to the job functions for which they are hired must disclose such works or property at the time of employment. Employees may be required to provide evidence of such creative works or intellectual property.

Postage, Shipping and Office Supplies

Postage, shipping and office supplies paid for by MCS are for business purposes and are not to be used for an employee's personal business.

Personal Property

MCS does not assume responsibility for any personal property located on its premises, including personal vehicles and items stored in personal vehicles. Employees are to use their own discretion when choosing to bring personal property on premises or into the school and do so at their own risk. Additionally, employees may not bring or display at MCS any property that may be viewed as harassment as defined in this handbook and MCS's Harassment training curriculum.

Personal Safety

The safety of each employee's health and security is very important to MCS. Employees are required to report hazardous or dangerous situations and are subject to disciplinary action, up to and including termination of employment for failure to report such situations. MCS is willing to make reasonable efforts to address an employee's safety concerns. Employees should remember to use caution and good judgment in all activities and should notify the Director, or mentor, if they believe there is a safety issue that should be addressed.

MCS policy requires the use of Personal Protective Equipment (PPE). It is expected that all employees working for MCS will always take appropriate personal safety measures and precautions to minimize the risk of injury to self and others while performing Essential Job Functions or other duties as required. The MCS budget provides for such PPE. MCS has procured safety materials and supplies for this purpose and stores them in the custodial and maintenance closets and/or storerooms for employee, student, volunteer or visitor use. Employees or others who do not use appropriate PPE put themselves and others at risk of injury or death and violates MCS policy. An employee's failure to use PPE may result in employee discipline or termination of employment.

Parking

Employees may park in designated parking stalls as directed. All parking is at your own risk. It is recommended that employees lock their cars and take other appropriate safeguards.

MCS Security

Employees issued keys (and other means of access) to the MCS facility for entrances, offices, classrooms, storage rooms, padlocks or cabinetry, whether fixed or not are issued keys upon certain conditions.

11

Employees must notify MCS immediately if issued keys are lost or stolen. There is a \$25 per item charge for replacement keys. Employees may not loan keys or other access devices, to any other person. Access to and use of MCS is for business purposes only. Personal use of MCS and its various facilities and furnishings without prior consent is prohibited. Employees may not use or provide access to the building for activities that are illegal, or are prohibited by MCS policy or by MCS administration. Employees may not make additional copies of keys without express written permission by authorized persons.

Employees are responsible for the activities of any person(s) without regular access whom an employee allows access to MCS. Employees are to ensure the security of the building by locking doors, etc. if accessing it outside of normal business hours. Employees are responsible to secure all access points (regardless of access point(s) used for entry) if they are the last to leave. Employees are given access with the express agreement that employees will be held liable for any damage, theft, or vandalism that occurs because of a failure to secure the building or because of others whom the employee allows access. Any employee who abuses the privilege of accessing the building will be subject to corrective action, up to and including termination of employment, legal action, and criminal liability.

Food and Beverages

The MCS campus should always reflect a professional appearance. All employees are personally responsible for keeping the area in and around their classroom or work area clean and presentable. Employees are also responsible for returning meeting or workroom areas to a clean and presentable condition after use. To avoid attracting pests, food and beverages should be stored and consumed in areas designed for that purpose.

Monitoring and Searches

All property on MCS grounds is subject to monitoring and review at all times. This includes, but is not limited to, desks, lockers, parcels, vehicles, computers, electronic devices, email and any other electronic transmission using MCS equipment or services. Reasons for searches and reviews include, but are not limited to, improper and/or unauthorized use of MCS property, suspected criminal activity, criminal investigation, harassment investigation and improper disclosure of confidential information.

MCS retains the right to conduct searches at any time. This includes the right to search individual computers or files, even if protected by a password. Any employee that attempts to obtain or alter a password for the purpose of accessing restricted files will be subject to disciplinary action, up to and including termination.

Confidential Information

Employment at MCS requires access to information that is confidential or otherwise considered by the federal government, state government, MCS, community, parents, guardians or students to be privileged and confidential (Confidential Information). Confidential Information may be received and maintained by staff under a *promise of confidentiality* to perform many Essential Job Functions while employed at MCS.

The rule of thumb to remember is that all information gathered by, retained or generated by MCS is confidential. There shall be no disclosure of any confidential information to anyone outside of MCS without the appropriate authorization. Confidential information may include student information, internal reports, policies, procedures and other internal business-related communications. It is an employee's duty and responsibility to safeguard all confidential information. This includes the dissemination of information by any available means, including but not limited to telephone, fax and email.

12

When any inquiry is made regarding an employee or former employee, the inquiry must be forwarded to the Director or MCS Board without comment from the employee. When any inquiry is made regarding a student, the inquiry must be forwarded to the Director.

Confidential information shall be disclosed and/ or discussed only on a "need to know" basis. Conversation of a confidential nature must never be held within earshot of the public.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications. In addition, nothing in this policy is intended to infringe upon employee rights under Section Seven (7) of the National Labor Relations Act (NLRA).

Archiving, Data Destruction and Recycling

MCS policy is to maintain compliance with state or federal record retention laws or state government rules as outlined by the Utah State Archives (archives.utah.gov).

All employees must not discard documents containing personally identifiable information (student or staff information) into standard waste receptacles. MCS provides shredders or contracts for secure shredder services to dispose of all documents with personally identifiable information. Employees who dispose of documents into unauthorized receptacles or allow documents with personally identifiable information to become unsecure will be subject to disciplinary action, up to and including termination of employment.

MCS is committed to preserve the environment through recycling. Employees, students and visitors have the opportunity to recycle many items including paper, plastic and aluminum in bins located on campus.

Non-Solicitation

During the period of your employment and for a period of twelve (12) months after the termination of your employment with MCS, you shall not, directly or indirectly, (i) solicit for employment or employ any person who was employed by MCS during your employment with MCS; or (ii) call on, solicit, or take away for yourself or for any other person or entity any person or entity who or which was a student or family of MCS during your employment with MCS.

Competing Employment

Subject to MCS's prior written approval, you may work for other businesses during the course of your employment with MCS; however, you may not (i) accept or perform work of a nature that conflicts or competes in any way with the services of MCS; (ii) use any MCS resources including, but not limited to, materials and supplies, intellectual property, computer hardware and software, telephones, facsimile machines, and copiers, for or in connection with any non-MCS work; (iii) perform any non-MCS work on MCS premises; or (iv) perform any non-MCS work during assigned work hours. MCS will not unreasonably withhold such approval.

Employment of Relatives

Employment of relatives is not prohibited by MCS, provided that the following conditions are met: (i) the applicant is qualified for the position, (ii) the position was advertised publicly and filled following standard hiring procedures, (iii) the employee and relative will not be in a direct reporting relationship with one another and (iv) the personal relationship will not adversely affect the workflow or processes of the school.

13

MCS shall supervise and manage all employees in the best interest of the school, regardless of family relationships, up to and including termination of employment. Employees who are relatives of employees who resign or for whom employment is terminated shall not be discriminated against for the independent actions of their relatives who are former employees of MCS. All employees, regardless of familial relationships, are expected to act in a professional manner in accordance with MCS policies.

Whistleblower Protection

If any employee or contracted employee reasonably believes that some policy, practice, or activity of MCS or action of another employee, officer, or contractor is in violation of law (irregularity), a written complaint must be filed by that employee with the MCS Director or the MCS Board. This may include actual or suspected existence of fraud, embezzlement or similar impairment of MCS funds or property, suspicious persons or activities or actual or suspected material or intended fraudulent reporting.

It is the intent of MCS to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of the Director or MCS Board and provides MCS with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

MCS will not retaliate against an employee who in good faith, has made a protest or raised a complaint against some practice of the school or actions of another individual or entity with whom MCS has a business relationship, on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.

MCS will not retaliate against employees who disclose or threaten to disclose to a supervisor or a public body, any activity, policy, or practice of MCS that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

Standards of Conduct

MCS expects that all employees conduct themselves in a professional and ethical manner. If employees are not sure if an action is ethical or proper, they should discuss the matter openly with the Director. An employee should not conduct business that is unethical in any way, nor should an employee influence other employees to act unethically. Furthermore, an employee should report any dishonest activities or damaging conduct to the Director, or the MCS Board.

In the event that you become aware of another employee's behavior or actions, which you believe are inappropriate, illegal, problematic, or in any way inhibit or affect your job performance or the school's work environment, you should discuss such behavior or actions with the Director, or the MCS Board.

MCS will promptly, thoroughly and confidentially investigate all reasonable concerns and, where necessary, appropriate corrective action will be taken. You may not discuss such actions or behavior with other MCS employees. Your discussing such matters with other employees may – in and of itself – create an unacceptable work environment for which you will be held responsible and for which you may be disciplined in accordance with MCS’s disciplinary policy.

14

Orderly and efficient operation of the MCS requires that employees maintain proper standards of conduct and observe certain procedures. These guidelines are provided for informational purposes only and are not intended to be all-inclusive. Nothing herein is intended or shall be construed to change or replace, in any manner, the "at-will" employment relationship between the MCS and the employee. MCS views the following as inappropriate behavior:

1. Negligence, carelessness or inconsiderate treatment of MCS stakeholders and/ or their matters/ files.
2. Theft, misappropriation or unauthorized possession or use of property, documents, records or funds belonging to MCS, or any stakeholder or employee; removal of same from MCS premises without authorization.
3. Divulging confidential information, of any kind, to any unauthorized person(s) or without an official need to know.
4. Obtaining unauthorized confidential information pertaining to students or employees.
5. Changing or falsifying student records, MCS records, personnel or pay records, including time-sheets, without authorization.
6. Willfully or carelessly damaging, defacing or mishandling property of a student, the school or other employees.
7. Taking or giving bribes of any nature, or anything of value, as an inducement to obtain special treatment, to provide confidential information or to obtain a position. Acceptance of any gratuities or gifts must be reported to a supervisor.
8. Entering MCS premises without authorization during off-duty hours.
9. Willfully or carelessly violating security, safety, or fire prevention equipment or regulations.
10. Unauthorized use of a personal vehicle for MCS business.
11. Rude, discourteous or un-businesslike behavior; creating a disturbance on MCS premises or creating discord with students or fellow employees; use of abusive language.
12. Insubordination or refusing to follow instructions from a supervisor; refusal or unwillingness to accept a job assignment or to perform job requirements.
13. Failure to observe scheduled work hours, failure to contact a supervisor in the event of illness or any absence within thirty (30) minutes of the scheduled start of work; failure to report to work when scheduled; unauthorized or excessive use of sick leave or any other leave of absence.
14. Leaving the office during scheduled work hours without permission; unauthorized absence from assigned work area during regularly scheduled work hours.
15. Sleeping or loitering during regular working hours.
16. Recording time for another employee or having time recorded to or by another employee.
17. Use or possession of intoxicating beverages or illegal use or possession of narcotics, marijuana or drugs (under state, federal or local laws), on MCS premises during working hours or reporting to work under the influence of intoxicants or drugs, or having any detectable amounts of drugs in an employee’s system.
18. Unauthorized possession of a weapon on MCS premises.
19. Illegal gambling on MCS premises.
20. Soliciting, collecting money, vending, and posting or distributing bills or pamphlets on MCS property. These activities are closely controlled in order to prevent disruption of MCS services and to avoid unauthorized implication of MCS sponsorship or approval. However, this general

rule is not intended to hinder or in any way curtail the rights of free speech or free expression of ideas. Therefore, such activity by employees during non-working time, including meal and rest periods, is not restricted so long as such activity does not interfere with the orderly and regular conduct of MCS business, is lawful, in good taste, conducted in an orderly manner, and does not create safety hazards or violate general good housekeeping practices. Any person who is not an employee of MCS is prohibited from any and all forms of solicitation, collecting money, vending, and posting or distributing bills or pamphlets on MCS property at all times.

15

21. Falsification of one's employment application, medical or employment history.
22. Illegal or un-businesslike conduct, on or off MCS premises, which adversely affects MCS services, property, reputation or goodwill in the community, or interferes with work.

Conflicts of Interest

MCS and its employees have a duty to avoid real, perceived or potential conflicts of interest. A conflict of interest is defined as an event or transaction where an employee is in a position to influence a decision or have business dealings on behalf of the school that might result in personal gain for the employee, one of his/her relatives. Examples of conflict of interest include, but are not limited to, accepting gifts of any value associated with procurement or other business dealings, requesting or granting favors, conducting undisclosed or undeclared business for personal gain. A conflict of interest for personal gain can result from situations where you or a relative receives a bribe, gift, special consideration or kick-back as a result of a transaction involving MCS.

MCS employees may not transact undisclosed business when a conflict of interest is present. Failure of an employee to declare a conflict of interest in writing to the MCS Director, business office and/or the MCS Board prior to business dealings where a conflict of interest is present may be subject to disciplinary action, up to and including termination of employment and may be subject to criminal prosecution. All MCS employees shall follow applicable laws or administrative rules associated with conflicts of interest.

Business Gifts

MCS wants at all times to avoid the appearance of impropriety in the acceptance of gifts from business contacts or clients. It is the express policy of MCS that employees are prohibited from, either directly or indirectly, asking, demanding, exacting, soliciting, or seeking, anything of value for oneself or for any other person or entity.

It is the express policy of MCS that employees are prohibited from, either directly or indirectly, accepting, receiving, or agreeing to receive anything of value for oneself or for any other person or entity (other than employee paychecks) for or in connection with any transaction or business of the MCS that is unlawful, or has a value of \$10 or more, not to exceed \$50 in a calendar year. If an employee is promised, offered, or given anything of value from any member, prospective member, customer, or prospective customer for or in connection with any transaction or business of MCS, employees are to advise the Director or MCS Board immediately.

Unlawful and Sexual Harassment

MCS will endeavor to maintain a work environment that nourishes respect for the dignity of each individual and affirms its commitment to provide a work environment free from intimidation and harassment. Sexual harassment and unlawful harassment are prohibited behavior and against MCS policy. MCS is committed to providing a work environment free of inappropriate and disrespectful behavior, intimidation, communications and other conduct directed at an individual because of his or her sex, including conduct that may be defined as sexual harassment.

Applicable federal and state law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission of the conduct is made a term or condition of employment; or (2) submission to or rejection of the conduct is used as basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment. The following list contains examples of prohibited conduct. They include, but are not limited to:

16

- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters;
- Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about any employee's body or dress;
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes, or invitations;
- Physical conduct such as touching, assault, or impeding and/or blocking movements;
- Retaliation for reporting harassment or threatening to report harassment.
- Sexual harassment on the job is unlawful whether it involves co-worker harassment, harassment by a manager, or harassment by persons doing business with or for the MCS, such as clients, customers or vendors.

Other Types of Harassment

Prohibited harassment on the basis of race, color, religion, national origin, ancestry, physical or mental disability, veteran status, age, or any other basis protected under local, state or federal law, includes behavior similar to sexual harassment, such as:

- Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures
- Physical conduct such as assault, unwanted touching, or blocking normal movement;
- Retaliation for reporting harassment or threatening to report harassment.

Retaliation

It is against MCS policy and unlawful to retaliate in any way against anyone who has lodged a harassment complaint, has expressed a concern about harassment, including sexual harassment, or has cooperated in a harassment investigation. Therefore, the initiation of a complaint, in good faith, shall not under any circumstances be grounds for disciplinary action. However, individuals who make complaints that are demonstrated to be intentionally false may be subject to disciplinary action, up to and including termination.

Enforcement

The Director and MCS Board are responsible for:

- Implementing the MCS policy on harassment, which includes, but is not limited to, sexual harassment and retaliation;
- Ensuring that all employees they supervise have knowledge of and understand the MCS policy;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with the policy; and;
- Conducting themselves in a manner consistent with the policy.

Harassment Complaint Procedure

MCS's complaint procedure provides for an immediate, thorough and objective investigation of any claim of unlawful or prohibited harassment, appropriate disciplinary action against one found to have engaged in prohibited harassment, and appropriate remedies for any victim of harassment. A claim of harassment may exist even if the employee has not lost a job or some economic benefit.

Anyone who has been subjected to the conduct prohibited under this policy, or who has knowledge of such conduct, should report this information to the Director or the MCS Board as soon as possible. However,

17

employees are not required to report any prohibited conduct to a superior who may be hostile, who has engaged in such conduct, who is a close associate of the person who has engaged in the conduct in question or with whom the associate is uncomfortable discussing such matters. Complaints regarding harassment or retaliation may be oral or in writing. Any individual who makes a complaint that is demonstrated to be intentionally false, may be subject to discipline, up to and including termination.

All reported incidents of prohibited harassment will be promptly investigated. When the investigation is complete, a determination regarding the reported harassment will be made and communicated to the employee who complained and to the accused harasser. During the investigation, confidentiality will be preserved to the fullest extent possible without compromising MCS's ability to conduct a good faith and thorough investigation.

If MCS determines that prohibited harassment has occurred, MCS will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of prohibited harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

MCS recognizes that actions that were not intended to be offensive may be taken as such. An employee who believes that he or she has been subjected to sexual harassment by anyone is encouraged, but not required, to promptly tell the person that the conduct is unwelcome and ask the person to immediately stop the conduct. A person who receives such a request must summarily comply with it and must not retaliate against the employee for rejecting the conduct. MCS encourages, but does not require individuals to take this step before utilizing the above Complaint Procedure.

Anti-Bullying

In addition to the anti-harassment policy, MCS believes it necessary to delineate a policy regarding workplace bullying, as such bullying has numerous negative effects on both individual employees and MCS as a whole. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.

MCS believes all employees should be able to work in an environment free of bullying.

Workplace bullying refers to repeated, unreasonable actions of individuals (or a group) directed towards an employee (or a group of employees), which are intended to intimidate, degrade, humiliate or undermine; or which create a risk to the health or safety of the employee(s). Some examples of workplace bullying include repeated acts such as:

- Unwarranted or invalid criticism
- Blame without factual justification
- Being treated differently than the rest of the employees in a work group
- Being the target of cursing or disrespectful language
- Exclusion or social isolation

- Being the target of shouting or other behavior intended to humiliate the employee
- Excessive “prank” jokes or teasing of an employee

MCS considers workplace bullying unacceptable and will not tolerate it under any circumstances. Any employee who bullies a co-worker will be subject to disciplinary action, up to and including termination of employment. MCS encourages all employees to report workplace bullying to the Director, or the MCS Board. All complaints of workplace bullying will be treated seriously and investigated promptly. In the investigation process, MCS will attempt to maintain confidentiality to the fullest extent possible.

18

It is a violation of MCS policy to retaliate or otherwise victimize an employee who makes a complaint or a witness who serves in the investigation of the workplace-bullying allegation.

Safe MCS Environment

MCS strives to provide a safe and nurturing learning environment for students and staff. With regard to providing a safe MCS environment:

1. Employees are expected to maintain a high ethical and professional standard in interactions with both adults and minors on and off campus. Employees understand that working in a school means that employees serve as a role model for and have care or custody over children. Employees’ behavior off campus has an effect on an employee’s employment because of the nature of being in the profession of caring for and having custody over children.
2. Employees are prohibited from using physical discipline (including corporal punishment) in any way for the behavior management of students, except insofar as restraint may be necessary, upon reasonable determination, to prevent a student from inflicting harm on themselves or others, in which case a detailed written record of the incident is to be made.
3. Employees must schedule one-on-one counseling sessions or meetings with minors at times and locations that promote accountability, in an open room setting without closed doors, and only if readily observable by others who may be in the room or hallway, and meet accepted standards of propriety. Clear professional boundaries must exist between minors and adults.
4. Employees shall not engage in any form of unlawful, unacceptable or offensive behavior with students, parents/legal guardians, staff or visitors to MCS which may include, but is not limited to (a) verbal harassment, such as derogatory comments, jokes, or slurs; (b) visual harassment, such as derogatory or sexually explicit printed material, books, magazines, posters, cards, calendars, cartoons, graffiti, drawings, notes, clothing or gestures, etc.; (c) sexual harassment or other physical conduct or contact of a sexual nature; (d) physical harassment, such as inappropriate touching, hitting, kicking, grabbing or any other form of aggressive, abrasive or harassing physical contact, etc.; (e) other behavior deemed offensive or inappropriate by MCS administration or generally accepted social standards.
5. Unless MCS has a parent or legal guardian’s knowledge and consent in the form of a written permission slip, employees shall never drive students in personal vehicles, before, during or after school unless there is a medical emergency requiring immediate medical care. When authorized to do so, employees will operate personal or MCS vehicles in accordance with the law, including the use of seat belts for all persons and employees will pass an online Defensive Driver Course provided by the Utah State Division of Risk Management at risk.utah.gov. Employees may not use a cellular phone while transporting students.

6. Extra-curricular activities, MCS programs, or special instruction sessions shall not be conducted by only one adult without additional adult presence and/or must be conducted at times and locations that promote accountability, in an open room setting without closed doors, and only if readily observable by others who may be in the room or hallway, and meet accepted standards of propriety.
7. Employees shall not be alone in locker rooms or other dressing rooms with a single or small group of students without another adult present. Employees may not be present in these areas while students are changing unless student behavioral issues warrant the presence of adults. At least 2
19
(two) staff members of the same sex (and the same sex of subject students) must be present during these times. Employees may not enter restrooms, locker or dressing rooms of the opposite sex while students are present. MCS administrators and other staff are available to assist when difficulties arise and employees must seek such assistance when needed.

MCS Computer Network

To better serve our students and provide our teachers and other employees with the tools to do their jobs, MCS makes available to employees access to one or more forms of electronic media and services, including computers, software, e-mail, telephones, voicemail, printers, copiers, fax machines, a central computer network, wireless network hardware and transmission devices or service, online services, third-party contracted services and hardware, intranet, Internet and the World Wide Web. These electronic media and services are collectively referred to as the Network.

All employees must know that the resources of the Network provided by MCS are MCS's property and their purpose is to facilitate and support MCS's operations. All users have a responsibility to use the Network in a professional, ethical, and lawful manner. Each employee will, as a condition of employment, be required to read, agree to abide by and sign MCS's Network Use Policy and Agreement.

Social Media and Online Forums

In general, MCS respects an employee's decision to use social networking, for example Facebook, Linked-In, MySpace, Twitter, Web-based email accounts such as Gmail, Hotmail and Yahoo! mail and the like (Social Networking or Social Media) on personal time. Personal use of social media should be reserved for break times and meal periods. Employees shall have no expectation of privacy when they use social media because of the public nature of these types of services. Participating in social media provides public access by all members of the MCS family, including co-workers, MCS Administration, staff and families within the MCS community. Moreover, by utilizing social media via MCS's electronic assets (technology, computers or internet access) employees must understand that MCS may review and use materials that may be resident on the social media, including passwords, text messages, tweets, email communications, pdf's, other documents and pictures that are sent to employees or reviewed by employees on social media. No expectation of privacy should occur.

Employees must exercise care to ensure that they are not viewed as representatives of MCS and that they do not imply that they are speaking on behalf of MCS. To the extent employees are posting comments to social media outside the scope of their employment responsibilities, including an on-line forum, such as a blog, employees may not include any stakeholder or MCS confidential information and may not make any statements that would give the impression that the views they have expressed are the opinions of MCS. Employees should refrain from posting derogatory information about MCS or the MCS Community on any such sites and proceed with any grievances or complaints through the regular channels. MCS recognizes that participation in some forums or social networks might be important to the performance of an employee's job. Without express authorization, employees may not post to any on-line forums using any official MCS e-mail address or providing any MCS telephone number or extension; may not utilize

any of MCS's logos, drawings, trademarks, copyrights or other images or photographs of MCS or typically associated with MCS in conjunction with such activities. Unless authorized by MCS, employee participation in such forums is a personal choice of the individual and all commentaries are authored by the individual and are not official statements of MCS. Commentary made by employees on such forums must always reflect positively on the MCS.

Employees who maintain a presence on social media sites or services can be disciplined by MCS, up to and including termination of employment if their social networking activities interfere with their ability

20

to fulfill their role as an educator having care or custody over children, including being a role model to youth. While MCS does not seek to prohibit an individual from expressing their beliefs or opinions, or to interfere with an employee's personal life, a career choice as a role model with care or custody over children warrants a level of personal propriety and decency that if compromised publicly, may result in disciplinary action up to and including termination of employment with MCS.

Employees of MCS who participate in social networking may not "Friend" (or "friend" equivalent) students or former students who are minors. Employees, including teachers, may not allow students to access their personal social network or social media profile, information or site. With the express written permission by the MCS Director, purposeful, professional, (exclusively educational) Educational Social Networking (ESN) sites or profiles may be established by *Teachers* for the use of students and MCS Administrators. Other MCS employees are not authorized to create ESN social media sites or profiles. Teachers shall only allow students to access ESN sites if the site is completely professional and only contains appropriate information for instructional purposes. Teachers shall "Friend" (or Friend equivalent) the Director and/or MCS Board members, and any other person in the MCS community desiring access and may not "Unfriend" (or Unfriend equivalent) Admin while they are employed at MCS and the ESN site remains active. Teachers shall not disclose anyone's personal information, discuss or post photos of students, colleagues, Administration or the Board on social networking sites without the direct written permission of parents or legal guardians AND the MCS Director.

Employees must remember that any messages or information sent on any MCS-provided equipment or any electronic device or service network are identifiable and attributable to MCS.

If employees are unsure about whether their social media usage, a message or post may violate a law or MCS policy, they should speak to the Director prior to posting it. Nothing in this policy is intended to infringe upon employee rights under Section Seven (7) of the National Labor Relations Act (NLRA).

Background Checks, Arrests and Criminal Convictions

MCS reserves the right not to hire or retain anyone that has been convicted of a criminal offense. Because of the nature of employment at the school, with employees having care or custody over children, arrest or conviction of a crime that involves sexual misconduct, illegal drug or alcohol abuse, dishonesty or the abuse of another person may result in immediate termination of employment. Before any decision is made, the nature of the crime and circumstances surrounding the conviction will be considered.

Drugs and Alcohol

MCS is dedicated to providing employees with a workplace that is free of drugs and alcohol. MCS discourages drug and alcohol abuse by its employees. MCS has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency and success at MCS. Employees who have any detectable amounts of drugs or alcohol while on the job compromise MCS interests, endanger the employee's own health and safety and the health and safety of others. This can cause a number of other work-related problems, including absenteeism and

tardiness, substandard job performance, increased workloads for coworkers, behavior that disrupts other employees, and delays in the completion of jobs. Any identified usage of drugs or alcohol, or any detectable amount during working hours will be grounds for discipline, up to and including termination. MCS has a zero-tolerance policy regarding drugs and alcohol.

21

For the safety of our employees and clients MCS reserves the right to test any employee for the use of illegal drugs, marijuana or alcohol under state, federal or local laws. This may be done in cases where the employee's job carries a risk of injury or accident due to such use, or there is an apparent inability to perform the duties required of that position. Specific jobs may, at MCS's discretion, require regular drug testing. Such a test may be conducted after an accident or with probable cause of impairment while on the job. Under those circumstances the employee may be driven to a certified lab, at MCS's expense, for the drug test.

Any employee found to use, sell, possess or distribute any illegal drugs under state, federal or local laws, marijuana, or any unauthorized drugs (including excessive quantities of prescription or over-the-counter drugs) while on the MCS premises, performing MCS-related duties, or while operating any MCS equipment, is subject to disciplinary action, up to and including termination of employment. Any suspected illegal drugs confiscated will be turned over to the appropriate law enforcement agency.

Smoking and Open Flames

Utah law prohibits smoking in all enclosed workplaces or within twenty-five (25) feet of main entrance, exit, open window, or air intake of a building. MCS does not permit smoking in any MCS buildings, facilities, work sites, or vehicles. Employees wishing to smoke should do so during their break times, outside MCS buildings, in designated areas, away from playgrounds, and in accordance with local ordinances. Open flames of any kind are not allowed in MCS buildings. Candle warmers and personal heaters are not authorized for use in MCS buildings.

Violence and Weapons

MCS takes threats of violence extremely seriously. Any act or threat of violence by or against any employee, student, stakeholder, supplier, partner or visitor is strictly prohibited. This policy applies to all MCS employees, whether on or off MCS property.

Any possession, use or threatened use of weapons is prohibited on MCS property, or while on MCS business. This includes knives, illegal possession of firearms, martial arts weapons, or any other object that is used as a weapon. Any employee caught possessing a weapon will be disciplined, up to and including termination.

Payroll and Compensation

Payroll Reporting and Pay-stubs

The law requires that MCS withhold (deduct) local (as applicable), state and federal payroll-related taxes from all employees' paychecks. Additionally, employees may elect for MCS to deduct local, state and/or federal income taxes and other employee benefit premiums, pre or post tax retirement or other elected legally allowable deferrals (deductions). Each employee will receive a payroll report (paystub) detailing deductions with each paycheck or direct deposit. Each employee has the responsibility to review pay stubs for accuracy regarding compensation, reimbursements and deductions for employee medical benefits, medical savings accounts, retirement plans, garnishments, income taxes and any other compensation or

deduction for each paycheck received during their employment with the MCS. The MCS reserves the right to make paycheck corrections as appropriate and to supply the employee with supporting documentation. The MCS shall not be held liable for errors not identified timely by the employee other than to rectify compensation or deductions to correct accounting records. The MCS does not reimburse or loan MCS funds to employees for the cost of income tax withholding errors not identified timely by employees. Payroll checks will not be released prior to the set pay schedule for any reason, nor will they be released to anyone other than the employee.

22

Paycheck Offsets

MCS may deduct offsets for paycheck or benefit calculation errors, lost, damaged or stolen MCS property or equipment as well as court-mandated or otherwise legally required offsets, such as garnishments. Employees are provided pay stubs detailing payroll deductions for each pay period and are required to review these promptly for deduction accuracy and to detect errors.

The MCS Year

The school year (MCS Year) typically includes 186 compensable days, which include pre-service training days as determined by the MCS calendar, 180 in-session days (177 instructional/teacher prep days and 3 professional development days). Total compensable days can vary slightly from MCS year to MCS year with no effect on monthly or annual compensation. The employee's date of hire is his or her official employment anniversary date. The "anniversary date" for compensation of instructional staff is generally on or around August 15th of each year, subject to MCS discretion. The "anniversary date" for "classified" or administrative employees (all other positions) is either on or around August 15th each MCS year or on the anniversary of an employee's date of employment, subject to MCS discretion.

Pay Periods

All employees are paid on the 5th and 20th day of each month. When a regular pay date falls on a weekend or holiday, employees will be paid on the last business day before the holiday or weekend. When a regular pay date falls during a scheduled break from MCS (Spring Break, Winter Break, Summer Break, etc.), employees will be paid on the regular pay date explained above. Most full-time administrative staff and teachers are paid year-round as defined in individual Compensation Agreements. Most other employees are paid in applicable pay periods when hours are accrued within that period. No expectation of compensation should be made for employees who do not accrue hours within a pay period.

Hours of Work

MCS's standard work-week for full-time employees is five regular MCS days with attendance required at least 30 minutes prior to the start of MCS and 30 minutes after the end time of MCS. The official start of the week is 12:00 AM Monday to 11:59 PM Sunday. Schedules may vary, including the start and end times for the regular MCS day, and due to extended work days for meetings, conferences, concerts, fairs, professional development, trips and other events typical of the MCS environment, based on the school's needs. Employees may not deviate from MCS's hours of work, unless a supervisor specifically approves a request. MCS hours are Monday through Thursday 8:15am to 3:15pm and Friday 8:15am to 1:00pm.

Breaks

The MCS Director determines appropriate breaks per the school's and students' needs. Typically, employees working for more than five consecutive hours are provided with a meal break. Breaks are

scheduled consistent with classroom schedules and student lunch and/or recess periods so as not to disrupt the learning environment.

Lactation Breaks

In recognition of the well-documented health advantages of breastfeeding for infants and mothers and as part of our family-friendly policies and benefits, MCS provides a supportive environment to enable breastfeeding employees to express their milk during work hours (for up to one (1) year following the birth of a child). Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated.

23

Time Keeping

Non-exempt employees are required by law and MCS policy to use or maintain an accurate time sheet (or electronic equivalent). Employees log time-in, time-out and record any non-compensated breaks. It is strictly forbidden for an employee to clock (or otherwise log or sign) another employee in or out. Employees may not change time after it is recorded or tamper with anyone's time records. Falsifying time records is a serious matter subject to disciplinary action, up to and including termination of employment.

Overtime

It is understood that both exempt and non-exempt employees may be required to work extra hours to accommodate certain deadlines or job requirements. If extended hours are required of non-exempt employees by MCS (evidenced by written pre-authorization only), the employee will be compensated in accordance with the law. Non-exempt employees are to be paid time and one-half (1.5) for work time that exceeds 40 hours during a scheduled workweek. Employees asked to work overtime are expected to do so. Employees who work overtime without first obtaining proper written approval may be subject to disciplinary action, up to and including termination of employment. Exempt employees are not eligible for overtime pay. The calculation of overtime hours will not include holiday, sick leave, vacation days, or leave of any kind during a given scheduled workweek.

Advances and Loans

MCS does not give unearned advances or loans for wages to its employees.

Attendance and Punctuality

Employee attendance and punctuality is a major concern of MCS. Unsatisfactory attendance, including tardiness and leaving work early is unacceptable and may be subject to employee discipline. Furthermore, employees are rated in their performance appraisal in the categories of attendance and punctuality.

If an employee is ill, injured, an unexpected emergency arises, or for any reason cannot be on-time to work a scheduled shift, the employee must notify the Director no later than thirty (30) minutes before the start of their scheduled shift. If an employee is physically unable to contact MCS, they should direct another person to make the contact on their behalf. Leaving a message with a fellow staff employee or with the answering service is not considered proper notification.

When an employee calls in absent, he/ she is to advise MCS of his/ her expected date of return. The Director reserves the right to require proof of illness, injury or accident, including a doctor's statement(s) or notice(s), for any temporary disability.

Repeated absences, excessive absences (excused or unexcused) or a pattern of absences are unacceptable job performance. If an employee is absent for three (3) consecutive days and has not provided proper notification, MCS will assume that the employee has abandoned their position and they may be treated as having voluntarily terminated employment with MCS.

If an employee becomes ill at work, he/ she should notify the Director immediately. If an employee is unable to perform his/ her job task, an employee may be sent to his/ her treating doctor or home for the remainder of the day or until able to work again. Employees will be paid only for time actually worked and may receive paid sick time, if eligible.

24

Employees shall be at their workstation, prepared to begin work at the start of their scheduled work time or resumption of work duties. If employees are not prepared, they will be considered tardy. Excessive tardiness or absences, whether excused or unexcused, constitute unacceptable work performance. MCS does not categorize tardiness as excused or unexcused. If an employee is tardy, his/ her wages will be reduced by the amount of time he/she is tardy, calculated in whole minutes according to the school's clock.

All absences are to be arranged as far in advance as possible using the Staff Leave Request form. This includes vacations and time off for other reasons. If a doctor or dental appointments must be scheduled during the workday, it should be scheduled as early in the morning or late in the afternoon as possible.

Compensation Changes

Salary or wage increases are based on the MCS Compensation Schedule, and merit including several factors such as the performance of essential job functions, work-ethic, attitude and promotion. All salary increases are at the discretion of the Director and the MCS Board and are subject to continued government funding.

Salary or wages may also be adjusted downward due to job restructuring, job duty changes, job transfers, and adverse business economic conditions, including decreased local, state or federal funding.

Expense Reimbursement

MCS will reimburse employees for reasonable pre-approved MCS expenses within MCS budget(s). Reimbursable expenses include the approved purchase of MCS materials and supplies, registration fees, etc. Reimbursable (reasonable) expenses while traveling on MCS business include mileage (to and from assigned meetings, etc. at the federal rate) travel fares, accommodations, meals, tips, telephone and fax charges and approved purchases on behalf of the MCS. As a tax-exempt entity, the school is not required to reimburse sales taxes paid by employees to merchants for the purchase of goods or services; however, the business office may provide MCS's sales tax exemption certificate to employees for use with merchants when requested.

All expenses must be submitted on the request for reimbursement form(s) and approved by the Director or the MCS Board prior to submission for reimbursement. Whenever possible and in situations where the employee may question the reasonableness of an expense, the employee should secure approval in advance of incurring the expense. Unreasonable or excessive expenses will not be reimbursed. Employees are not authorized to spend MCS funds without approval nor expend funds over budgeted amounts. MCS may not reimburse employees for unauthorized or excess expenditures. Any questions should be directed to the business office.

Availability for Work

Employees must be available for work during normal MCS hours and arrive on time and be present to work when scheduled. A change in an employee's personal situation and attendance habits may affect continued employment if an employee is not able to consistently arrive on time to work; or perform work when scheduled. Employees must discuss the need to request time off or scheduling changes with their supervisor as soon as they are discovered. See the Employee Leave section below for additional information on availability and time off.

25

Mandatory Meetings

All employees of MCS are required to attend mandatory weekly staff meetings. In the event that a mandatory meeting interferes with an employee's regular schedule, no overtime will be paid for attendance except in those cases where a mandatory meeting causes a non-exempt employee to exceed forty (40) working hours in a single work week.

Employee Leave

Every MCS employee is required to notify the Director in writing on MCS form(s) in advance of the dates of all requested time off. Unforeseen circumstances, such as illness or injury, are exceptions to this rule.

The following guidelines are designed for the proper use leave:

1. If you will not be reporting to work, you must call the Director, or have someone call for you, as soon as possible within at least sixty (60) minutes prior to the MCS start time.
2. If you must leave the MCS because of illness or other reason, you must inform the Director before leaving.
3. If you foresee the need to take PTO (e.g., for non-emergency surgery or for a doctor's appointment or for personal reasons), you should make every effort to schedule the appointment(s) outside of the regular workday. If an appointment must be scheduled during your regular workday, inform the Director as soon as possible so that plans can be made to cover your absence.
4. Disabilities related to pregnancy or birth of a child will be treated as all other leave events for the purposes of application of MCS's leave policies.
5. If you are absent because of sickness or disability, MCS may require a doctor's note.
6. In case of an extended absence, you should consult other sections of this handbook and your insurance plan booklet to see whether you are eligible for disability leave (if offered) or continued eligibility of medical benefits as applicable.

Employee Leave—Salary/Full Time Paid Time Off (PTO)

Eligible Full-Time employees are given ten (10) paid personal days to use throughout the MCS year. Any unused PTO will be paid out at the end of the MCS year at the base substitute pay rate. Employees will not be paid for unused PTO leave when their employment ends for any reason.

Employees who are the subject of disciplinary action and placed on paid or unpaid leave by MCS as part of a disciplinary plan or during investigation periods are required to use all available PTO time starting immediately upon inception. In these circumstances, MCS shall apply available PTO time to regular paychecks for employees on paid or unpaid leave until available PTO time is exhausted. All employees requesting time off must complete a Staff Leave Request form for review and approval by the MCS Director. Excessive tardiness or absences may result in disciplinary action, up to and including termination or employment.

Employee Leave—Hourly

Hourly employees are paid for time worked. Hourly employees are given five (5) unpaid personal days to use throughout the MCS year.

All employees are expected to arrive for work on-time and work when scheduled. All employees requesting time off must complete a Staff Leave Request form for review and approval by the MCS Director. Excessive tardiness or absences may result in disciplinary action, up to and including termination of employment.

26

Holidays

MCS holidays include federal or state holidays, fall, winter or spring breaks and other days designated as MCS holidays on MCS's annual calendar. Administrative employees may be required to work holidays as determined the Director or MCS Board and as outlined in Employment Agreements. Operations, maintenance and custodial employees are required to work most MCS holidays and break periods.

Family and Medical Leave Act

Eligible employees may take up to 12 weeks of unpaid job-protected leave within a 12-month period per the terms of the Family and Medical Leave Act (FMLA). FMLA leave is a specified and approved leave granted by the Company upon the formal written request of eligible employees. Ineligible employees granted other forms of leave for any reason are not granted approval for nor is their leave governed by or under the provisions of FMLA. Eligible employees may request FMLA leave after 12 months and 1250 hours of employment service in the previous 12 months. Eligible employees must request FMLA leave with 30 days advance written notice except in times of unexpected leave. Employees may be required to submit a Statement from a Health Care Provider verifying the need for FMLA leave. Employees are required to use any and all available (accrued) PTO or other leave time before beginning leave under FMLA. Employees may have additional rights including rights for eligible relatives of certain military service personnel and should refer to the Family and Medical Leave Act for additional information. Employees shall give 2 weeks advance notice before they plan to return to work.

Subject to the Plan Documents, terms and conditions of the various medical benefit plans, benefits will continue for the full period of FMLA leave. Employees who do not return to regular employment with MCS after an approved FMLA leave may be required to reimburse MCS for all benefit plan premiums or contributions paid by MCS for the employee's elected benefit plans.

Personal Leave of Absence

Requests for personal leave without pay are considered individually and granted at the discretion of the Director or MCS Board. The reason for the request, the employee's length of service, the employee's work record and the demands of the individual's job are examples of the type of factors typically considered in evaluating a request for personal leave of absence. A request for personal leave of absence may be granted only if the employee is not eligible for any other type of leave. Employees who are granted personal leave are still responsible to pay the employee portion of any benefit programs in which they participate. Arrangements should be made with administration to coordinate the payment of premiums and other costs during leave periods when regular payroll withholding is not possible.

Teacher salaries (and salaries of other employees whose salary is spread over a longer period than their work schedule) who take unpaid leave (including FMLA leave) will be prorated proportionate to the number of days worked out of the scheduled days according to work schedules, and the final, prorated payment will be made on the regular pay-day for the pay period that includes the date of the beginning of

unpaid leave. When returning from leave, a new salary will be calculated proportionate to the number of work days remaining in the MCS year out of the total work days scheduled for the MCS year. The new salary shall be paid in equal installments over the regular paydays remaining in the MCS year.

All leaves (paid and unpaid) are granted for a specific period of time. An employee who foresees being unable or unwilling to return to work at the end of the leave period should apply for any other leave for which the employee is eligible, including an extension of the current leave. MCS reserves the right to terminate the employment of an employee who does not return to work at the end of an approved leave period.

27

Subject to the Plan Documents, terms and conditions of the various plans and upon MCS approval, medical benefit plans may continue for the full period of approved leave. Employees who do not return to employment with MCS after an approved leave may be required to reimburse MCS for all benefit plan premiums or contributions paid by MCS for the employee's elected benefit plans.

Bereavement Leave

A full-time employee of MCS may request a leave of absence with pay for a maximum of three (3) consecutive working days upon the death of a member of his or her immediate family. Members of the immediate family is defined as: father, mother, spouse, domestic partner, child, sister, brother, grandmother, grandfather, father-in-law, or mother-in-law. Proof of death may be required.

Jury Duty

Employees summoned for jury duty will be allowed the necessary time off from work to perform this civic responsibility. Employees must give MCS advance notice. Employees will be expected to report to work during all regular hours if their presence is not required in a jury room or court. MCS may require the employee to supply documentation from the court affirming the employee's jury duty service. Employees, the Director or the MCS Board may ask the court to excuse an employee from jury duty if an absence would cause serious operational difficulty for MCS.

Witness Duty

Employees who receive a subpoena to testify in court may be granted time off to serve as a witness for that purpose. Employees must give MCS advance notice. MCS will pay such employees regular wages if the case involves MCS, and the employee is not plaintiff to the suit. Employees are not compensated if the case does not involve MCS and will use PTO hours (if available) for this absence. Employees will be expected to report to work during all regular hours if their presence is not required in a jury room or court. MCS may require the employee to supply documentation from the court affirming the employee's witness duty service.

Voting Leave

If an employee does not have three (3) or more consecutive non-working hours while the polls are open to vote, then the employee will be given up to two (2) hours to vote in any state or federal election. The employee must request such leave at least one (1) day before Election Day. MCS may determine when the employee may take leave. However, if the employee requests leave at the end or beginning of a work shift, then MCS will honor that request. The two hours shall be compensated at the employee's regular rate of pay.

Military Duty

Leaves for military service and reinstatement after performing military service will be provided in accordance with the requirements of law (as applicable to the MCS at the time the leave was granted only) as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees who are absent from work in order to attend an annual encampment in a recognized reserve branch of the armed forces of the United States will receive an unpaid leave of absence of up to a maximum of two weeks per year.

Employees must provide 30 days advance notice unless an emergency or classified situation dictates otherwise, upon which evidence must be provided to MCS. Subject to the law and the Plan Documents,

28

terms and conditions of the various plans, medical benefit plans may continue for the full period of military leave. Employees who do not return to employment with MCS after an approved military leave may be required to reimburse MCS for all benefit plan premiums or contributions paid by MCS for the employee's elected benefit plans.

Emergency Closings and Severe Weather

This policy establishes guidelines for MCS operations during periods of extreme weather and similar emergencies. MCS will remain open in all but the most extreme circumstances. Unless an emergency closing is announced, all employees are expected to report to work. However, MCS does not advise employees to take unwarranted risks when traveling to work in the event of inclement weather or other emergencies. Each employee should exercise their best judgment with regard to road conditions and other safety concerns.

Designation of Emergency Closing

Only by the authorization of the MCS Board will MCS cease operations due to emergency circumstances. If severe weather conditions develop during working hours, it is at the discretion of the Director to release employees. Employees will be expected to remain at work until the appointed closing time.

Procedures During Closings

If weather or traveling conditions delay or prevent an employee's reporting to work, the Director should be notified as soon as possible. If possible, such notification should be made by a telephone conversation. If direct contact is not possible, leaving a detailed voicemail message or message with another employee is acceptable. An employee who is unable to report to work may use any accrued personal time, or take the day off without pay.

Pay and Leave Practices

When a partial or full-day closing is authorized by the MCS Board, the following pay and vacation practices apply:

- Hourly employees will be excused from work without pay and without disciplinary action.
- Exempt and non-exempt employees already scheduled to be off during emergency closings are charged such leave as was scheduled.

Employee Benefits

MCS provides benefits information to all eligible employees. The Plan Documents and Benefits Guides and Literature explain each benefit in detail, including costs, and the language of the plans' documents governs the application of each plan. Employee benefits may be modified or terminated; or new plans added at any time by MCS, benefits providers, or as required by law per the terms of the plan and/or at

MCS's discretion. Eligible employees may have to pay for part or all of the cost of benefit plans. Employees are required to read and understand MCS-offered benefit program materials to determine for themselves what benefits are best suited for them. Employees must contact the business office if they have any questions.

Benefits Eligibility

Employees who are scheduled and working more than 32 hours per week that have successfully completed 30 days of eligible employment are eligible for certain employee benefits. Employees scheduled and working less than 32 hours per week are not eligible for certain employee benefits. Temporary, probationary, on-call and substitute employees not consistently working in excess of 32 hours per week are generally not eligible for any employee benefits.

29

Initial Benefits Enrollment Period

Employees have until the end of the initial enrollment period (as defined in the Plan Documents) to submit all benefit enrollment forms for enrollment in employee benefit plans. Employees who do not submit all forms within the initial enrollment period will forfeit eligibility for enrollment in benefit plans at that time and will be required to submit new benefits enrollment forms at MCS's next open enrollment period. Employees may contact the business office at any time to obtain benefits eligibility, enrollment, plan information or enrollment forms at any time.

Medical Insurance

Medical insurance is available for eligible employees and their qualified dependents. Refer to the providers' Benefits Guide summaries for details regarding coverage, eligibility, waiting periods and cost. Eligible employees and their dependents may become eligible to participate or make enrollment changes outside of the annual open enrollment period if they experience a Qualifying Event as outlined in and governed by Plan Documents and provider Policy. If you are enrolled in a plan and become no longer eligible through a Qualifying Event, you may be able to continue coverage at the employee's expense through the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Retirement Plan

Eligible Employees will be given the option to enroll in MCS's retirement program as outlined in the Summary Plan Description. All regular employees working more than 1000 hours in one calendar year are eligible to participate in the MCS's retirement plan in accordance with the provisions of the law and the Plan Document.

Worker's Compensation

MCS requires that all employees report job-related accidents or injuries to the Director or the MCS Board immediately, whether the accident occurred on or off MCS premises. Failure to report an injury, regardless of how minor, could result in difficulty or denial of the employee's claim by the insurer. Employees are required to assist supervisors with completion of the First Report of Injury form within 3-5 working days of the accident or injury.

Worker's compensation insurance only covers work-related injuries and illnesses. The insurer under their policies, terms and conditions administers workers' compensation claims and the insurer pays claims. Employees are expected to return to work immediately upon release by their doctor.

Continuation of Benefits

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives eligible employees and their qualified beneficiaries the opportunity to continue health coverage under the MCS health plan, should the employee lose his or her eligibility from a Qualifying Event. A Qualifying Event may include resignation, termination, leave of absence, altered work schedule, death, etc. Under COBRA, if an eligible individual elects to continue insurance, that individual pays the full cost of coverage at the MCS group rate, plus an administrative fee. Details of COBRA coverage and how to apply for it will be provided as required by law. Under COBRA, employees may be allowed to continue their health insurance benefits, at the employee's expense, for up to 18 months after experiencing a qualifying event as outlined below.

30

Longer periods of coverage may be available dependent upon the qualifying event. To qualify for COBRA continuation coverage, an employee must have a qualifying event that causes the employee to lose group health coverage. The following are qualifying events for:

Employees

- Voluntary or involuntary termination of employment for reasons other than gross misconduct
- Reduction in numbers of hours worked

Spouses

- Loss of coverage by the employee because of one of the qualifying events listed above
- Covered employee becomes eligible for Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

Dependent Children

- Loss of coverage because of any of the qualifying events listed for spouses
- Loss of status as a dependent child under the plan rules

Unemployment Benefits

The Utah Department of Workforce Services administers unemployment benefits on behalf of the MCS. As defined in law, employees (including substitute teachers) not working during regular off-session days are not eligible for unemployment benefits. See Utah Administrative Rule R994-405-801 to 808 Services in Education Institutions.

Employee Performance and Corrective Action

Performance Evaluations, Promotion, Demotion

All employees will receive at least one (1) annual performance evaluation. This evaluation will be written and documented in the employee's personnel file. The evaluation will focus on job-related strengths and weaknesses, including peer relations as well as overall fit with MCS. Goals and improvement plans will be established each review period and progress will be measured periodically. Employees are encouraged to discuss their job performance with their mentor or the Director informally on a day-to-day basis.

Performance evaluations will determine merit compensation adjustments, promotions and demotions. MCS is most interested in providing opportunity for advancement within the school if opportunity for advancement becomes available. Accordingly, present employees of MCS may be considered for promotions. MCS retains sole discretion to determine the factors to be applied in any promotion decision and the relative weight of the factors. MCS may demote an employee, which is a reduction in responsibility usually accompanied by a reduction in salary or wages.

Employees will have the opportunity to thoroughly review all performance appraisals and provide a written opinion if they so desire.

Employee Communication and Relations

MCS seeks to deal openly and directly with its employees and believes that communication between employees and management is critical to solving problems. The MCS philosophy is that the person(s) most able to solve problems are the persons involved in a given situation. It is best to address problems with the person(s) with whom the problem or perceived problem exists. Co-workers that may have a problem with another employee or employees should attempt to resolve the problem themselves.

31

If a resolution is not apparent, both employees should approach the Director who will work with the employees to facilitate a resolution. In these instances, the decision of the Director is final.

Employees that have a problem with the Director should first go to the Director and state the problem. If a resolution cannot be agreed upon, the employee should present his or her problem, in writing, to the MCS Board. The decision of the MCS Board will be final. See the MCS Complaint Policy for additional details.

Grievances (Confidential Review of Concerns Policy)

Parents/guardians and school staff may occasionally have a concern in regard to a particular aspect of the school. Open and honest communication between parents, staff and the school are welcomed and encouraged. In order for the Governing Board and staff of Moab Charter School to best meet the needs of the student and the school, parents and staff who have concerns are asked to adhere to the following procedure when addressing concerns:

1. Begin by first addressing the concern with the teacher or individual with whom the concern is directly related.
2. If the teacher or individual is not able to sufficiently resolve the concern, the concern should then be addressed with the Director.
3. If the Director cannot resolve the issue satisfactorily, parents/staff may complete a "Confidential Review of Concerns" form, which shall be accessible from the school website or available in the main office by request.

This form may be emailed to the board chair or mailed to the school in a sealed envelope, addressed to the board chair. The board chair will then present the information to the Governing Board within three business days of receipt. The Confidential Review of Concerns will be placed on the agenda of the next regularly scheduled board meeting. The Governing Board shall follow Utah Open Meeting Law when discussing any information that falls under the closed/executive session parameters.

The Governing Board will respond quickly as circumstances dictate, not to exceed 45 days.

Please submit the following information either electronically or in a sealed envelope:

1. Address your form to the Moab Charter School Board Chair, 358 E. 300 S., Moab, UT 84532
2. Please describe the nature of your concern.
3. Please describe your efforts to address/resolve the concern with the individual(s) directly involved.
4. Please describe your efforts to resolve the concern with the Director.
5. Please describe why the Governing Board should consider your concern (why you feel steps #1 and #2 have not brought resolution).

Corrective Action

A high level of job performance is expected of each and every employee. In the event that an employee's job performance does not meet the standards established for the position, employees should seek

assistance from their mentor or the Director to attain an acceptable level of performance. If employees fail to respond to or fail to make positive efforts toward improvement, corrective action may ensue, including termination of employment.

It is the policy of MCS to regard discipline as an instrument for developing total job performance rather than as punishment. Corrective action is one tool MCS may select to enhance job performance. MCS is not required to take any disciplinary action before making an adverse employment decision, including discharge. A corrective action plan may be in the form of a written or oral reprimand, notice(s) of inadequate job performance, suspension, discharge or in any combination of the above, if MCS so elects. MCS reserves its prerogative to discipline, and the manner and form of discipline, at its sole discretion.

32

MCS holds each of its employees to certain work rules and standards of conduct. Corrective action is progressive. That is, the action taken in response to a rule infraction or violation of standards typically follows a pattern increasing in seriousness until the infraction or violation is corrected.

The usual sequence of corrective actions includes an oral warning, a written warning, probation, and finally termination of employment. In deciding which initial corrective action would be appropriate, the Director or the MCS Board will consider the seriousness of the infraction, the circumstances surrounding the matter, and the employee's previous record.

Through committed to a progressive approach to corrective action, MCS considers certain rule infractions and violations of standards as grounds for immediate termination of employment. These include but are not limited to: theft in any form, insubordinate behavior, any misconduct concerning a child/student, vandalism or destruction of company property, the use of company equipment without prior authorization, untruthfulness about personal work history, skills, or training, divulging business practices, and misrepresentations of MCS to another employee, a prospective employee, or the general public.

If employees violate established MCS procedures, guidelines, or exhibit behavior that violates commonly accepted standards of honesty and integrity or creates an appearance of impropriety, MCS may elect to administer disciplinary action.

Employee Separations

All employee benefits are affected by termination of employment. All accrued, vested or otherwise available benefits will not be paid at the time of termination unless prescribed by law. Individuals may choose to elect continuing coverage (based upon eligibility) for certain benefits under COBRA. Individuals will receive notification in writing about which benefits they may be eligible to receive after termination. Eligible individuals must elect to continue benefits or the benefits will not be available to them. Any accrued wages will be paid as prescribed by law as applicable to public entities.

Resignation

Employees are requested to provide a minimum of two (2) weeks' written notice of their intent to resign. An employee's notice of resignation to voluntarily terminate employment with MCS should be submitted to the Director or the MCS Board. An exit interview may be requested. Employees who resign their employment with MCS are requested to do so in writing.

Job Abandonment

Employees of MCS that are absent for more than two consecutive days without notifying the Director are considered to have voluntarily abandoned their employment with MCS and MCS will consider their abandonment as a resignation. The effective date of termination will be the last day the employee reported for work. If an employee abandons a job, he or she will not be entitled to any further compensation, including policy approved accrued vacation days, unless required by law.

Termination

All employment with the MCS is “at will” employment. This means that the employee has not been hired for a specified duration, but that he/ she can terminate his/ her employment with MCS or MCS can terminate the employment at any time, with or without cause, and with or without prior notice. An employee’s at-will employment status cannot be changed by any oral modifications.

33

Termination Process

MCS requires that employees return all documents, files, passwords, computer equipment, uniforms, MCS tools, business credit cards, keys and other MCS owned property on or before the last day of work. When all MCS owned property has been collected, the employee will receive his or her final paycheck on the next regular payroll date. As a public school, MCS is not required by law to provide a final paycheck within 24 hours, which is required of private sector employers in Utah. Employees leaving MCS will have the option of having an exit interview.

Employment References

MCS may, at its discretion, provide employment references for former employees. MCS will provide dates of employment and positions held and any other relevant information related to the employee’s time as an employee of the school.

Appendix A

RECEIPT AND ACKNOWLEDGEMENT OF EMPLOYEE HANDBOOK

The undersigned acknowledges receipt of the MCS Employee Handbook.

The contents of the Employee Handbook are presented as a matter of information. Except for the at-will provisions, the Handbook can be amended at any time.

I agree that I have read the Handbook and to follow the guidelines and policies set forth in the Handbook and any amendments to the Handbook along with the other policies and procedures of MCS.

It is specifically understood and agreed that the Handbook is for informational purposes only and is not intended to create a contract, nor is it a contract of employment or continuing employment between myself and MCS. It is further understood that neither the Handbook nor any policy of MCS is a guarantee or promise of employment or continuing employment.

I understand that I am not being hired for any definite period of time even though my wages are paid regularly. I further understand that I am an at-will employee and my employment can be terminated at any time, with or without cause and with or without prior notice either by the MCS or myself. No promises or representations have been made to me that I can be disciplined or discharged from my employment with MCS only under certain circumstances or after certain events.

MCS policy requires all employees to be hired at-will and this policy cannot be changed by any oral modifications. My at-will employment status with MCS has been fully explained and I have been given an opportunity to ask any questions regarding MCS policies and my at-will employment status. Nothing in this handbook is intended to infringe upon employee rights under Section Seven (7) of the National Labor Relations Act (NLRA).

Dated

Signature

Print Name