



# Kua O Ka La

A New Century Public Charter School

## PERSONNEL POLICY

**Approved/Revisions:** 9/11/2019

**Related Documents:** State of Hawai`i Annual Notice of Non-Discrimination and Anti-Harassment Statement, Resource Guide: Personnel Policy

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Kua O Ka La NCPCS (KOKLNCPCS) will comply with all terms of the charter school contract with regards to employment as outlined under the law including teacher licensing, finger printing, criminal background checks and evaluation.

### Equal Opportunity Employer

KOKLNCPCS is an Equal Opportunity Employer. It is our policy and commitment to recruit, hire, train, and promote individuals, as well as administer all Governance actions, without regard to race, color, religion, creed, age, sex, national origin, ancestry, marital status, veteran status, sexual orientation, status as a qualified individual with a disability, personal appearance, family responsibilities, matriculation, political affiliation, place of residence, or membership in any other class protected in accordance with applicable laws.

### Collective Bargaining

KOKLNCPCS shall be subject to and comply with collective bargaining agreements under Chapter 89 and shall comply with the master agreements as negotiated by the State; provided that the School may enter into supplemental collective bargaining agreements that contain cost and non-cost items to facilitate decentralized decision-making. The School shall provide a copy of any supplemental collective bargaining agreement to the Commission within 14 days of full execution.

### Anti-Harassment Policy

It is the policy of KOKL NCPCS to maintain a work environment in which all employees feel comfortable working and are treated fairly. Harassment based on any protected category will not be tolerated nor will retaliation against any employee who makes a complaint of harassment. KOKL NCPCS commitment to a harassment-free work

environment applies to all aspects of the school's operations, including parents, guardians, independent contractors and vendors. Any employee who believes that KOKL NCPSC policy against harassment, including sexual harassment, has been violated should make the school aware of the situation as soon as possible by the following procedures set forth in the section below.

### Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, or other verbal or physical conduct of a non-sexual but gender-based nature, whether by a male or female, under the following circumstances:

1. When submitting to such conduct is made a term or condition of an individual's employment, either explicitly or implicitly;
2. When submitting to or rejecting such conduct is used as a basis for employment decisions affecting the individual, or;
3. When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct which, if unwelcome, can amount to sexual harassment include but are not limited to the following: requests for sexual favors; uninvited sexual contact; sexual bantering; off-color language or jokes; sexual flirtations; advances or propositions; verbal abuse of sexual nature; commentaries about an individual's body; use of sexually degrading words to describe individuals; displays of sexual suggestive objects or pictures; gender-based insults or derogatory references, and use of sexually oriented or degrading gestures or other non-verbal communications.

### **Harassment**

Harassment is conduct directed to an employee because of their age, race, color, religion, national origin, marital status, personal appearance, sexual orientation, family responsibilities, disability, matriculation, political affiliation, veteran's status, place of residence or any other basis protected by applicable law. Examples of conduct which, if unwelcome, can amount to harassment include but are not limited to the following: off color language or jokes; verbal abuse of a discriminatory nature; commentaries about an individual's protected characteristics; use of degrading words to the protected characteristics of individuals; displays of degrading gestures or other non-verbal communications based on one's protected status. Employees will conduct themselves in ways that ensure others are able to work in an atmosphere free from harassment.

### Disabilities Policy

KOKL NCPCS complies with the Americans with Disabilities Act of 1990 (ADA) and District of Columbia Human Rights Act. KOKL NCPCS does not discriminate against qualified individuals with disabilities in hiring, placement, promotion, discipline, compensation or any other term or condition of employment or condition of employment. A “disability” is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The term “qualified individual with a disability” applies to an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that the individual holds or desires.

KOKL NCPCS will provide a qualified individual with a disability with a reasonable accommodation that will allow the individual to perform the essential duties of the job, unless an accommodation would cause undue hardship to the school. Individuals with a disability that poses a direct threat to the health or safety to themselves or others in the workplace may be placed on administrative leave until it is determine whether a reasonable accommodation is possible. KOKL NCPCS staff with a disability requiring reasonable accommodation should notify their supervisor or the KOKL NCPCS Principal. An employee who requests an accommodation must cooperate in the schools effort to determine whether an accommodation is reasonable.