**Employee Handbook**

Welcome to our team. We strive to provide quality child care for children and we need your help to do so. In addition to helping children grow and learn, safety is our number one priority. Each child is precious and parents expect that their children will be safe in our care. To help ensure children’s safety we follow the DELACARE: Regulations for Early Care and Education and School-Age Centers at all times.

**Orientation**

Before working with children, all staff members and substitutes will receive an orientation that covers the following topics:

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| * + DELACARE Regulations (related to your job duties); |
| * + Emergency preparedness, disaster and evacuation plans and procedures; |
| * + Personnel and administrative policies; |
| * + Release of children; |
| * + Positive behavior management; |
| * + Safe sleep procedures including prevention of sudden infant death syndrome; |
| * + Shaken baby syndrome and abusive head trauma; |
| * + Routine and emergency health care including health exclusions, prevention, and recognition of the symptoms of childhood illnesses, including reportable communicable diseases; |
| * + Prevention and response to emergencies due to food allergies; |
| * + Building and physical premises safety; |
| * + Handling and storage of hazardous materials; proper disposal of bio-contaminants; |
| * + Child accident and injury procedures; |
| * + Administration of medication, within two months of hire; |

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| * + Child care goals and program for children; |
| * + Recordkeeping, including documenting children’s and your own attendance; |
| * + Family involvement; |
| * + Food and nutrition services, including proper handling, storage, preparation, and feeding of breast milk and formula, if applicable; |
| * + Safety and sanitation procedures; |
| * + Physical activity; |
| * + Screen time; |
| * + Photographing or videotaping children; |
| * + Transporting children, if applicable; |
| * + Recognition of the symptoms of child abuse and neglect, the child abuse and neglect law and reporting requirements, and our procedures to report abuse and neglect; and |
| * + Information on federal and State laws or regulations applicable to children and families in care, including non-discrimination. |

You will be asked to complete the following trainings using <http://depdnow.com/> :

* Building and Physical Premises Safety
* Prevention and Control of Infectious Diseases, Asthma, and Allergies
* Infant Safe Sleep Practices for Childcare Providers
* Preventing Shaken Baby Syndrome for Childcare Providers

In addition to this orientation, you will give given a job description that lists your assigned daily duties. If you have any questions, about these duties please speak with the administrator and she will be happy to assist you.

**Dress Code**

We encourage you to dress comfortably while being professional. Clothing must fit properly. The following items are not to be worn: dresses, skirts, clothing with holes, jewelry (other than rings), flip-flops, and high heels.

**Curriculum, Lesson Plans, and Daily Schedule**

Each classroom has a curriculum to encourage children’s physical, social-emotional, language/literacy and cognitive development. Lesson plans are to be posted in each classroom and list activities that are both age and developmentally appropriate. In addition to these activities, children two and over must have the following special activities each week: cooking or food exploration/healthy habits, science and nature investigation, music and rhythm, and multi-sensory play. A daily activity schedule is also posted in each classroom and helps provide structure to the day. The schedule includes times for structured learning activities, free play, active play or weather permitting outdoor play, meals, snacks, and naptime.

Each day you are required to read to your group of children to help them develop their language or literacy skills. Books are available in each classroom. Please notify the administrator when books become damaged or tattered so they may be replaced. This same rule applies for when classroom supplies, toys, equipment, and furniture become damaged.

**Positive Behavior Management**

It’s important to remember that children are learning how to navigate the world and do not understand the consequences of their actions the way that adults do. You are required to use prevention strategies, appropriate redirection rather than restraint, and positive developmentally-appropriate methods of behavior management of children. You must encourage self-control, self-direction, positive self-esteem, social responsibility, and cooperation. You must give directions and guidance in a clear, non-threatening manner. You must intervene quickly to ensure the safety of children and others. You must redirect children by suggesting other acceptable behaviors. When a child is misbehaving, you may need to escort the child to a different setting and speak so children understand their feelings are important and acceptable, but their disruptive behavior is not. As children develop, you will modify these methods to encourage them to control their own behavior, cooperate with others, and solve problems by developing ideas about the best possible solution. In cases where a child has a special need or emotional disability, the administrator will discuss the concerns with the child’s parents. Professionals may be called upon to design effective positive behavioral interventions you will need to adapt your behavior management practices for this child.

The following actions are prohibited and may lead to your employment being terminated:

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| * + Roughly handling a child or physical punishment inflicted on a child's body, including, but not limited to the following: shaking, grabbing, striking, hair-pulling, biting, pinching, plucking, slapping, hitting, kicking, or spanking; |
| * + Yelling at, humiliating, or frightening children; |
| * + Physically or sexually abusing a child; |
| * + Making negative comments about a child's looks, ability, ethnicity, family, or other personal traits; |
| * + Denying children food, water, or toilet use because of inappropriate behavior; |
| * + Tying, taping, chaining, caging, or restraining a child by a means other than holding. The child may be held only as long as necessary for the child to regain control;   + If the child or others are in imminent danger or a risk to themselves or others, physical holding for as brief as possible to remedy the risk or removing the child to a safer location is permissible. Supervision is required.   + In the event physical holding is used, documentation must occur by the staff to ensure safety for all (child and staff member). |
| * + Punishing children for a toileting accident, or for failing to fall asleep, eat food, or complete an activity; |
| * + Withholding physical activity as punishment; or |
| * + Encouraging or allowing children to hit, punish, or discipline each other. |

**Federal and State Laws**

**At-Will Employment**

Since Delaware is an at-will employment state, your employment may be terminated at any time, with no warning, and without having to establish just cause.

**Minimum Wage**

Delaware’s minimum hourly wage is now $9.25. Employees under 18 years of age and those over 18 years of age within their first 90 days of employment may be paid at a rate that is 50 cents less than the current minimum wage. This youth and training wage is no less than $8.75 per hour.

## Meals and Breaks

Delaware labor laws require employers to grant a meal break of at least 30 consecutive minutes to employees 18 years of age or older scheduled to work 7.5 or more hours per day. The meal break may be unpaid, except under rare circumstances. Meal breaks must be given sometime after the first two (2) hours of work and before the last two (2) hours of work. This rule does not apply when:

* Only one employee may perform the duties of a position
* An employer has fewer than five employees on a shift at one location (the exception would only apply to that shift).

Where exemptions are allowed, employees must be allowed to eat meals at their workstations or other authorized locations and use rest room facilities as reasonably necessary. 

Delaware employers must grant a meal break of at least 30 consecutive minutes to employees under the age of 18 scheduled to work more than 5 hours continuously per day.

## Sick Leave

In Delaware, employers are not required to provide employees with sick leave, either paid or unpaid. If an employer chooses to provide sick leave benefits, it must comply with the terms of its established policy or employment contract. An employer in Delaware may be required to provide an employee unpaid sick leave in accordance with the [Family and Medical Leave Act](https://www.employmentlawhandbook.com/federal-employment-and-labor-laws/fmla/) or other federal laws.

## Vacation Leave

In Delaware, employers are not required to provide employees with vacation benefits, either paid or unpaid. If an employer chooses to provide such benefits, it must comply with the terms of its established policy or employment contract. An employer may lawfully establish a policy or enter into a contract denying employees payment for accrued vacation leave upon separation from employment. An employer may lawfully establish a policy or enter into a contract disqualifying employees from payment of accrued vacation upon separation from employment if they are terminated. An employer may also lawfully establish a policy or enter into a contract disqualifying employees from payment of accrued vacation upon separation from employment if they fail to comply with specific requirements, such as giving two weeks’ notice or being employed as of a specific date of the year. An employer is required to pay accrued vacation to an employee upon separation from employment if its policy or contract requires it. An employer is not required to pay accrued vacation leave upon separation from employment if the employer’s established policy or employment contract is silent on the matter unless the employer has established a practice of doing so.  An employer may lawfully cap the amount of leave an employee may accrue over time. An employer would also likely be free to implement a “use-it-or-lose-it” policy requiring employees to use their leave by a set date or lose it.

**Age Discrimination in Employment Act**

The Age Discrimination in Employment Act (ADEA) applies to employers with 20 or more employees and protects employees and applicants who are 40 years of age or over from discrimination in the workplace because of their age. If an employee is claiming they were replaced by or passed over for hire by a younger employee, they must show that the younger employee was substantially younger. The courts are not in consensus about how many years younger constitutes substantially younger, but the minimum number of years required by any court is three years. An employer can avoid liability for age discrimination when they can establish a bona fide occupational qualification (BFOQ) which requires an employee to be younger than the employee claiming age discrimination.

**Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) became law in 1990 and applies to employers with 15 or more employees. Among other things, the ADA prohibits employees from discriminating against employees with disabilities. An employee with a disability is defined as a person who:

* Has a physical or mental impairment that substantially limits one or more major life;
* Has a record of such an impairment; or
* Is regarded as having such an impairment.

If an employee qualifies as disabled as defined by the ADA, they are entitle to a reasonable accommodation to facilitate their continued employment, so long as they can perform the essential functions of the job for which they are hired. An employer does not have to make a reasonable accommodation for a disabled employee if it will cause an undue burden, which is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources, and the nature and structure of its operation. An employer is not required to lower production or quality standards to accommodate a disabled employee.

## Non-Discrimination

Title VII of the Civil Rights Act of 1964 made it unlawful for an employer with 15 or more employees to discriminate against an employee or prospective employee because of their race/color, national origin, sex, or religion. This type of discrimination can take two forms: disparate treatment or disparate impact.

### **Disparate Treatment**

Disparate treatment discrimination occurs when an employer intentionally discriminates against an individual because they possess one of the protected characteristic. The employer’s motive for taking the adverse employment action against the employee or prospective employee is central to a determination of fault. Disparate impact discrimination on the other hand requires no motive to discriminated.

### **Disparate Impact**

Disparate impact discrimination occurs when an employer’s facially neutral policy or procedure unduly burdens employees from one of the protected classes of individuals. The employer may have been attempting to act in the best interest of its employees and with no intent to discriminate when enacting the new rule or policy, but may still be liable under Title VII if, when applied, the rule has discriminatory effects. An employer can overcome liability for race, national origin, sex, and religion discrimination by showing it had a business necessity for the discriminatory policy or practice.

Employers should implement an anti-discrimination policy and educate their managers, supervisors, and employees about the consequences of discriminatory behavior in the workplace. Many states also have laws regarding discrimination in the workplace. Check with your state’s department of labor for more information.

## Sexual Harassment

Title VII was amended in 1991 to include a prohibition against sexual harassment in the workplace, and since then, sexual harassment has become a major issue for employers. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment. Sexual harassment falls into two categories: quid pro quo or hostile environment.

Quid pro quo harassment occurs when an individual of authority makes unwelcomed requests or demands a subservient employee to engage in sexually-based behavior in exchange for advancement, benefits, protection, etc., in the workplace or to prevent an adverse employment action, i.e., termination, demotion, onerous job duties, from taking place.

Hostile environment harassment occurs when an employee is subjected to the sexually explicit workplace conduct of a co-worker which creates an atmosphere that unreasonably interferes with work performance or creates an intimidating or unduly offensive work environment. An employer becomes liable for a hostile workplace environment if they knew or should have known about the harassment and failed to take any step to correct it.

Sexually-based behavior and language is not permitted in this center. You may be terminated from employment for this type of behavior. If you feel you are being sexually harassed, please contact the administrator or owner.

## Pregnancy Discrimination Act

The Pregnancy Discrimination Act (PDA) amended Title VII to prohibit employers from discriminating against an employee or prospective employee because they are pregnant. Employers are also required to treat any leave requests by pregnant employees the same as they would a disabled employee and hold open a job for an employee absent due to pregnancy for as long as they would for an employee on disability leave.

**Delaware’s Equal Accommodations Law**

This law prevents discrimination against people because of their race, age, marital status, creed, color, sex, disability, sexual orientation, gender identity or national origin. Places of “public accommodation” can include state agencies, local government agencies, and state-funded agencies performing public functions, and can include government buildings, courthouses and jails, transportation systems like busses and trains, or recreational areas like libraries, beaches and parks. Places of “public accommodation” can include privately owned or operated businesses and buildings that offer goods and services to the public.