



# **Associate Handbook**

*effective 5/1/2018*

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*\* Acknowledgment Form must be signed and returned prior to the start of rehearsals.*

# Welcome to Shakespeare in the Park!

As an associate of Optimist Theatre and Shakespeare in the Park, whether in the capacity of an artist, contractor, employee or intern, you are part of a team of individuals who make Shakespeare in the Park a magical experience for everyone it touches. Together with your help, Optimist Theatre aspires to enrich our community through the medium of the world's most-performed playwright. We focus on connecting artists and audiences, regardless of the latter's ability to pay, offering professionally produced and performed theater to bring new audiences to the arts; to create art that is accessible; to celebrate diversity in hiring, casting and marketing; and to add to our community's cultural footprint.

Please familiarize yourself with this handbook and keep it for easy reference. The goal of these policies is to assure all associates the opportunity to work in an environment of fairness, safety and cooperation. If any questions arise regarding these guidelines, we invite you to connect with executive management.

## Our Mission ...

We believe that the theatrical arts broaden and enrich those parts of our minds and spirits that are most essentially human. Optimist Theatre is driven to reach artists and audiences across the economic, ethnic, and experiential landscape. We educate, entertain, and inspire through creative works of artistic integrity.

## ...and Goals

- To create theater that is imaginative, dynamic and of the highest professional caliber
- To celebrate the talents of the artists who create our work, to encourage creative collaboration within the company and to treat our colleagues with dignity and respect
- To serve as a “gateway” theater, bringing new audiences to the arts
- To create art that is accessible, financially, geographically, and culturally, to all people in our community, and to celebrate diversity in hiring, casting and marketing
- To be financially responsible, maximizing in-kind and volunteer contributions and implementing innovative, aggressive grass-roots fundraising campaigns
- To add to our community's cultural footprint, helping to make Milwaukee an attractive place for visitors, residents, entrepreneurs, professionals, and businesses.

We hope that your experience here will be rewarding, enjoyable, and challenging.

Thank you again,

**Susan Fry**

Executive Director

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## **About this Manual**

Optimist Theatre (hereafter referred to as “OT”) is the contractor or employer of all artists and personnel (hereafter referred to as “Associates”) of Shakespeare in the Park. The OT Handbook is designed to acquaint you with our general personnel policies/practices. It is also a guide to your obligations as an associate. This Handbook neither creates an express or implied contract nor alters the “at will” nature of your employment. It is not intended to be an all-inclusive source of information, nor can it be used to restrict the free exercise of management’s judgment and discretion. The Handbook is viewed as an evolving document, and consequently, OT reserves the right to modify any policies, procedures or guidelines at any time without notice. Unless otherwise indicated, this Handbook supersedes all previous written or verbal policies. There may be circumstances when changes in regulations, laws, or OT policy, practices, or benefits may significantly modify provisions of this Handbook or affect its specific or general application.

### **Your Contract**

The provisions and benefits of this Handbook may not be applicable to employees otherwise covered by a collective bargaining agreement. If your job is covered by a labor contract, there may be some difference in benefits, policies, and procedures between this Handbook and your labor contract. In those instances, the labor contract will prevail.

If you are an Independent Contractor, the provisions of this Handbook are meant to supplement the terms of your specific contract.

# Employment

## At Will Engagement

Neither this Handbook nor any of its provisions create an expressed or implied contract of employment. The working relationship between OT and its associates exists because of the consent of both parties unless otherwise described in a written individual employment contract or collective bargaining agreement. Engagement of artists, contractors, interns, volunteers, or employees is not guaranteed for any definite period of time. Termination may occur within the policy detailed within an associate's individual contract.

## Equal Employment Opportunity

OT is an equal-opportunity employer; it is the policy of OT to select the best-qualified person for each position in the organization. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at OT will be based on merit, qualifications, and abilities. No employee will discriminate against an applicant for employment or against a fellow employee on the basis of race, color, religion, sex (including pregnancy), sexual orientation, gender identity, marital status, national origin, citizenship status, ancestry, age, veteran or military status, disability (except where related to ability to perform the essential functions of the job with Optimist Theatre, in accordance with applicable laws), genetic information, or any other characteristic protected by law and reflective of human compassion. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

This Theatre maintains a policy of non-traditional casting, except when a director's interpretation of a character or play requires specific gender, age, or racial identities in casting choices, we cast and hire on the basis of ability, rather than identity.

**Individuals with Disabilities:** Unlawful discrimination against any applicant or employee with a disability will not be permitted by OT. In accordance with applicable laws, including the *Americans with Disabilities Act (ADA)* and the *Rehabilitation Act of 1973*, reasonable accommodations may be made. Associates in need of a reasonable accommodation should contact the person to whom they report.

Any associates with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the Artistic Director or Executive Director. Employees should raise concerns and may make reports without fear of reprisal. Anyone found to be engaging in any type of prohibited discrimination will be subject to disciplinary action, up to and including termination of engagement.

## **Business Ethics & Conduct**

OT will comply with all applicable laws and regulations and expects its directors, officers, and associates to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide an associate with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with the person to whom the associate reports.

Compliance with this policy of business ethics and conduct is the responsibility of every OT associate. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including termination of engagement.

## **Immigration Law Compliance**

As an independent contractor, OT expects that your citizenship status is appropriate to your situation and has no requirement to illustrate that status as a term of your contract.

As an employee, OT must maintain compliance with the *Immigration Reform and Control Act of 1986*, and will require the Employment Eligibility Verification Form I-9 and associated documentation. Former employees who are rehired must also complete the I-9 form if they have not completed one within 3 years. This form will be supplied with your contract.

## **Conflicts of Interest**

Associates are expected to promote and protect the best interests of OT; may not engage in undertakings or actions that are inconsistent with the Theatre's best interest; and may not disrupt, undermine, or impair the organization's relationships with any of its patrons, supporters, colleagues, outside organizations, or other entities with which OT has, or has proposed to enter into, agreements, cooperative ventures, or contractual relationships.

# **Engagement Status and Records**

## **Engagement Applications**

OT relies upon the accuracy of information contained in employment applications and resumes, as well as the accuracy of other data presented throughout the hiring, audition, contracting and/or employment process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for engagement or, if the person has been hired, termination of engagement.

## **References**

OT reserves the right to check any references provided for employment.

## **Personnel Files**

OT maintains a personnel file on each associate, which are the property of OT. Access to the information they contain is restricted. Generally, only OT personnel who have a legitimate reason to review information in a file are allowed to do so.

Associates who wish to review their own file should contact the Executive Director. With reasonable advance notice, employees may review their own personnel files in OT's office as allowable to the extent of the law.

It is the responsibility of each employee to promptly notify OT of any changes in personal data, such as mailing addresses, telephone numbers, and emergency contact information or any other data that is pertinent to maintaining accurate personnel files.

# Compensation and Timekeeping

## Compensation

Compensation and pay schedules for all associates are issued in accordance with their respective engagement statuses and agreements.

## Paydays

For associates categorized as **employees**, paychecks are typically issued on Thursday evenings, dated the following day, either weekly (for members of Actors' Equity) or on alternate weeks (hourly employees). Independent Contractors' paychecks will be issued according to the terms of their individual contracts.

For the 2018 performance season, **hourly employee** pay dates will be as follows:

<i>For hours worked</i>	<i>Pay date</i>
April 30- May 13	May 18
May 14-27	June 1
May 28-June 10	June 15
June 11-24	June 29
June 25-July 8	July 13
July 9-22	July 27
July 23-August 5	August 10
August 6-19	August 24
August 20-September 2	September 7

Employee paychecks include salary stubs, which are provided as a record of earnings, and employees are urged to save them. By January 31 of each year, employees will receive a statement indicating total earnings and income taxes withheld to be used for federal and state tax returns for the previous year.

At this time, OT does not provide payment via direct deposit of funds.

If a check is lost, employees should immediately notify the Executive Director. If the bank has not paid your check, OT will issue a stop payment notice. The cost of replacing the check may be passed on to the employee. A lost check will be reissued at the next pay period after the Bookkeeper has received written authorization.

## Time Records

The work week for all employees is Monday through Sunday.

All **hourly employees** are required to maintain accurate time records regarding the amount of time they spend on OT business each day and turn in such records to their supervisors or the Bookkeeper on a weekly basis.

For **members of Actors' Equity Association**, the Production Stage Manager will maintain and report weekly hours, as governed by the contract and waivers granted to the artist and OT.

**Overtime:** for **hourly employees**, overtime pay is calculated at one and one-half times the employee's regular rate of pay for all hours over 40 in one work week. Overtime work must be approved in advance. It is all employees' responsibility to notify their supervisor if they anticipate that they will incur overtime in a given week.

## Administrative Pay Corrections

OT takes all reasonable steps to ensure that associates receive the correct amount of pay in each paycheck and that payments are made promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Bookkeeper or Executive Director so that corrections can be made as quickly as possible.

## Pay Deductions

The law requires that OT make certain deductions from the compensation of associates classified as employees. Among these are applicable federal and state income taxes. OT also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." OT matches the amount of Social Security taxes paid by each employee.

"Pay setoffs" are pay deductions taken by OT, usually to help pay off a debt or obligation to OT or others. If you have questions concerning why deductions were made from your paycheck or how they were calculated, the Bookkeeper can assist in having your questions answered.

Wage garnishments requested by a court or a government agency requires OT to withhold a certain amount of money from an employee's paycheck and send it to a named person or agency. If OT is instructed by a court or agency to garnish an employee's wages, the employee will be notified of the garnishment. Please note that OT is legally required to comply with these orders. If an employee disputes or has concerns about the amount of a garnishment, employees must contact the court or agency that issued the order.

You may authorize OT to make certain types of additional deductions. Questions regarding deductions should be addressed to the Bookkeeper.

If you believe that a pay deduction has been taken improperly, contact the Bookkeeper as soon as possible. OT will reimburse an employee for any improper deduction.

## **Termination Payments**

Because engagement with OT is based on mutual consent, both the associate and OT have the right to terminate the engagement in accordance with the terms detailed within the employment contract. In such an event, if a final paycheck for a terminated associate is owed, it will be issued on the next regular payday and will be mailed to the address on file.

## Associate Benefits

### Workers' Compensation Insurance

OT provides a comprehensive workers' compensation insurance program at no cost to associates. This program covers injuries sustained in the course of engagement that require medical, surgical, or hospital treatment. **Employees who sustain work-related injuries should inform their supervisor immediately.** Failure to do so could result in discipline, up to and including termination. OT requires all associates to file a written report of any on-the-job injury or accident within 24 hours of occurrence. This will enable an eligible associate to qualify for coverage as quickly as possible.

### Complimentary Reservations

Associates are eligible to receive complimentary reservations to OT performances for friends/family. Because Shakespeare in the Park performances are free to see on a first-come/general seating basis, complimentary advance reservations are generally to be used when time constraints are such that the associate's guests may be unable to arrive one hour before curtain in order to select seats.

To ensure that general seating opportunities for members of the community are as plentiful as those reserved for donating Members and others who may receive complimentary reservations, the number of seats available to reserve for each performance is limited. At present, each associate will be issued with six unique reservation codes, provided in the ten days prior to opening night. Additional reservation codes may be requested via the Communications Director but cannot be guaranteed and are subject to availability.

Reservations are to be made via the OT online system using the codes provided. OT cannot guarantee that verbal requests to OT staff for reservations can be fulfilled. If any assistance is required to access the online system and to process your reservations, OT's Communications Director is available to help.

# Workplace Environment

## Health & Safety

OT is committed to providing a safe and healthy work environment for associates, audience members, and visitors. OT recognizes that safety is everyone's responsibility and expects all associates to take responsibility for working together to prevent accidents. Associates may discuss safety concerns with management at any time.

As applicable and possible, OT provides information to associates about workplace safety and health issues through regular internal communication channels, such as supervisor-associate meetings, bulletin board postings, memos, or other written communications.

Some of the best safety improvement ideas come from associates. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor or with another supervisor or manager. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Associates are responsible for taking reasonable measures to protect their health and safety. Reasonable measures include practicing safe and healthy behaviors in order to avoid injury or unless that could impair an associate's ability to fulfill the terms of their contract.

Supervisors will ensure that associates work when they are fit for duty and have the appropriate skills necessary to perform their assigned tasks. All safety apparel and equipment must be used appropriately in designated work areas. Appropriate clothing and shoes (i.e. no flip-flops) should be worn as required for the tasks that are required.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, associates should immediately notify the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation and benefits procedures. Failure to timely report a workplace injury may result in discipline, up to and including termination.

## Workplace Violence Prevention

OT is committed to preventing workplace violence and to maintaining a safe, healthy work environment. Therefore, OT has adopted the following guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur during business hours or on its premises.

All associates, including supervisors and temporary associates, should be treated with courtesy and respect at all times. Associates are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons and other dangerous or hazardous devices or substances are prohibited on the premises of OT rehearsals, performances, and company events without proper authorization.

Conduct that threatens, intimidates, or coerces another employee or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's gender, sexual orientation, race, age, national origin, citizenship status, religion, disability, or any characteristic protected by federal, state, or local law.

All threats of or actual violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, interns, vendors, solicitors, or members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening.

The Marcus Center for the Performing Arts security and house management have all received extensive training on responding to a real or potential threat and should be deferred to. If the act of violence or potential act of violence takes place on the grounds of the Marcus Center and is instigated by a member of the public and not an OT associate, the company policies and procedures of the Marcus Center for the Performing Arts will be implemented. The OT supervisor to whom you report the incident will immediately connect with the Marcus Center Theatre Manager who will promptly and thoroughly investigate all reports of threats of or actual violence and of suspicious individuals or activities. If an OT supervisor is unavailable or it is simply not practical to find one, report directly to any Marcus Center employee who is in possession of a walkie-talkie.

The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation.

Anyone determined to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination.

OT encourages associates to bring their disputes or differences with other associates to the attention of their supervisor or the Executive Director before the situation escalates into potential violence. OT is eager to assist in the resolution of employee disputes and will not discipline associates for raising such concerns.

## **Drug & Alcohol Use**

It is OT's desire to provide a drug-free, healthful, and safe workplace. To promote this goal and in accordance with the federal *Drug-Free Workplace Act of 1988*, associates are required to report to work in appropriate mental and physical condition to perform their jobs. Any instance of use, possession, distribution, manufacture, or sale of alcohol or illegal drugs on the premises or while working off premises for OT shall be subject to immediate disciplinary action, up to and including discharge. "Use" includes reporting to work while under the influence of alcohol and/or controlled substances. Associates are required to notify their supervisor or the Executive Director of any criminal drug conviction for a violation occurring in the workplace no later than 5 days after such conviction.

The legal use of prescribed drugs is permitted on the job if it does not impair an associate's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Associates are responsible for alerting the Production Stage Manager of any current prescriptions that may affect performance and /or safety.

OT understands that at certain company-related events on or off the premises, associates may serve, use, or possess alcohol at their discretion. Associates are prohibited from supplying alcoholic beverages to other associates who are under the legal age for alcohol consumption.

Individuals suspecting substance abuse in an employee should report the concern to a supervisor, the Artistic Director, or Executive Director.

## **Sexual & Other Unlawful Harassment**

Normal, courteous, mutually respectful, non-coercive interactions between people that are generally socially acceptable to both parties are not considered to be sexual harassment. However, OT is a workplace environment and as such is not an appropriate environment for sexualized personal behavior that is unrelated to the rehearsal or performance of the play.

OT will not tolerate harassment, sexual or otherwise, in the workplace. It is OT's policy that all associates are responsible for assuring that the workplace is free from sexual and other harassment. No employee, regardless of gender, should be subject to unwelcome verbal, physical, or visual conduct that is sexual in nature or that shows hostility to the employee because of the employee's gender. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that reasonably may be construed as unwelcome, that is personally offensive, and/or that debilitates morale. Sexual harassment may include unwelcome sexual advances, requests for sexual favors, sexualized comments or jokes, and other verbal or physical conduct of a sexual nature when the submission to such conduct is made either explicitly or implicitly a term or condition of employment; or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

OT also prohibits harassment based on a person's race, color, religion, sex, sexual orientation, gender identity, age, national origin, ancestry, disability or any other legally protected characteristic and will not tolerate any form of harassment, including sexual harassment, against any associate by anyone, including co-workers, supervisors, partners, vendors, clients or any third party. Everyone at OT is responsible for assuring that our workplace is free from prohibited harassment and is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited harassment.

**Prohibited Conduct:** In accordance with the policy stated above, this policy includes any conduct, whether verbal, physical or visual, that is based upon an individual's protected status, such as sex, color, race, ancestry, religion, national origin, age, disability, marital status, veteran or military status, citizenship status, sexual orientation, gender identity, genetic information, or other characteristics protected by law. OT will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. Such prohibited conduct includes but is not limited to ridicule of individuals based on their status or other verbal, physical or visual abuse or conduct based on their status or other protected characteristics. An employee who is subjected to Prohibited Conduct shall

immediately report that conduct to the OT staff member they feel most comfortable approaching so that remedial action may be taken.

**Sexual Harassment:** For these purposes, sexual harassment is defined to include unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct based on sex when:

- submission to such conduct becomes an implicit or explicit term or condition of employment,
- submission to or rejection of the conduct is used as the basis for any employment decision
- the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual Harassment is not limited to explicit demands for sexual favors. It can include other conduct based on sex, whether directed toward a person of the opposite or same sex, and may include actions such as:

- unwelcome sex-oriented verbal ridicule
- unwanted sexual advances or repeated flirtations
- asking unwelcome questions or making unwelcome comments about another person's sexual activities, dating, personal or intimate relationships, or appearance
- graphic or degrading sexually-oriented comments about an individual or his or her appearance or sexual activity
- unwelcome whistling, staring, or leering at another person
- pressure for sexual activity, such as offering or implying an employment-related reward in exchange for sexual favors or submission to sexual conduct, or threatening or taking negative employment action if sexual conduct is rejected
- unwelcome sexually suggestive or flirtatious letters, notes, invitations, e-mails, or voice mails,
- unwelcome intentional touching of another person or other unwanted intentional physical contact including patting, pinching, or brushing against another person's body
- displaying or circulating pictures, objects, or written materials (including e-mail forwards, graffiti, cartoons, photographs, pinups, calendars, magazines, figurines, novelty items) that are sexually suggestive or that demean or show hostility to a person because of the person's gender.

An employee who believes they may be subjected to Prohibited Conduct and/or Sexual Harassment, or who believes they may have witnessed Prohibited Conduct and/or Sexual Harassment shall immediately report that conduct to the OT staff member they feel most comfortable approaching so that remedial action may be taken.

**Reporting:** Everyone at OT is responsible for assuring that our workplace is free from all forms of harassment. OT encourages associates who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome. However, OT recognizes that in some instances, confrontation may not be feasible. Any employee who has experienced or witnessed any conduct that may be a violation of this policy is to immediately bring the problem to the attention of the Artistic Director or the Executive Director.

**Investigation:** All reports describing conduct that may be a violation of this policy will be promptly and thoroughly investigated by the Artistic Director and/or the Executive Director, and appropriate action will be taken. If an investigation confirms that a violation of this policy has occurred, OT will take corrective action, including discipline and/or dismissal, as is appropriate under the circumstances. OT reserves the right to take disciplinary action in cases of inappropriate behavior, even if that behavior does not amount to a violation of the law. In the event of harassment by an individual who does not work at OT, OT will take corrective action reasonable and appropriate under the circumstances.

**Retaliation:** Any retaliation against an employee for bringing a good faith report of conduct that may be a violation of this policy, assisting in an investigation of any such reports, bringing sexual harassment charges, or assisting in investigating of such charges is strictly prohibited by OT. Violation of this policy may result in discipline up to and including termination. Any associate bringing a good faith sexual harassment complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged. An employee who is subjected to retaliation shall immediately report that conduct to the OT staff member they feel most comfortable approaching so that remedial action may be taken.

**Confidentiality & Documentation:** To the extent reasonably possible, confidentiality with respect to reports and related investigations will be maintained by an OT staff member who is not involved in the alleged incident. However, complete anonymity cannot be guaranteed. While OT will take reasonable steps to maintain the confidentiality of the complaint, a fair and effective investigation may necessitate the disclosure of names of complaining parties and witnesses. OT will retain confidential documentation of all allegations and investigations and will take appropriate corrective action, including disciplinary measures when warranted, to remedy any violation of this policy.

**Management Responsibility:** Supervisors, managers, and staff members are responsible for making sure this policy is enforced at all times and with respect to all associates and applicants. Supervisors and managers must promptly report any and all observations, knowledge or complaints of discrimination, harassment, or inappropriate or offensive conduct to the Executive Director, regardless of whether the conduct occurred in their area or whether the associate has made a report or complained about the conduct. Failure of an associate to report claims of harassment hinders OT from taking steps to remedy the problem and preventing future occurrences. An employee's request that issues of discrimination or harassment not be pursued does not excuse a failure to report the conduct. Supervisors are reminded that if they engage in, permit, or condone discrimination or sexual or discriminatory harassment in the workplace or in job settings, they may be held personally accountable by OT and under applicable law

## **Whistleblower Policy**

OT is committed to lawful and ethical behavior in all of its activities and requires its board members, committee members, and staff to conduct themselves in a manner that complies with all applicable laws and regulations. If at any time an associate has a concern regarding the propriety or legality of any action under contemplation or that has been taken by the organization or any other OT person, or believes that an action needs to be taken for OT to comply with law or appropriate ethical standards, the employee should promptly advise their supervisor, the Artistic Director, or the Executive Director.

If management is unresponsive, if the complainant believes management will be unresponsive, or if management is itself the subject of the concern, the employee should contact the President of the Board of Directors to report those concerns. Every effort will be made to investigate a report by an associate as discreetly as possible. Because of the need to investigate the report, correct a problem, or prevent future problems, the organization cannot, however, promise complete confidentiality.

No associate will be discharged, threatened, discriminated against, or retaliated against in any manner for reporting in good faith what he or she perceives to be wrongdoing, violations of law, or unethical conduct.

# Office Practices

## Use of Funds

Original receipts should be submitted within 2 (two) months of a purchase using the appropriate form, if required, and reimbursement will be made as soon as possible at the discretion of the business office. Whenever possible, all purchases made for business use should be made using the state tax exemption form or ID number. Certificates will be provided upon request.

OT associates are prohibited from using OT funds for personal expenses. If funds for which an associate is responsible are stolen or lost as a result of the associate's failure to properly secure them, associate may be held personally responsible for replacing those funds.

## Work for Hire

OT creates a variety of printed and recorded material for a variety of purposes, including marketing, community outreach, educational outreach, and archives. Unless otherwise negotiated, none of these materials is created for the purpose of selling said material. All printed and recorded material is created based on contractual parameters, in particular guidelines detailed within the contract between OT and the Actors' Equity Association.

Unless otherwise agreed in writing, all work created by OT associates within the scope of their employment at OT for the use of the organization shall be defined as "work for hire" under the *Copyright Act of 1976* and as such is the property of OT, with OT retaining all ownership, copyrights and/or future licensing rights. OT shall have the irrevocable and perpetual rights to use work for hire with no additional compensation to associates. This includes but is not limited to curriculum created for educational programming, plays created or adapted for Shakespeare in the Park or educational programs, and montages or medleys, whether video, audio or live, created for OT special events, such as galas or benefit dinners, etc. The location of all files and work product needs to be communicated to an associate's supervisor prior to their last work day. No files or work products may be duplicated or removed without the express written consent of the Executive Director. Exceptions to this policy may be made in advance of the start of a project with the mutual written approval of OT executive management and the associate(s) affected.

"Files or work products" includes, but is not limited to, electronic mail messages, voice mail messages, computer files, passwords, computer data, and information obtained from on-line services and the Internet. OT reserves the right to access, monitor, intercept, and/or disclose any of the foregoing information for any purpose at any time.

## **Non-Disclosure**

Associates are expected to protect confidential information obtained at OT. The protection of this information is essential to the security of the associates, patrons, and the work of OT.

Such confidential information includes, but is not limited to, the following examples:

- compensation data
- audience lists
- donor lists and amounts
- marketing information and strategies
- financial information
- programming information
- corporate plans and strategies
- pending projects and proposals

Associates who improperly use or disclose OT confidential information will be subject to disciplinary action, up to and including termination, even if they do not actually benefit from the disclosed information. The associate's obligation to protect the confidential information of OT continues even after termination of engagement.

## **News Media**

Should a news media appearance or interview be requested and granted by OT, fulfillment of the requested interview is at the discretion and good will of the associate. It is prohibited for OT associates to respond to or initiate communication with the media/press regarding confidential information unless designated to do so by an authorized director. Please refer to the section regarding behavior in accordance with the company's best interests.

## **Social Networking Policy**

An associate's online presence reflects OT. Be aware that actions captured via images, posts, or comments can reflect that of OT.

Given the ubiquitous and very public nature of social networking, OT has developed the following policy for all OT associates to use when engaging in social media and social networking activities in order to protect the reputation of OT.

OT personnel should be mindful of the public nature of the internet when engaging in conduct online and assume that information becomes public the moment it is published.

Social media is in a state of constant change, and OT recognizes that there will likely be events or issues that are not addressed in this policy. Therefore, the responsibility falls to each individual to use professional judgment. When in doubt or where no guidelines may exist, associates should seek clarification or authorization from a department head before engaging in any questionable conduct online.

- Personal blogs should have clear disclaimers, when referencing OT, that the views expressed by the author in the blog are the author's alone and do not represent the views of OT. Make it clear that you are speaking for yourself and not on behalf of OT.
- Information published online should comply with OT's confidentiality and nondisclosure of proprietary data policies. This also applies to comments posted on other blogs, forums, and social networking sites.
- Be respectful to OT productions, other associates, patrons, partners and visiting artists.
- Video, photographs, pictures, and recordings of any part of an OT production may not be posted on any social networking site without prior authorization from OT.
- Any reference to OT's associates, patrons, donors, partners, or visiting artists without their consent must be removed should any of the aforementioned parties request removal. Of particular note are any images of members of the Actors' Equity Association, which include distinct restrictions regarding the use of a member's image for any purposes.
- Unless the OT image has restricted use, OT logos, production shots, signature images and logos, press and/or marketing images may be used for personal social networking purposes. In the case of any doubt regarding the appropriateness of use of the image, check with the Executive Director.

This policy applies to web applications that facilitate information sharing and collaboration, including but not limited to web-based communities, social-networking sites, video sharing sites, blogs and micro-blogs, etc. (the absence of or lack of explicit reference to a specific site does not make it exempt). This policy applies without regard to whether the conduct occurs during working or non-working hours, and regardless of whether OT equipment is used.

## **Smoking**

All facilities in use by OT are considered non-smoking regardless of the policy of the specific property owner. Any smoking should take place no less than 50 feet from the primary OT gathering or work area. Cigarette butts should be gathered and disposed of safely and cleanly.

# **Disciplinary Action and Employment Termination**

## **Open Door Policy**

OT promotes an atmosphere whereby associates can talk freely with members of the management staff. Associates are encouraged to openly discuss any problems with their supervisor or any member of the management staff so that appropriate action may be taken.

## **Progressive Correction**

It is OT's policy to apply progressive correction when needed to alter associate misconduct and improve job performance. This policy should not be construed to alter the employment at will relationship. OT reserves the right to initiate correction at any level, including immediate termination.

The progressive basis and may include verbal warnings, written warnings, disciplinary probation, suspension, or termination. Progressive actions are cumulative. Incidents of serious misconduct will result in immediate termination.

## **Employment Termination**

Associates of OT have traditionally worked together in a cooperative and supportive manner, placing their primary emphasis on the purposes and goals of the organization. OT believes strongly that these positive motivating factors are essential to the organization.

The nature of OT's business is transitory. Once the production or task for which the associate has been hired concludes, unless another task is assigned or other arrangements are made, termination is immediate.

Situations for termination may include the following:

- Resignation - voluntary employment termination initiated by an associate.
- Discharge - involuntary employment termination initiated by the organization.
- Layoff - involuntary employment termination initiated by the organization for non-disciplinary reasons.

Associates who decide to resign are requested to give advance notice in accordance with the terms spelled out in their contract.

Occasions may arise when termination may become necessary. Termination is not limited to the following circumstances and may occur with or without these circumstances being present:

- Misconduct: Misconduct involves the OT decision that the associate has violated OT rules of conduct or policies or has engaged in actions which adversely affect the organization or its purposes to the point where progressive correction is deemed an inadequate response.

- **Performance:** Performance-related termination may occur when an associate's performance is not up to OT standards for the job. In such cases, OT will attempt to provide appropriate training or counseling to provide the associate with a reasonable opportunity to meet expectations. However, in some situations, immediate termination may be appropriate.
- **Budgetary and Organizational:** Because OT is largely dependent on donated funds, and because of the possibility that organizational goals and programs may change over time, particular job positions may be subject to alteration or elimination even though there are no misconduct or performance issues involved. Because OT regards such cases as quite different than termination for reasons of misconduct or performance,
  - OT will attempt to give the affected associate(s) as much advance notice as possible,
  - OT will explore whether other available positions exist within the organization for which the associate(s) may be qualified, and
  - Depending on budgetary and other considerations, at the discretion of the Executive Director and Board of Directors, severance payments may be made to departing personnel.

In the case of resignation or termination of employment, a supervisor and/or the Executive Director may request to meet with an associate before departure for a general exit interview.

# Acknowledgment Form

*(To be retained in employee's personnel file after signature)*

I have read and understand the policy provisions of the Optimist Theatre's (OT) Associate Handbook. I understand that this handbook is the property of Optimist Theatre and is for internal use only.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the OT Handbook may occur in OT's sole discretion with or without prior notice, except to OT's policy of at-will engagement. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

Should a Handbook policy contradict a term or condition spelled out within an associate's specific contract, the contract policy shall supersede the handbook policy.

Furthermore, I acknowledge that this handbook is not intended to and should not be construed as creating an express or implied contract or altering the "at will" nature of my employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

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Associate Signature

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Date

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Associate Print Name