

Infinity Charter School

SECTION: STAFF

TITLE: LEAVE POLICY

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409. LEAVE POLICY

PURPOSE:

The purpose of this policy is to define employees' leave of absence rights, responsibilities and procedures.

The personnel records of all employees shall show the attendance of each employee, and such days as that employee may be absent shall be recorded, with the reason for such absence noted.

Absence of any school employee creates a disruption of the program, and should be avoided whenever possible. These guidelines are delineated to provide common procedures and understandings for those times employees cannot come to school. These temporary leave guidelines apply to all personnel in accordance with their contract employment group.

The following guidelines apply to all employees of the school.

LEAVE POLICY

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HOLIDAY LEAVE:

Full-time, 12-month employees shall receive the following paid holidays (unless required as make-up days):

Labor Day
Thanksgiving Day
Friday after Thanksgiving Day
Winter Break
Dr. Martin Luther King Jr. Day
Presidents' Day
Spring Break
Memorial Day
Independence Day

Specific dates to be designated by the School Board each school year.

Part-time and partial year employees (hired to work less than 10 months of the calendar year), who work 30 hours per week or more and who normally work at least four (4) days per week, will be paid for an above listed holiday if they are normally scheduled to work on that day.

Temporary employees and workers on unpaid leave of absence are not eligible for paid holidays, including employees on leave receiving workers' compensation.

PAID TIME OFF (PTO):

The purpose of Paid Time Off is to provide employees with flexible paid time off from work that can be used for such needs as personal or family illness/injury, health care appointments, religious holidays, necessary business meetings and activities (one day per request), professional development activities (employee initiated), and other personal reasons. The school's goal is to reduce unscheduled absences and the need for supervisory oversight.

Only dire emergency requests will be considered during any in-service days, parent conference days, PSSA testing days, the first four (4) weeks of the teacher calendar year, or the last three (3) weeks of the teacher calendar year.

Employees who miss more than three (3) consecutive unscheduled days of work for illness/injury, will be required to provide a doctor's release from their treating physician to the ICS CEO or designee that permits them to return to work. The ICS CEO or designee may require doctor's verification of illness/injury in other circumstances when deemed necessary.

Eligible employees are entitled to PTO upon hire according to the chart below. Employees, who are hired in the middle of the fiscal year, will be entitled to a pro-rated amount of PTO for their first year based upon their hire date.

# Months Hired to Work per Fiscal Year	# Hours Regularly Scheduled per Week	# of PTO Days per Fiscal Year	Maximum # of Accrued PTO Days
12	37.5 – 40	12	25
12	20 – 37	6	12
12	Less than 20	0	0
10	37.5 – 40	10	20
10	Less than 37.5	0	0

Temporary employees and workers on unpaid leave of absence are not eligible to receive or accrue PTO, including employees on leave receiving workers' compensation.

Employees who are eligible for PTO may roll over unused days from year to year, up to the above referenced maximum number of accrued days allowed. Calculation of unused days occurs at the end of the fiscal year (June 30). Unused days in excess of the maximum number of accrued days allowed are forfeited and employees are not eligible for payment for those days at any time.

The minimum amount of PTO you can use at one time depends on whether you are an exempt or a non-exempt status employee. If you are non-exempt, you may not take less than 30 minutes of paid leave at a time. If you are an exempt status employee you must take PTO in increments of not less than one-half day. Employees may flex their work hours for appointments and personal needs, if approved in advance by the ICS CEO or designee.

PTO taken in excess of the PTO accrued and/or any unapproved absence will result in appropriate pay deduction and may result in progressive disciplinary action, up to and including employment termination. Any exceptions to this policy must be granted by the ICS CEO or designee.

Employees will be paid for all accrued, unused PTO upon separation from employment.

VACATION:

Employees are not eligible for paid vacation time, with the exception of Executive level employees. The Board of Trustees will determine vacation time awarded to Executive level employees in their individual employment contracts.

EMERGENCY CLOSURES:

All employees will be paid for days that ICS is closed for emergency situations, provided the employee was scheduled to work on the day(s) school is closed.

JURY DUTY:

Employees will be compensated for scheduled days of work missed when called for jury duty. The absence will not be charged against PTO or vacation time (if applicable).

BEREAVEMENT LEAVE:

Employees will be granted up to three (3) days paid leave for the death of immediate family members. Immediate family members include: spouse, parents, stepparents, child, stepchild, parent-in-law, or individual who resides in the same household. One day of paid leave will be granted for the death of grandparents, aunts and uncles. Unused PTO may be added to bereavement leave.

MILITARY LEAVE:

Pursuant to federal and state law and regulations, eligible employees will be provided with leaves of absence for military training or active duty in the military.

FAMILY AND MEDICAL LEAVES:

In accordance with the Family and Medical Leave Act of 1993 (“FMLA”), the Charter School affords its eligible employees leave as set forth in this policy.

1. Definitions

To the extent that this policy employs terms, which are defined in the FMLA or in the regulations interpreting it, those definitions are incorporated into this policy.

2. Eligible Employees

Only eligible employees are entitled to FMLA leave. An eligible employee is an employee who has satisfied all of the following conditions:

- a. He/she has been employed by the Charter School for at least twelve (12) months, which need not have been consecutive, prior to the commencement of the leave; and,
- b. He/she has worked for the Charter School for at least 1,250 hours over the twelve-month period immediately prior to the commencement of the leave or he/she is assumed to have worked for the Charter School for enough hours to qualify for coverage in accordance with 29 CFR 825.110.

3. Reasons for Leave

The Charter School will grant FMLA leave for the following reasons:

- a. Birth of a child or placement of a child with the employee for adoption or foster care. Leave for this purpose must end within one year after the birth or placement;
- b. A serious health condition of the employee's spouse, child, or parent;
- c. A serious health condition that makes the employee unable to perform the employee's job; or
- d. To care for a family member who is a current servicemember with a serious injury or illness ("military caregiver leave").

4. Length of Leave

Eligible employees are entitled to up to twelve (12) weeks of FMLA leave in each twelve (12) month period beginning on the anniversary date of the employee's employment, and up to twenty-six (26) weeks of military caregiver leave in each twelve (12) month period. Eligible employees are entitled to leave as long as a physician (or other legally qualified health care provider) certifies that the condition (or condition of the family member) necessitates an absence; provided, however, that medical certification shall not be required in cases relating to adoption or foster placement.

Spouses employed by the Charter School are limited to:

- a. A combined total of twelve (12) weeks of leave for the birth of a child or for placement with them of a child for adoption or foster care; and
- b. A combined total of twelve (12) weeks of leave to care for a parent or child who has a serious health condition.
- c. A total of twelve (12) weeks of leave for each employee for a serious health condition that causes either employee to be unable to perform his/her job.

Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember to take up to a total of 26 workweeks of unpaid leave during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one that is incurred by a servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office, grade, rank, or rating.

5. Benefits During Leave

FMLA leave is unpaid leave. However, whenever group insurance is provided to an employee before the employee takes FMLA leave, the Charter School shall maintain all of the employee's coverage under any group plan during the leave on the same terms as if the employee continued to work. This shall include, but shall not be limited to medical, surgical, major medical, hospitalization, prescription, vision, dental, disability and life insurance coverage, if applicable.

If an employee fails to return to work following the exhaustion of FMLA leave because of a serious health condition, the Charter School will require the employee to provide medical certification of the condition within 30 days of the Charter School's request for such certification.

If the employee does not return to work at the end of the twelve (12) week FMLA period, the employee will be entitled to continued health care coverage under COBRA.

Where FMLA leave is unpaid, the employee's share, if applicable, of group health plan premiums will be paid to the Charter School.

Employee payments must be made according to the employer's existing rules for payment by employees on

leave without pay (monthly). Payments shall be due on the first day of the month following the last day of paid leave.

In the event that an employee's payment is not made within 30 days of the date on which it is due, the Charter School's obligation to maintain health coverage will cease.

6. Reinstatement After Leave

At the conclusion of FMLA leave, employees shall be restored to their original position with equivalent pay, benefits, and all other employment terms as if they had not taken such leave. However, the employee has no greater right to reinstatement or other benefits or conditions of employment than if the employee had been continuously employed during the leave period.

7. Limitations on FMLA Leave

Intermittent leave or reduced leave schedule shall be subject to the following conditions:

- a. Intermittent leave or a reduced leave schedule may be taken for a serious health condition where this is medically necessary.
- b. Intermittent leave or a reduced leave schedule may not be taken for the birth of a child or for placement of a child for adoption or foster care; provided, however, that a serious health condition that occurs to a parent or child following childbirth, adoption and/or foster placement shall be considered proper grounds for the granting of intermittent leave or a reduced leave schedule, if same is medically necessary.
- c. When intermittent leave or leave on a reduced leave schedule is requested based on planned medical treatment, the Charter School may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Alternatively, the Charter School may alter an existing job to better accommodate the employee's need for intermittent or reduced leave. The alternative or altered position must have equivalent pay and benefits, but may include duties that are not equivalent.
- d. Intermittent leave may be taken in a minimum of one-quarter (1/4) day increments.

When FMLA leave is needed to care for a family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment so as not to disrupt the employer's operation unduly. The attending physician must be agreeable to any changes in the scheduling of planned medical treatment.

8. Special Limitations on FMLA Leave for Instructional Employees

The Charter School may require the instructional employee to continue his/her FMLA leave to the end of the term if:

- a. The leave begins more than five weeks before the term's end, will last at least three weeks, and the employee would return to work within three weeks of the end of the term; or
- b. The leave is for a purpose other than the employee's serious health condition, begins during the five-week period before semester's end, will last more than two weeks, and the employee would return during the two-week period before the end of the term; or
- c. The leave is for a purpose other than the employee's own serious health condition, begins during the three-week period before the end of a term, and will last more than five days.

The entire period of leave taken counts as FMLA leave. However, if the annual FMLA leave entitlement of

an employee who is required to take leave until the end of an academic term ends before the leave is completed the Charter School will still maintain all benefits, reinstate the employee, and provide other FMLA entitlements when the leave ends. No penalty shall be assessed against an employee who is requested or required by the Charter School to extend her/his leave in accordance with FMLA provisions relating specifically to instructional employees noted hereinabove.

9. Use of Intermittent Leave or Reduced Leave Schedule

If an eligible instructional employee requests intermittent leave or leave on a reduced leave schedule based on a foreseeable planned medical treatment, and if the employee would be on leave for more than twenty percent (20%) of the total number of working days over the period of leave, then the Charter School may require the employee to choose either of the following:

- a. To take the leave for a period or periods not greater than the duration of the planned treatment and any related recovery period; or
- b. To transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position.

10. Application for FMLA Leave

Employees must give 30 days' notice of their need for FMLA leave where the need for the leave is foreseeable or such notice as is practicable under the circumstances.

If notice is not given as required in paragraph 10, the Charter School may delay the leave until at least 30 days after the employee gives notice of the need for FMLA leave.

Employees must provide a reasonable number of periodic reports during FMLA leave regarding the employee's status and intent to return to work.

Should an employee intend to return to work prior to the exhaustion of leave, every effort shall be made to provide as much advance notice to the Charter School as is practicable.

11. Certification of Serious Health Condition and Certification of Fitness for Work

Employees must provide medical certification supporting the need for leave due to a serious health condition of the employee or an immediate family member.

In the event that the Charter School has reason to question or doubt the validity of the medical certification, employees may be required to provide second, and, where the first and second opinions differ, a third medical opinion regarding the need for leave due to a serious health condition. Second and third opinions shall be at the expense of the Charter School and the third opinion, if requested by the Charter School, shall be rendered by a provider jointly selected by the Charter School and the affected employee. Any third opinion shall be binding on the parties. The Charter School will deny leave until the required certification is supplied.

Employees must provide recertification of medical conditions every thirty days, or a reasonable number of reports, as allowed by the FMLA.

An employee who takes FMLA leave because of the employee's own serious health condition must provide certification that he/she is able to resume work provided:

- a. The employee has been absent from work as a result or combination of the serious health condition for ten (10) consecutive days or more.

The Charter School may deny reinstatement until the requested certification is provided.

12. Notice to Employees of their Rights and Obligations under the FMLA

The Charter School will post a notice, as required by the FMLA, explaining the provisions of the FMLA.

The Charter School will maintain, in its policy book, a policy intended to comply with the FMLA.

When an employee gives notice of his/her need for FMLA leave the Charter School will inform the employee of the following:

- a. His/her rights and obligations under the FMLA, including any obligation the employee may have to make contributions toward benefits; and
- b. What may happen if the employee fails to meet those obligations.
- c. A copy of said notice to employees is attached hereto and incorporated herein by reference.

13. Maintenance of Records

The Charter School will comply with the record keeping requirements of the FMLA.

14. Charter School Discretion

Except as set forth in this policy, the Charter School reserves the right to exercise all discretion afforded it pursuant to the FMLA.

15. Compliance with the FMLA

This policy is intended to comply with the requirements of the FMLA. To the extent that it fails to do so, the provisions of the FMLA shall prevail.

16. Additional Entitlements Pursuant to the Families First Coronavirus Response Act (“FFCRA”)

The FFCRA requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specific reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

ICS Employees are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

An employee may entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, in certain circumstances. ICS shall provide notice to employees of their rights under FFCRA in accordance with federal law.

LEAVE REQUESTS NOT COVERED:

The ICS CEO and/or Board of Trustees will adjudicate any leave requests not covered by this policy.

PROCEDURES:

The personnel records of all employees shall show the attendance of each employee, and such days as that employee may be absent shall be recorded, with the reason for such absence noted. Infinity Charter School business manager will ensure the accuracy and maintenance of the personnel records.

The employee is required to provide a written notice to the ICS CEO or designee with reasonable advance notice and obtain approval for any absence under this policy. This allows for the employee and the school to prepare for the time off and assure that all staffing needs are met.

There may be occasions, such as sudden illness, when the employee cannot provide advance notification. In those situations, you must inform the ICS CEO or designee of your circumstances as soon as possible and provide a follow up written notice.