



Leave Policy

Purpose

Valley Academy recognizes that employees may occasionally need to be absent from their scheduled position for various reasons. The Leave Policy has been developed to accommodate this needed time-off. All full- and part-time employees are eligible for leave benefits, including requesting paid leave donations to assist with leaves.

Accruing Paid Leave

Accrued paid leave time may be used for either vacation or sick leave, or other approved purposes described in this policy. Full-time (those working 30+hours) and benefits-eligible employees will earn paid leave (PTO) on a prorated basis of 10 days per year and accrual begins on the first day of full-time employment as determined in the employee's employment agreement. Paid leave will not be earned during an unpaid leave of absence.

Accrued leave will be paid at the employee's daily base rate at the time the leave is taken. If a holiday falls during the employee's leave, the day will be charged to holiday pay rather than to leave pay. Any days taken beyond an employee's available leave balance will be charged the daily base rate.

If an employee resigns or is terminated, accrued unused leave earned through the last day of active employment will be paid at the employee's accrued rate stated in their employment agreement. If the employee has used unaccrued paid leave, the daily base rate will be charged for leave used in excess of the accrued balance.

Employees ineligible for paid leave are eligible for 5 Non-Paid Time Off (NPTO) days per contract year. The following procedures and policy apply to NPTO as well.

For purposes of Paid leave and NPTO, a school year shall be the Employment Agreement period.

Attendance and Punctuality

Time off must be scheduled with the Executive Director, or designee, in advance. Sick leave may be used in the case of emergency or sudden illness without prior scheduling. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted available paid time off. Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee's attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. *A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.*

Leave Request Procedure

- a.** Time off requests must be submitted in writing to the Executive Director, or designee, at least 15 calendar days in advance, or as soon as reasonably possible in the event of an illness or emergency. Paid leave must be taken in 4-hour (1/2 day) increments.
- b.** Time off cannot be taken before it is approved by the Executive Director, or designee.
- c.** In the event that time off is needed in excess of the allowed PTO, and is approved by the Executive Director, or designee, the employee will be responsible for paying their daily base rate. These fees will automatically be deducted from the employee's pay check.
- d.** Continued absences taken in excess of allowed/accrued PTO/NPTO may result in disciplinary action up to and including termination.
- e.** Employees are responsible for monitoring their PTO/NPTO over the course of the school year.
- f.** If an employee has a PTO balance that balance must be used for time off before electing to receive no pay for regular scheduled work hours they choose to take off.
- g.** Any remaining balance of PTO at the end of the school year will be paid out at the rate set forth in the employment agreement.
- h.** Exceptions to the PTO/NPTO usage as described in this policy are allowed only by the Executive Director, or designee

Request For and Donation of PTO – Procedures

All employees are eligible to request PTO donations to assist with leaves of absences. All eligible employees will be allowed to donate PTO time from their unused balance to their co-workers in need in accordance with the policy outlined below. The donation of PTO time by eligible employees is strictly voluntary.

PTO Request - Eligibility Criteria

- a.** To request donated PTO, an employee must have a situation that meets the following criteria:
 - i.** Family Health Related Emergency – Critical or catastrophic illness or injury of the employee or an immediate family member.
 - ii.** Other Personal Crisis – A personal crisis of a severe nature that directly impacts the employee. This may include a natural disaster impacting the employee's primary residence such as a fire or severe storm.
 - iii.** Other Extenuating Circumstances – an emergency or need deemed appropriate by the Executive Director, or designee.
- b.** If the recipient employee has available PTO time in their balance, this time will be used prior to any donated PTO time.
- c.** Donated PTO may only be used for time off related to the approved request.
- d.** Donation minimum – 4 hours (1/2 day), as determined by job classification
- e.** Donation maximum – no more than 50% of employee's current PTO balance
Note: Employees who donate time must have sufficient time in their balance and will not be permitted to exhaust their balances due to the fact that they may experience their own personal need for time off. Employees cannot borrow against future PTO to donate.
- f.** Employees who are currently on an approved leave of absence cannot donate PTO.

PTO Donation Procedures

- a.** Employees who would like to make a request to receive donated PTO time are required to complete a VAC "Release of Information for Leave Donation Request" form (available from the Executive Director, or designee) to allow VAC Administration to present their request to the employees of Valley Academy for the sole purpose of soliciting donations.

- b. All forms must be returned to the Executive Director, or designee, for processing as soon as possible.
- c. Requests for donations of PTO must be approved by the Executive Director or designee. Once approved an email will be sent to the VAC staff soliciting donations.
- d. Employees who wish to donate PTO time to a co-worker in need must complete a "Leave Donation Release Form," (available from the Executive Director, or designee).
- e. PTO donations will be recorded and used in the order received, taking one day from each donor before taking more than one from a single donor. PTO time donated that is in excess of the time off needed will be returned to the donor.

Vacation Leave

Requests will be approved based on a number of factors, including department operating and staffing requirements. Once the request is received the Executive Director, or designee, they should review and respond to the request within three business days of the date it is submitted indicating that the request has been approved or denied. If the request for vacation leave is denied, the Executive Director, or designee, should provide an appropriate reason in the reply sent to the employee.

Sick Leave

Sick leave may be used for an employee's personal illness, well-care, and medical and dental appointments. Sick leave may also be used for illness and well-care in an employee's immediate family.

An employee who has a sick leave absence in excess of three consecutive working days may be asked to present medical documentation for the absence.

Personal Leave

Employees who require time off in addition to their accrued leave may request a personal leave of absence without pay for up to a maximum of 30 days. An extension may be approved in limited circumstances.

All regular employees employed for a minimum of 90 days are eligible to apply for an unpaid personal leave of absence. Job performance, absenteeism and departmental requirements will all be taken into consideration before a request is approved. Extensions of leave will only be considered on a case-by-case basis.

The employee must return to work on the scheduled return date or be considered to have voluntarily resigned from his or her employment.

Professional Leave

An employee may request a leave of absence to pursue educational experiences and the enhancement of the employee's current job duties. Requests for professional leave must be made in writing, and may be granted at the discretion of the Executive Director, or designee.

Jury Duty

An employee may request time off for jury duty or witness leave duty. To qualify for jury or witness duty leave, an employee must submit a copy of the summons to serve or appear as soon as it is received. In addition, proof of service must be submitted when your period of jury or witness duty is completed. Per Federal and State law, all employees are granted paid time off if summoned to appear in court as a witness or to serve as members of a jury.

Bereavement

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately. Bereavement leave will be granted unless there are unusual business needs or staffing requirements.

Employees are eligible for three days of paid leave in the event of death of the employee's spouse, child, father, father-in-law, mother, mother-in-law, brother, sister, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, grandparent, grandchild, or spouse's grandparent.

Valley Academy compliance with the Family and Medical Leave Act

Upon hire, VAC provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities Under the Family and Medical Leave Act ("FMLA") The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

General Provisions

Under this policy, Valley Academy will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Eligibility for FMLA

To qualify to take family or medical leave under this policy, the employee must meet the following conditions:

- a. The employee must have worked for Valley Academy for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive.
- b. Separate periods of employment will be counted, provided that the break in service does not exceed seven years.
- c. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break.
- d. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- e. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence.

Type of Leave Covered:

To qualify for FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- a. The birth of a child and in order to care for that child.
- b. The placement of a child for adoption or foster care and to care for a newly placed child.
- c. To care for a spouse, child or parent with a serious health condition

Serious Health Condition Defined:

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. (A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any

period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provider.)

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under Valley Academy's sick leave policy are encouraged to consult with the Human Resource manager.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, Valley Academy may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

Amount of FMLA Leave Available:

An eligible employee may take up to 12 weeks for the first five FMLA circumstances above (under heading "Type of Leave Covered") under this policy during any 12-month period. Valley Academy will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, Valley Academy will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

If a husband and wife both work for Valley Academy and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for Valley Academy and each wish to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

Employee Status and Benefits During Leave

While an employee is on leave, Valley Academy will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider.

Use of Paid and Unpaid Leave

All paid vacation, personal and sick leave runs concurrently with FMLA leave.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

Certification for the Employee's Serious Health Condition

Valley Academy will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Certification for the Family Member's Serious Health Condition

Valley Academy will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Recertification

Valley Academy may request recertification for the serious health condition of the employee or the employee's family member when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, Valley Academy may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence.

Procedure for Requesting FMLA Leave:

- All employees requesting FMLA leave must provide the HR manager with verbal or written notice of the need for the leave.
- Within five business days after the employee has provided this notice, the HR manager will provide the employee with the DOL Notice of Eligibility and Rights.
- When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice.
- When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day.
- When the need for FMLA leave is not foreseeable, the employee must comply with Valley Academy's usual and customary notice and procedural requirements for requesting leave.
- Within five business days after the employee has submitted the appropriate certification form, the HR manager will provide the employee with a written response to the employee's request for FMLA leave.
- Valley Academy may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Parental Leave

In addition to the FMLA required accommodations, Valley Academy also offers Parental Leave for full-time, benefits eligible employees.

These accommodations include:

- a. Valley Academy offers 2 weeks (10 days) of paid parental leave to both a biological or adoptive parent for the birth or delivery of their child.

- b. If both parents are employees of Valley Academy, the employees may choose to take their 2 weeks (10 days) of leave at separate times or concurrently.
- c. Employees are not required to exhaust their PTO before parental leave may begin.
- d. Employees must use their Valley Academy Parental Leave within 30 days of the birth or adoption.
- e. This leave does not apply to an employee who delivers as a surrogate.