

## 1. Purpose:

The purpose of this policy is to outline an integrated approach for the efficient and effective management of sick leave in accordance with federal and state leave mandates, employee interests, changing workplace dynamics, and administrative supervision.

## 2. Policy:

2.1. Leave requests will be considered and granted or denied in accordance with applicable leave laws, including the Family and Medical Leave Act (FMLA), Americans With Disabilities Act (ADA), State law and workers' compensation statutes. The St. George Academy complies with Academy policies and all applicable State and federal leave laws. Employees who are denied leave in accordance with federal and State laws but who nevertheless take leave will be disciplined according to Academy policy at the level of up to and including termination.

2.2. Unless other arrangements are made with the Director, employees must report to work immediately upon expiration of granted leave or at the time identified by a doctor's release. If leave is granted and an employee on leave does not return from leave on the day indicated in his or her original application or in an approved extension, the employee will be disciplined according to Academy policy.

2.3. The St. George Academy complies with the FMLA. Employees who have worked for at least 12-months and for 1250 hours of service are generally eligible to take up to 12 weeks of unpaid leave (paid leave is counted simultaneously in the limits for FMLA leave, when applicable, according to Academy policy) annually when the absence is necessitated by any of the following circumstances:

2.3.1. Birth of a child,

2.3.2. Placement of a child with the employee for adoption or foster care,

2.3.3. A serious health condition that makes the employee unable to perform the functions of the employee's job,

2.3.4. Care of a spouse, dependent child, or parent of the employee with a serious medical condition.

2.3.5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty in support of a contingency operation.

2.3.6. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

2.4. Employees who wish to take leave for medical treatment as a reasonable accommodation of a disability must request leave as soon as possible, so St. George Academy and the employee can engage in an interactive process for determining eligibility and identifying a reasonable accommodation.

2.4.1. If the St. George Academy has a legitimate business need to verify that the employee has a disability covered by the ADA, the employee must provide adequate medical information or

may be required to submit to an examination authorized by the ADA to verify the existence of a covered disability, the nature and extent of needed accommodation, or the assessment of direct threat or fitness for duty.

2.4.2. To qualify as a reasonable accommodation under the ADA, the medical leave must be likely to result in the employee returning to work within a reasonable time with or without an accommodation. Indefinite leave is not required by the ADA and will not be granted. ADA leave will not be granted or extended if it results in an undue hardship, direct threat, or other denials brought about by business necessity to the St. George Academy. If a reasonable accommodation other than leave is available, the St. George Academy may choose that accommodation instead of leave. An employee returning from ADA leave will be returned to his or her original position only if he or she is qualified to perform the job's essential functions with or without reasonable accommodation.

2.4.3. If the employee has been on ADA disability leave, the employee will have to provide medical information documenting their ability to perform the job with or without reasonable accommodation. If the documentation does not meet this requirement or the Academy has reasonable question regarding the information provided, the Academy may order the employee to undergo a fitness-for-duty examination to demonstrate that he or she is able to perform the job's essential functions with or without reasonable accommodation.

### 3. Procedure:

The following procedures and guidelines are designed to administer and implement the requirements of the above policy.

#### 3.1. Paid Sick Leave:

3.1.1. Academy means St. George Academy.

3.1.2. Board means St. George Academy Board of Directors.

3.1.3. Serious health condition has the meaning given that term in the Family Medical Leave Act (FMLA).

3.1.4. Health care provider has the meaning given that term in the FMLA.

3.1.5. Disability has the meaning given that term in the Americans with Disabilities Act (ADA).

3.1.6. Eligible employee means any employee who, based on his/her status, term, and condition of Academy employment, is eligible for participation service credit in the Academy's retirement plan.

3.1.7. An eligible Academy employee earns two days of sick leave for each month in work status. This rate of earned sick leave accrual will be proportionately reduced for eligible part-time employees or less than 12 months of employment. An employee will not be eligible for leave accrual during periods of non-pay status, leave of absence, or sabbatical leave.

3.1.8. Unless otherwise approved in this policy/procedure, eligible employees are only entitled to use, under the approval conditions and limitations herein specified, accrued Paid Sick Leave

for the employee's personal illness, health condition, or disability. The Academy will advance Paid Sick Leave for eligible first year employees not to exceed the one year's annual accrual. After the first year of employment the Academy will not advance Paid Sick Leave for use before it is accrued . If an employee's accrued leave is insufficient to cover an approved absence the employee will be placed in un-paid leave status and the employee's salary will be deducted in the payroll month it was taken.

3.1.9. An employee may use up to 24 calendar days (for year-round employment) or 20 calendar days (for traditional employment) of Paid Sick Leave per employment year for any FMLA qualifying event that is not directly related to an employee's personal illness, health condition, or disability. No more than 5 days of Paid Sick Leave may be used for a non-personal qualifying event without obtaining prior approval from the Director or designee. Within the above limit is included time necessary for the death and burial of family members or relatives. For the purposes of bereavement, the term family members or relatives has the meaning given to the term "Relative" in Utah Code Amended 52-3-1(1)(d); father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. In addition to the relatives identified above the Academy includes grandchildren and grandparents.

3.1.10. To be credited with one month's sick leave accrual, an employee must be in pay status on the last day of the month. . Irrespective of the total amount of accumulated Sick Leave, paid Sick Leave eligibility will end on the date the employee becomes eligible for Long Term Disability benefits. (2-8-05)

3.1.11. An eligible part-time employee receives sick leave accrual in direct proportion to the number of work hours identified on the employee's contract. Additional hours worked, beyond the hours identified in the contract, will not result in the additional accrual of sick leave. If for any reason an employee's contract is changed and the change results in becoming ineligible for Paid Sick Leave benefits the period of ineligibility will be treated as a break in service as defined in paragraph 3.2.

3.1.12. The Director or designee will authorize sick leave only when supported by acceptable evidence. Normally such certification must be from a qualified health care provider. If there is a reason to believe that an employee is abusing sick leave, the Director or designee may require an employee to produce a health care provider's certificate of illness regardless of the number of sick leave days used.

3.1.13. An employee shall request advance approval for sick leave for the purposes of receiving medical, dental, or optical examination or other authorized scheduled treatment. Employees unable to report for work due to an unexpected illness must notify the Director's Office prior to the start of the work day in which leave is requested. If the duration of leave is anticipated to be more than three consecutive, full calendar (29 CFR 825.115 (a) days the employee must notify the Director or designee.

3.1.14. Wage replacement for time off under a Workers Compensation claim: Employees who are injured on the job may be eligible for wage replacement benefits for time lost from work, due to a work-related injury or illness. The Academy will not deduct an employee's sick leave or vacation leave accrual for a qualified and approved lost time absence. If the employee is qualified and eligible for FMLA leave, the absence will also be designated as FMLA leave and the em-

employee will receive continuation of health insurance benefits in accordance with provisions and limitations of the FMLA. The Academy will not authorize concurrent paid leave for an absence covered under a Workers Compensation wage replacement claim. Payment for lost time will be made directly to the employee from Workers Compensation.

### 3.2. Re-crediting Paid Sick Leave upon Reemployment

3.2.1. An employee who resigns (has a break in service) or becomes ineligible for Paid Sick Leave benefits and is rehired or becomes eligible within 24 months into a position eligible for Paid Sick Leave accumulation is entitled to a re-credit of sick leave after completion of a 12-month waiting period.

3.2.2. The re-credit of sick leave under this paragraph must be supported by written documentation satisfactory to the Academy.

### 3.3. Leave Donation:

3.3.1. This procedure is established to allow a transfer of personal, vacation leave to another Academy certified or classified employee who has a compelling need and is entitled to leave under the FMLA.

3.3.2. The program creates the opportunity for a financial safety net to assist employees with legitimate needs. It allows concerned individuals the opportunity to participate in helping others with a recognized compassionate act of service. As participants unite to help one another stronger morale, friendship, and esprit de corps will emerge in the Academy.

3.3.3. Contributing to individual need hinges on a process that is scrutinized by concerned individuals. They alone must carefully and thoughtfully consider the situation before acting to donate. It is appropriately a self-initiated choice.

3.3.4. Eligibility: Before a request for leave donation may be considered, the following conditions must be met:

3.3.4.1. The absence must be considered a qualifying FMLA event and the employee must be eligible to take leave under the limits and provisions of the FMLA. The Director may approve exceptions for employees who would otherwise be eligible for sick leave but have fewer than 12 months of qualifying service.

3.3.4.2. The employee must have used all available "paid leave" to include all personal, vacation, and available Paid Sick Leave.

3.3.4.3. No more than a total of 15 days of leave may be donated to an eligible employee per qualifying event.

3.3.4.5. Because medical and/or health information is considered private, the administrator must obtain a written release from the employee before identifying a need to other employees. The employee providing the release must state in writing what information they are willing to share with other employees.

3.6.6. Once a release has been obtained, the Director or designee may make a general appeal to employees of the Academy. The general appeal will be communicated by sending an e-mail to employees, administrators and secretaries who have correctly registered on the Academy e-mail distribution list.

3.6.7. No appeal will be compelling to the point of making employees feel "obligated" to donate leave. Employees, administrators, or others must not pass out a "signup list." Once a general appeal is issued, administrators, associations, or other concerned individuals may announce that eligible employees may contact the Director to obtain and submit a donation form.

3.6.8. A donating employee must sign a form to identify the voluntary nature of the donation.

3.6.9. If an employee is willing to donate a personal leave day that requires payment of the substitute cost, they must identify if they, as the donating employee, are willing to have the cost deducted from their salary or that they intend to defer the responsibility for the substitute cost to the receiving employee.

3.6.10. If all donated leave is not used, unused leave will be returned to the employee from whom it was donated.

3.6.11. Leave must be donated in increments of full days only. Receiving employees will not be eligible to receive more than a total of 15 days of donated leave per FMLA qualifying event.

### 3.7. FMLA Leave:

3.7.1. Notifying the St. George Academy of the need for FMLA leave.

3.7.1.1. Employees, or an appropriate representative, shall submit a completed Application for FMLA leave (Academy Form 512), 30 days in advance when the need for leave is foreseeable, or as soon as possible in emergencies. Family Medical Leave Act Request Forms are available in the Director's office.

3.7.1.2. In an emergency, notice of the need for leave must be given as soon as possible, but no later than two business days after the leave begins.

3.7.1.3. The Academy will allow employees up to 15 calendar days to provide medical certification if FMLA leave was not foreseeable. WH-380 "Certification of Health Care Provider" forms are available online at: [www.dol.gov/esa/whd/fmla](http://www.dol.gov/esa/whd/fmla).

3.7.1.4. Employees must provide complete and sufficient certification by submitting a completed Department of Labor, WH-380, "Certification of Health Care Provider" form available at <http://www.dol.gov/esa/whd/fmla>. A health care certification is incomplete or insufficient if one or more applicable entries have not been completed or if the information provided is vague, ambiguous, or non-responsive. Employees will be allowed no more than seven calendar days to cure any such deficiency. If the deficiencies are not timely cured, the employee will be denied coverage under FMLA and be subject to disciplinary action up to and including dismissal.

3.7.2. The Director or his or her designee shall document leave requests which qualify as FMLA leave, and will designate any qualifying leave taken by employees as FMLA leave. All leave

which qualifies as FMLA leave shall be designated as such and shall be subject to all the provisions of the FMLA and Academy Policy.

3.7.3. FMLA leave will run concurrently with short-term disability, long-term disability, Paid Sick Leave, unpaid leave, paid vacation, and/or personal leave used for an FMLA qualifying event. St. George Academy requires employees to exhaust paid vacation and sick leave before using any remaining unpaid FMLA leave. If an employee uses accrued compensatory time, that leave time may not be counted against the FMLA leave entitlement.

3.7.4. For instructional employees, as defined by the FMLA, the period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement.

3.7.5. Under FMLA leave, the employee has the right to return to work during the approved FMLA leave period if a health care provider provides a written Return to Work Statement to the Academy that the employee, in the opinion of the health care provider, is able to perform the essential functions of the job. Depending on the needs of the Academy, employees in an instructional capacity may be required to extend their leave if the requested time off interferes with the ending of an academic term.

3.7.6. If an employee fails to return to work after unpaid FMLA leave has ended, the health insurance premiums paid by the Academy on the employee's behalf during the FMLA event, with certain exceptions, is a debt of the employee due and payable immediately to the Academy. An employee is considered to have returned to work if he or she returns for at least 30 calendar days. An exception to the rule may be made if an employee's circumstances change unexpectedly beyond their control during the leave period, which make them unable to return to work at the end of the 12 weeks. Medical certification is required.

3.7.7. For the purposes of FMLA, the St. George Academy's "12-month period" is a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

3.7.8. If an employee and spouse are both eligible for FMLA leave and both work for the Academy, their aggregate leave entitlement will be 12 weeks if the leave is for the birth, adoption or placement of a child, or the illness of a parent or dependent child.

3.7.9. During approved FMLA leave or Paid Sick Leave, St. George Academy will continue to provide group health insurance on the same terms and conditions as provided other employees.

3.7.10. The Academy will post notices for Employee FMLA Rights and Responsibilities on the Academy self-service web access page. All employees must access payroll deduction information from this site.