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EMPLOYEE LEAVE

APPROVED: 01/2021

I. PURPOSE

The purpose of this policy is to provide guidance regarding employee leave, including the accrual of paid time off (PTO) and other leave including bereavement, jury duty, military, and parental.

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding PTO and other types of leave are adopted by Achieve Language Academy pursuant to the requirements of the Minnesota State Statute, the Family and Medical Leave Act and consistent with the requirements of the Minnesota parenting leave law.

III. DEFINITIONS

Full Time Employee - a full-time employee is someone who works at least 9 months per year, 40 hours per week.

IV. PAID TIME OFF

Paid time off is granted to employees based on the number of full-time months that an employee works.

PTO can be used for all purposes including sick time, vacation, personal days.

Full-time staff may not accumulate more than 62.5 days (500 hours) of PTO, which can be carried over from year to year.

A. 9-Month Employee

If any employee is full-time, and works 9 months a year, 8 hours per month will be granted. If any employee is part-time, the PTO will be granted at a prorated rate based on hours reflected in the employees contract.

B. 12-Month Employee

PTO will be granted based on the number of full-time months that an employee works. Each 12 month employee PTO calculation will be based on three (3) days/twenty-four (24) hours of PTO granted each month of full-time work. If any employee is part-time, the PTO will be granted at a prorated rate based on hours reflected in the employees contract.



12 month employees will also have a 13th month each year to use PTO. All PTO above 500 hours still reflected in the employees bank will be removed on August 1 of each year.

C. Accrued Paid Time Off Limit

Employees may retain no more than 500 hours of Paid Time Off (PTO) at any time. If a current employee has more than 500 hours of PTO, they must work to reduce the number of hours to 500. This may be done through either the use of PTO hours for personal leave, or through a buy back of PTO, the specifics of which are detailed in the following section.

D. Paid Time Off Buy Back

An employee with 500 or fewer hours of PTO may buy back up to ten (10) days or 80 hours per year. The opportunity to buy back days of PTO will be offered twice per year in December and June.

An employee with greater than 500 hours of PTO must either buy back or use an additional ten (10) days or 80 hours per year to assist the employee with reducing their PTO hours to under 500 without losing any of their accrued time. The opportunity to buy back days of PTO will be offered twice per year in December and June.

E. Paid Time Off Payout for Resignation or Retirement

Employees who resign with at least two weeks notice of their resignation, or who leave involuntarily, will be paid out their total number of accrued PTO hours at the full daily rate.

Employees who retire with at least two weeks notice of the retirement will be paid out their total number of accrued PTO hours at the full daily rate.

V. BEREAVEMENT LEAVE

A leave of absence with pay, from 1(one) to 5 (five) days will be granted because of the death of an employee's family member or significant person. *All leaves shall be determined at the discretion of the administrator.* Bereavement Leave will not be deducted from accrued personal leave.

VI. JURY DUTY/COURT APPEARANCE

A full-time employee who is required to serve as a juror will be granted leave, as set forth below, while serving on jury duty. A full-time employee required to appear in court as a result of involvement in matters related to school duties will be granted



leave with pay to participate in such activities, provided the case is not the result of litigation undertaken by the full-time employee against Achieve Language Achieve. Achieve Language Achieve will pay the difference between the employee's daily pay and per diem amount for a period of two weeks.

VII. MILITARY LEAVE

A full-time employee who is a member of the Military Reserve or National Guard may take a leave without pay for military leave and training as governed by MS 193.26 and MS 193.261.

VIII. PARENTAL LEAVE

Any full-time employee who has worked for the School for 12 months has the right to receive a child care leave of absence, without pay, for up to twelve (12) months for the purpose of maternity, paternity, adoption, foster care or medical care of a dependent child. An employee may request a leave that utilizes intermittent blocks of time or reduces the normal weekly or daily work schedule-subject to approval by the School. (Any intermittent leave would not extend beyond the school year in which the leave is requested.) Any full-time employee on a childcare leave has the right to utilize accrued paid leave of up to 30 days during the leave period.

The full-time employee shall submit a written request for child care leave, indicating the beginning date and approximate ending date, to the Achieve Language Academy administrator not less than thirty (30) days prior to the intended commencement of such leaves, except in an emergency. A full-time employee who returns from childcare leave will retain previous experience credit and any unused leave accumulated prior to the commencement of the childcare leave.

Every attempt will be made to reinstate the employee to the same position held prior to the leave, if the position remains available. If the position is not available the employee may be offered an "equivalent" position as determined by the School. A full-time employee will not accrue experience credit or sick leave and personal leave days during the period of absence for childcare.

A. LEAVE ENTITLEMENT

1. Twelve-Week Leave under Federal Law

- a) "Eligible employee" is an employee who has been employed by Achieve Language Academy for at least 12 months, has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave, and works at or reports to a work site where 50 or more employees are



employed by Achieve Language Academy within 75 miles of the work site.

- b) Eligible employees are entitled to a total of 12 workweeks of unpaid family or medical leave during the applicable 12-month period as defined below.
- c) Leave may only be taken for one or more of the following reasons in accordance with applicable law:
 - (1) Birth of the employee's child and to care for the newborn child;
 - (2) Placement of an adopted or foster child with the employee and to care for the newly placed child;
 - (3) To care for the employee's spouse, son, daughter, or parent with serious health conditions; and/or
 - (4) The employee's serious health condition makes the employee unable to perform the functions of the employee's job.
- d) For the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee uses any leave.
- e) A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a healthcare provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
- f) Eligible spouses employed by Achieve Language Academy are limited to a combined total of twelve weeks leave during any 12-month period for the birth or adoption of a child, the placement of a child for foster care or to care for a parent. Employer paid benefits are paid by the employer for a total of twelve weeks only. This limitation for spouses employed by Achieve Language Academy does not apply to leave taken by one spouse to care for the other spouse who is seriously ill, to care for a child with serious health conditions, or because of the employee's own serious health condition.
- g) Depending on the type of leave, intermittent or reduced schedule leave may be granted at the discretion of Achieve Language Academy or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of



leave to be used on an intermittent or reduced schedule, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, Achieve Language Academy may transfer the employee temporarily to an available alternative position for which the employee is qualified, which better accommodates recurring periods of leave, and which has equivalent pay and benefits.

- h) If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child, or parent, the employee will be required to submit sufficient medical certification. The employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
- i) If Achieve Language Academy has reason to doubt the validity of a health care provider's/treating physician's certification, it may require a second opinion at Achieve Language Academy's expense. If the opinions of the first and second health care providers differ, Achieve Language Academy may require certification from a third health care provider at Achieve Language Academy's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
- j) Requests for medical leave, certified by a treating physician, shall be made to the Director of Achieve Language Academy. Employees must give 30 days' written notice of a request for a leave of absence. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to unduly disrupt the operations of Achieve Language Academy.
- k) During the period of a leave permitted under this policy, Achieve Language Academy will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage.
- l) Achieve Language Academy may request or require the employee to substitute accrued paid leave for any portion of the



12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines as stated in the Achieve Language Academy Employee Handbook. Employees eligible for leave must comply with the family and medical leave directives and guidelines before starting their leave. It shall be the responsibility of the Director to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review. Achieve Language Academy shall comply with written notice requirements as set forth in federal regulations.

- m) Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.
- n) An employee who does not return to work after leave may, in some situations, be required to reimburse Achieve Language Academy for the cost of the employer paid health plan premiums.
- o) The provisions of this policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 ("FMLA") and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by that Act and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

2. Twelve-Week Leave under the Minnesota Parenting Leave Act

- a) An employee who does not qualify for parenting leave under Paragraph VIII A1 above, may qualify for a 12 week unpaid leave under the Minnesota Parenting Leave Act. This leave is available to regular fulltime and part-time employees who have been employed by Achieve Language Academy for at least 12 months, have worked at least half time during the past 12 months, and have worked at or reported to a work site that has 21 or more employees.
- b) Leave may be taken by:



- (1) A biological or adoptive parent in conjunction with the birth or adoption of a child;
 - (2) A female employee for prenatal care or incapacity due to pregnancy, childbirth or related health conditions.
- c) This leave is separate from the family and medical leave under federal law as described above. The leave may be reduced by any period of paid parental leave, disability leave, medical leave or accrued PTO provided by Achieve Language Academy so that the total leave does not exceed 12 weeks unless agreed to by the employer.
- d) The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the Achieve Language Academy reasonable notice of the date the leave shall commence and the estimated duration of the leave.
- e) Leave is unpaid unless the employee uses available paid time off under the terms applicable to that benefit. If applicable, an employee who receives group insurance may retain the same insurance that applied before the leave commenced.
- (1) To continue coverage employees must continue to pay both employee and employer contributions throughout the duration of leave.
 - (2) Employees who are not receiving paychecks from which deductions may be made must send the full premium to Achieve Language Academy either in advance, or in installments by each payday for which the full contribution to the premium is due.
 - (3) Failure to pay the associate contribution may result in cancellation of coverage.
- f) For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or the adoption. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.



- g) The provisions of this policy are intended to comply with applicable law, including Minnesota Statute 181.941 the Minnesota Pregnancy and Parenting Leave Act (MPLA). Any terms used from the MPLA will have the same meaning as defined by that Act and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail

IX. LEAVE WITHOUT PAY

Leave without pay for emergencies may be granted with prior approval from the administrator or his/her designee. Leave without pay is not intended to be an extension of annual leave for recreational purposes or other similar purposes. A full-time employee receiving such leave shall have full salary deducted for the days absent. During a leave without pay, no sick leave or vacation will accrue. Employees may continue health insurance, but must pay his/her own premiums.

LEGAL REFERENCES:

Minn. Stat. §§ 181.940-181.944 (Parenting Leave and Accommodations)

29 U.S.C. § 2601 et seq. (Family and Medical Leave Act)

29 C.F.R. Part 825