

# Leave Policy

## **Family and Medical Leave** *(Voted by NCC Executive Committee: April, 1994)*

Eligible employees may apply for or be placed on leave of absence by the Northern California Conference for the treatment of a serious health condition whether occurring on the job or off the job. Employees may qualify for family or medical leave under the Family and Medical Leave Act (FMLA) depending on their length of service, and hours worked. The maximum duration of such leaves is 12 weeks within a “rolling” 12-month period.

An authorized leave does not constitute a break in service, but the time spent on unpaid leave will not be included as service credit, except where required by law.

Leave of absence will not be granted for the purpose of seeking or accepting gainful employment elsewhere. Accepting employment or providing services for compensation on a leave will result in dismissal. The eligibility requirements and procedures for leave are outlined below.

- I. **Eligibility and Types of Leave** - To be eligible for leave under the Family Medical Leave Act, an employee must have been employed with NCC for at least 12 months and have worked at least 1,250 hours during the previous 12 months. Employees who do not meet these qualification requirements will not be eligible for leave under this policy.

Eligible employees will be granted leaves of absence for up to 12 weeks within a “rolling” 12-month period (measured backwards from the date of leave begins) for any of the following reasons:

1. The birth or placement (adoption or foster care) of a child, or in order to care for the child (child care leave); or
2. When certified by a health care provider, in order to care for a family member (the employer’s spouse, child, or parent, but not a parent-in-law) with a serious health condition; or
3. For a serious health condition that makes the employee unable to perform the functions of his/her position.

For the purposes of this policy, a “serious health condition” means an illness, injury, impairment, or physical/mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider as defined in the FMLA.

Eligible employees may take FMLA leave for any combination of these reasons, but the total of all combined leaves cannot exceed 12 weeks

within the applicable 12-month period. Spouses who are both employed by the NCC are limited to a combined total of 12 weeks FMLA leave within the applicable 12-month period for the birth or placement of a child or the care of a sick parent.

- II. **Scope of Leave** -- A child care leave must be taken in a continuous time period and may not be taken on an intermittent or reduced work schedule basis. A child care leave must be completed within 12 months after the birth, adoption, or placement of the child. When leave is certified by a health care provider for the serious health condition of a family member or the employee, the leave may be taken in a continuous time period, on an intermittent basis, or through a reduced work schedule. Leave for a serious health condition is permitted only for the period of actual medically required absence.

Absence for job-related injuries or illnesses under a workers' compensation plan will be considered FMLA leave, provided that the injury or illness is a serious health condition. Employees on FMLA leave for job-related illness or injury and receiving workers' compensation lost wage benefits are not eligible to use paid vacation, sick leave, disability, or other paid benefits during their FMLA leave.

If leave is taken on an intermittent basis or reduce work schedule for foreseeable and planned medical treatment of the employee or a family member, the NCC may transfer the employee during the leave to an alternative position with equal pay and benefits which better accommodates the intermittent or recurring leave. If the leave is foreseeable and for planned medical treatment of a serious health condition of the employee or a family member, the employee must make a responsible effort to schedule the medical treatment so as to not disrupt NCC operations.

- III. **Notice of Leave** - For any family or medical leave that is foreseeable (including intermittent or reduce work schedule leaves), employees are to provide the NCC with 30 days prior notice. If 30 days prior notice is not practicable because of unforeseen circumstances, notice of the leave must be given as soon as practicable (usually within 2 business days after the leave begins). The notice should include the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start date of the leave. If an employee fails to give timely advance notice when the need for leave is foreseeable, the NCC may deny the leave until 30 days after the notice is given.

The NCC will notify the employee that the leave qualifies under the terms of this policy. If the NCC does not have sufficient information from the employee to designate the leave as FMLA prior to or at the

time leave commences, it may retroactively designate the leave as FMLA - qualifying upon obtaining such information.

- IV. **Health Care Provider Certification and Recertification** - An employee who requests leave because of a family member's or the employee's serious health condition, must provide a medical certification from a health care provider on the form provided by the NCC. When the need for leave is foreseeable and 30 days' notice on the NCC has been provided, the employee must complete and return the medical certification before commencement of the leave. However, when the need for leave is not foreseeable, the certification must be completed and returned to the NCC within 15 days. If an employee fails to return the completed medical certification in a timely manner, the NCC may deny leave until the certification is submitted.

The NCC may require at any time and at its expense that the employee obtain a second opinion from a health care provider designated by the NCC. If there is a conflict between the first and second opinions, the NCC may also require (at its expense) a third opinion by a health care provider designated jointly by the NCC and employee.

Employees are also required to provide (at employee expense) recertifications from the health care provider every 30 days or the minimum duration of their incapacity or treatment, whichever is greater. The NCC may also require recertifications when the employee requests an extension of leave, when circumstances set out in the original medical certification change significantly, or when the NCC receives information that casts doubt on the continuing validity of the medical certification.

Employees on leave may be required to periodically report to the NCC (every 30 days) regarding their intent to return to work upon completion of the leave. If an employee gives unequivocal notice that he or she does not intend to return to work, the employee's leave, entitlement to reinstatement and medical benefits, and employment with the NCC will be terminated.

Before being reinstated from leave, an employee must submit a medical certification that he or she is fit for duty and able to perform the essential functions of the job position. Employment will not be reinstated until this certification is received by the NCC.

- V. **Use of Paid Benefits During Leave** - If an employee has accumulated paid vacation, sick leave, disability leave, paid leave, paid leave of absence, or other paid benefits, the NCC requires that the employee use paid benefits during the leave under the policies of the NCC until exhausted. The remainder of the leave will be unpaid. The use of paid

benefits will not extend the duration of an FMLA leave. An employee may not receive more than one hundred percent of regular wages during leave from any combination of employment benefits.

- VI. **Scholarship and Health Benefits During Leave** - Employees will not accrue service credit or benefits during the unpaid portion of a leave. However, employment benefits accrued prior to the first day of leave will not be forfeited. The NCC will continue an employee's scholarship assistance during a leave at the same level and under the same conditions as if the employee was working. Coverage under the Employee Health Care Plan will remain in effect during leave if the employee pays his or her portion of the employee health plan premiums for eligible dependent(s) and/or spouse. The premiums will be deducted from paid benefits used during the leave. If paid benefits are not available during the leave, the employee must arrange for payment of his or her portion of the Health Care Plan premiums to continue coverage. Employees who fail to pay their portion of the health plan premiums within 30 days of the due date will be dropped from coverage for the remainder of their FMLA leave. If the NCC pays an employee's portion of the Health Care Plan premiums while the employee is on leave, the NCC may be entitled to recover the cost of such premiums from the employee if he or she fails to return to work.
- VII. **Reinstatement** - If an employee's absence(s) on FMLA leave(s) do not exceed 12 weeks during a "rolling" 12-month period, the NCC will reinstate the employee from leave to his/her former position, if available, provided that the employee seeks reinstatement on or before the expiration of the leave and the employee can perform the job duties (with or without reasonable accommodation). If the employee's former position is not available, the employee will be reinstated to an equivalent job position. Refusing an offer of reinstatement to an equivalent position will be treated as a voluntary resignation of employment.
- VIII. **Special Provisions for Instructional Employees** - If an eligible instructional employee requests an FMLA leave near the end of the academic term, the leave and reinstatement provisions of this policy will apply except under the following circumstances.
- a. If an instructional employee begins a statutory leave more than 5 weeks before the end of the academic term, the NCC may require the employee to continue on leave until the end of the term if the leave will last at least 3 weeks and the employee would return to work during the 3 weeks preceding the end of the academic term.
  - b. If an eligible instructional employee begins a leave for reasons other than the employee's own serious health condition during the 5-week period before the end of the

academic term, the NCC may require the employee to continue on leave until the end of the term if the leave will last more than 2 weeks and the employee would return to work during the 2 weeks preceding the end of the academic term.

- c. If an eligible instructional employee begins a leave for reasons other than the employee's own serious health conditions during the 3-week period before the end of the academic term and will last more than 5 working days, the NCC may require the employee to continue on leave until the end of the academic term.

Instructional employees seeking reinstatement from a statutory leave will be returned to their former job position with equivalent pay, benefits, and other terms and conditions of employment based upon the established written policies and practices of the NCC.

Employees who do not return to work after 12 cumulative weeks of FMLA leave will be dismissed from employment. However, such employees are eligible to reapply for future employment by submitting an application to the NCC.

**IX. Procedures -**

1. A Request for FMLA Leave Form should be obtained from the Office of Education and completed by the employee. Certified and classified school employees should have the form initialed by the principal of the school where they work and return it to the Office of Education. Principals should return the form to the Office of Education.
2. All requests for family and medical leaves of absence because of a serious health condition will require the completion of the Certification of Physician or Practitioner Form. The form is to be returned to the Office of Education. The employee should return the form within 15 days of the request for family and medical leave or provide an acceptable explanation for the delay.
3. Employees will be informed of the decision granting or denying their request for leave.
4. The NCC may place an employee on Family or Medical Leave when circumstances exist under which an employee qualifies for such leave under this policy and/or applicable law.

- X. Clarification** - Sick leave, by definition and application by NCC, is for the specific medical and health condition of the employee. Leaves for all other reasons, including care of children or family members, or for bonding with a new child, whether by natural birth or adoption, must therefore come out of any other eligible leave or be unpaid.

An employee out on leave due to pregnancy and the birth of a child is eligible for sick leave only for the amount of time certified by a physician to be necessary for the medical and health needs of the employee. After the birth, should the physician determine that more time off is required than originally certified, documentation by the physician stating the reason will be required. In any case, the physician must state when the employee is medically fit to return to work.

Time off for caring for the child is bonding, beyond the time needed for recovery of the employee, will be unpaid leave unless the employee is on a 12 month contract and has vacation leave available. The maximum leave permitted for both paid and unpaid leave under the Family and Medical Leave Policy is 2 weeks.

## **Sick Leave Policy**

Sick leave is for the PERSONAL illness or injury of the employee.

All teachers in the Northern California Conference are entitled to ten (10) working days (prorated by percentage of full time employment) per year of paid sick leave. Teachers may accrue up to 130 days of sick leave based on years of denominational employment. Leave earned while in the employment of a conference or institution other than the Northern California Conference must be verified at the time of employment in the Northern California Conference.

Each time an employee is absent from school due to illness or a doctor's appointment, or for any condition allowed by the Northern California Conference Family and Medical Leave Policy, the time off must be reported to the Office of Education on forms available from the Office of Education. Time off should be reported for all absences, including personal leave time. Even when no substitute teacher expense is incurred, a half day or more of time off must be reported.

Illness or injury extending for more than 5 consecutive work days shall be by recommendation of the attending physician. The employer may request a written evaluation and recommendation. The employer may request a medical evaluation by a physician of the employer's choice. The employer shall have the right to determine if paid leave will be granted after reviewing the medical recommendations.

Pay cannot be collected for unused Sick Leave upon termination.

**Emergencies During the First Three Years of Teaching** -- Should a teacher have an accident or need major non-elective surgery or need to be out due to the birth of a child during the first three years of teaching, the teacher will be granted up to an additional ten days paid sick leave.

1. The teacher must request this extra sick leave in writing.
2. The teacher must agree, in writing, to amortize the extra ten days over a three year period starting with the school year following the one in which the extra days were granted.
3. Should employment with the NCC be terminated prior to the three years of amortized teaching, the teacher will re-pay the unamortized payment received.

**Transfer of Sick Bank**-Employees may transfer up to two days of sick bank to another employees' sick bank per school year with NCC Office of Education approval. Employees may receive no more than 20 days per school year of transferred sick bank .

**Sick Bank Verification** - To transfer sick leave from previous employment in denominational entities,

1. Obtain a letter from the previous employer stating how much sick leave had been accumulated at the time of the transfer. Submit a copy of the Sick Bank Verification form to the NCC Office of Education.
2. If the previous conference states that no sick leave records were kept, submit the signed and completed *Sick Bank Verification* form. Employees will be granted five days for each year worked full-time in the other denominational organization(s). A part-time employee would be granted days according to the percentage of full-time they have worked.

### **Paid Leave for Regular Hourly Employees**

Paid vacation time, the employee's birthday and short-term sick days together comprise Paid Leave. An employee begins earning Paid Leave when employment begins. This time is accrued and used to cover unworked days. There are no restrictions for the use of Paid Leave as long as the supervisor agrees and the work load is properly cared for.

Long-term Sick Leave is also accumulated and is held to cover the possibility of long-term illness. This reserve is referred to as "Sick Leave." To draw on this bank the employee must be hospitalized or unable to work for more than three consecutive working days. The first three days will be paid from Paid Leave and subsequent time from Long-term Sick Leave. Paid Leave, and Long-term Sick Leave may not be overdrawn.

Paid Leave is accrued at a rate of 0.094 hours per hour worked during the first four years of service; 0.113 hours per hour worked during the next five years of service; and 0.133 hours per hour worked for those with more than nine years of

service. Accrued Sick Leave is accrued at a rate of 0.019 hours per hour worked for all employees.

Unused Paid Leave hours can accumulate up to a maximum of 266 hours. When employment is terminated, payment will be paid at the current wage rate for the employee for any unused Paid Leave hours earned. (No Paid Leave is accrued on Paid Leave which is paid at termination.)

Sick Leave can accumulate to a maximum of 1000 hours. Pay cannot be collected for unused Sick Leave upon termination.

### **Personal Days – (10 month employees)**

By approval of the immediate supervisor and with adequate notice to secure a qualified substitute, a teacher may request leave for personal reasons. Two week days maximum, per school year, will be permitted with pay. Unused personal days may be banked, up to a maximum of four personal days. These are not intended to extend a regular holiday or vacation. Such leave time will be charged against the teachers' sick bank. Employees who take , leaves for personal reasons beyond the banked amount will experience a reduction in pay.. The reduction in pay will be based at 75% of a daily rate calculated at the 97% salary scale. At the discretion of the immediate supervisor, in unusual circumstances, employees may be granted personal leave beyond the banked amount without a reduction in pay.

Twelve-month employees who wish personal days may use vacation as outlined in the Pacific Union Education Code E10-164.

### **Birth/Adoption Leave**

A leave of five consecutive days shall be granted for the birth or adoption of a child at the time of the birth or adoption. This is available to both men and women. This leave shall NOT be deducted from paid leave.

Leave taken because of pregnancy-related illness or postpartum illness is treated as medical leave. It is not counted as part of the five-day birth/adoption leave, but is in addition to it. Birth/Adoption Leave is coordinated with the Family Medical Leave Act. (See that section for more information.

### **Bereavement Leave**

Up to three work days of paid leave may be taken for death in the employee's immediate family. The site administrator has the discretion to extend this leave for extenuating circumstances. This leave shall NOT be deducted from sick leave.



### **Family Illness**

Five work days per year may be taken for illness in the immediate family. Such leave time will be charged against sick leave and will be coordinated with the Family Medical Leave Act (See that section for more information.)

### **Jury Duty**

Employees selected for jury duty may be paid for up to 10 work days. This time shall NOT be deducted from sick leave.

### **Sabbatical**

See Pacific Union Education Code: F19-112

### **Mission Trip**

Employees may have the opportunity to participate in a mission trip sponsored by any NCC church or school. For such trips, employees may, after using the 2 personal days allotted for the year, be granted 5 consecutive days as approved by the local school board. These days shall NOT be deducted from sick leave.

### ***Professional Growth***

Two days per year (one for teachers who are employed less than half time) may be taken for the completion of a teacher-written, administrator-approved professional growth plan. These days shall NOT be deducted from sick leave.

