

Title:	Personnel Leave Policy and Procedure	Related Policies:	
Number:	3.1	Related Procedures:	Online Request for Leave form
Status:	Approved	Adopted:	
Owner:	S. Hanief (Interim Director)	Accounting:	
Last Revised:	8-22-09	Legal:	FCS, GADOE, US Charter Schools

Policy Detail

The Amana Academy Board expects all employees to maintain regular attendance and to avoid unnecessary absences. Teachers and other professional employees shall adhere to the requirements of their job description, contractual agreements and Amana Governing Board policies and procedures and shall promptly carry out, to the best of their abilities, any request made by the director or supervisor relative to their work or the efficient operation of the school/department. Teachers whose teaching assignments end before the close of school shall then do whatever work may be assigned to them by the administration. Out of concern for the health and welfare of employees and their families, and in conformance with applicable state and federal laws, the Board will provide certain categories of leave for which employees may seek approval. Leave approved for one purpose may not be used for any other purpose. The Executive Director is expected to monitor employee attendance and promote high attendance standards on the part of their staff.

Administrative procedures shall specify the types of leave available, including leave covered under the Family and Medical Leave Act, and the procedures for requesting and obtaining approval of leave.

Leave Procedures:

Each teacher is expected to prepare emergency substitute plans for a minimum of three days, which will be available in the main office in the event of an unexpected absence. If an absence is planned in advance, relevant lesson plans should be made for that absence.

Holidays: Amana Academy follows the Fulton County Board of Education Calendar for paid holidays.

Personal Days: Leave that is used to conduct business that cannot be handled outside of the school day. Full-time employees are eligible for three (3) personal days per year. The employee has to submit an online Request for Leave form at least one week in advance of the day requested. Personal leave may be rolled over to the next year of employment, to be capped at 3 days for a total of 6 personal days available in the following year. Employees will not get

paid for any unused personal days when their employment ends. All employees are expected to have plans available in their room/office for someone to follow for the time the employee is on leave.

Personal days may not be taken on the following days:

- The first workday of the school year and the next five workdays
- The last workday of the school year and the preceding five workdays
- Any pre-planning, conference, staff development, or registration days
- The workday immediately before or after a school holiday or school vacation

Personal absence during any of the days mentioned above may be granted on a case by case basis subject to approval by the Executive Director. Documentation from a doctor's office or medical facility must be provided if employee is out sick on the above stated days. If no documentation is provided, then the absence will be unpaid.

Sick Days: Sick leave is available to employees to provide for full salary and benefits for absences due to personal illness or injury that prevent the employee from working.

Full-time employees are eligible for the following number of sick days:

- 10 month employee - 5 days
- 11 month employee - 5.5 days
- 12 month employee - 6 days

The following guidelines are designed for the proper use of sick leave:

- Sick days may not be used for personal days.
- If an employee is sick and cannot report to work, **it is the employee's responsibility to secure a substitute** listed on Amana's approved substitute list. Once a substitute is secured, the employee must complete the online Request for Leave form before 7:30 am.
- During school hours, if illness necessitates an immediate visit to the doctor, the grade level administrator must be notified.
- If employee foresees the need to take sick leave (e.g., for non-emergency surgery or for a doctor's appointment), this must be pre-approved by the administration. If possible, please choose afternoon times for appointments and avoid Mondays and Fridays.
- Disabilities related to pregnancy or birth of a child will be treated as all other disabilities for purposes of Amana Academy's leave policies.
- Sick leave may be used to care for your sick or injured children and or parent(s) on the same terms that apply to use for your own illnesses or injuries.
- Partial sick days may be used for doctor or dentist appointments.
- Sick leave unused at the end of the year may not be carried over into the next year.
- Employees will not be paid for unused sick leave when their employment ends.

- Sick leave is granted for only the reasons listed above and will not be paid out if not utilized, if the employee is terminated, or if the employee's contract is not renewed.

Vacations: Each employee on a 240-day (12 month) contract is required to notify the administration two (2) months in advance of the dates of all vacation time to be taken. Vacation time for 240-day employees is based on the following schedule:

Administration: 20 days

All other 240 day employees: based on years of service:

- 1st and 2nd year: 10 days
- 3rd and 4th year: 15 days
- 5th year and beyond: 20 days

Vacations are earned from July 1 to June 30 of each academic year, and are taken in the same academic year in which they are earned. Amana Academy will not carry over or pay out any unused vacation time from one year to the next unless authorized by the Board. An authorized Amana Academy holiday that falls on a normal business day during your vacation is not counted as a vacation day.

Normally, vacation will not be allowed during the two weeks prior to the beginning of school; the first day of the school year and the following five working days; or the last work day of the school year and the preceding five working days or other critical days as identified by the Director.

Unpaid Personal Leave of Absence: Requests for personal leave without pay are considered individually and granted at the discretion of the administration. A request for personal leave of absence will be granted only if the employee is not eligible for any other type of leave.

Jury Duty: Employees summoned for jury duty will be allowed the necessary time off work to perform this civic responsibility. Upon notification by a court to report for jury duty, the employee shall immediately request jury duty during non-school months. Any employee, when advised of his/her notification of jury duty, must immediately inform the Executive Director. Employees must give Amana Academy fifteen (15) days advance notice of jury duty service. Employees will be expected to report to work during all regular hours if their presence is not required in a jury room or court. In the event this request is not granted, time off with no loss of salary limited to two (2) weeks will be provided for jury duty required to be served during the school year. Salary will be paid as usual. Amana Academy requires the employee to supply documentation from the court affirming the employee's jury duty service.

Military Duty: Employees who are absent from work in order to attend an annual encampment in a recognized reserve branch of the armed forces of the United States will receive a paid leave

of absence of up to a maximum of two (2) weeks per year. Leaves for military service and reinstatement after performing military service will be provided in accordance with the requirements of law. Documentation of Military Duty will be required.

Bereavement: When a death occurs in an employee's immediate family, an employee may take up to three (3) days with pay in order to attend the funeral or make funeral arrangements. In unusual circumstances, additional time off may be granted at the discretion of the administration. For purposes of the bereavement leave policy, "immediate family" means an employee's spouse or child, as well as a parent, grandparent, brother, or sister of the employee or the employee's spouse. Bereavement leave is not charged against the employee's personal, sick or vacation leave. The employee may be required to submit written substantiation of the need to be absent for this reason.

Emergency Closings and Severe Weather: In the event of severe weather or other emergency conditions, Amana Academy will close if the Fulton County Schools close and/or if the City of Alpharetta or Fulton County declares a state of emergency. If the school is officially closed, staff members will be paid their regular scheduled hours.

*An employee who is absent for reasons other than those permitted or excused by Amana Academy's illness or leave policies, or who repeatedly fails to provide notice as required, will be subject to appropriate disciplinary action, up to and including termination. Habitual absenteeism and/or tardiness will also be subject to appropriate disciplinary action.

FAMILY AND MEDICAL LEAVE

One or more categories of paid or unpaid leave available under this procedure may qualify for protection under the Family and Medical Leave Act (FMLA). The FMLA is a federal law that gives eligible employees the right to take up to 12 weeks of job-protected leave for family or medical reasons. In some circumstances, the leave may be taken intermittently or on a reduced leave schedule, rather than in an extended block of time. To be eligible for FMLA, an employee must have worked for Amana Academy for at least one year and must have worked at least 1,250 hours over the previous 12 months.

If an employee qualifies under this procedure for a longer leave of absence than the FMLA provides, the employee may elect the longer leave. However, the protections of the FMLA will not extend beyond the 12-week period covered by the law. The FMLA does not require employers to provide paid FMLA leave, but does allow employers to charge FMLA absences simultaneously against any available paid leave as well as the FMLA. Therefore, an employee's available sick, personal, and vacation days will be applied to any FMLA leave taken for a reason covered by those provisions.

Reasons for Leave. The FMLA allows eligible employees to take leave for the following reasons:

- a. To care for the employee's child during the first year following the birth, adoption or foster care placement of the child;
- b. To care for the employee's spouse, child or parent who has a serious health condition; or
- c. Because of the employee's own serious health condition (including pregnancy, childbirth and related medical conditions) that makes the employee unable to perform his/her job.

Length of FMLA Leave. No more than 12 weeks of FMLA leave may be taken in any 12-month period. Leave will be counted based on a rolling 12-month period measured backward from the date that the employee's FMLA or medical leave begins. When both spouses are employed by Amana Academy, the combined total amount of leave that may be taken because of the birth, adoption or foster care placement of their child or to care for a parent with a serious health condition may not exceed 12 weeks during any 12-month period. This restriction does not apply to leaves of absence occasioned by either spouse's own serious health condition or that of their child.

Methods of Taking FMLA Leave. Leave that qualifies under the FMLA may be taken in one or more blocks of time up to the 12-week limit. Under certain circumstances, FMLA leave may be taken intermittently or on a reduced leave schedule to take care of the employee's seriously ill spouse, parent or child or because of the employee's own serious health condition. Intermittent leave might be needed, for example, because of periodically scheduled medical treatment or recurrent medical problems. Intermittent leave or a reduced leave schedule is not available to care for the employee's child following the birth, adoption or foster care placement of a child. Where possible, employees on intermittent leave or a reduced leave schedule should make arrangements to minimize the disruption to their normal work schedule. When necessary, an employee requesting intermittent leave or a reduced leave schedule may be transferred to an equivalent position that better accommodates the recurring leave.

Certain restrictions apply to intermittent leave or leave on a reduced leave schedule for instructional employees. "Instructional employees" are those whose Executive Director function is to teach and instruct students in a class, a small group, or an individual setting, and includes special education assistants such as signers for the hearing impaired.

If an instructional employee is approved to be on leave for more than 20 percent of his/her normal work schedule, the employee may be required to take leave on a full-time basis for the necessary period. If an equivalent alternative position is available, the instructional employee may be required to choose either the alternate position or full-time leave.

Advance Notice. Employees are required to provide advance notice of FMLA leave as follows:

- a. When the need for FMLA leave is foreseeable, notice is required 30 days in advance.
- b. When the need for leave is not foreseeable, the employee must provide notice as soon as practicable.

The taking of leave may be denied or postponed if these notice requirements are not met.

Applying for Leave. All requests for leave must be made in writing on the Amana Academy form, stating the reason for the leave and the expected duration of the leave. The completed form must be submitted to the Executive Director for approval. Except in exceptional circumstances, written approval must be obtained before leave may be taken.

Medical Certification. When the leave of absence is occasioned by the employee's own serious health condition or that of a family member, the employee will be required to submit medical certification on the form provided by Amana Academy. In addition, Amana Academy may require a second or third opinion, at Amana Academy's expense.

When the leave is over 30 days in length, recertification may be required at 30-day intervals throughout the leave. Recertification also may be required when the employee requests an extension of leave, when the medical situation changes, or when Amana Academy receives information that casts doubt on the continuing validity of an earlier certification.

Approval of Leave. The Executive Director will be responsible for reviewing leave requests of the Administrative staff. The Board will be responsible for reviewing leave requests of the Executive Director. Approval of the leave will be given in writing and will specify an expected return date. If an extension of leave is needed, the employee must submit a new request and medical certification to the Executive Director before the end of the original leave period. Leave taken without approval as required under this policy will be treated as unauthorized leave and may result in disciplinary action up to and including termination.

Reinstatement. The FMLA entitles an employee to return to the same or an equivalent position at the conclusion of the leave. Certain restrictions apply to instructional employees whose return from leave would occur near the end of the semester. Under certain circumstances, these employees may be required to extend their leave through the end of the semester to avoid disruption of the educational process.

Coordination with Other Types of Leave. When an employee requests leave for any purpose covered under the FMLA (whether the employee identifies the leave as such or not), the employee will be notified that the leave will be treated as FMLA leave. In addition, the employee will be required to use any paid leave then available to the employee under this procedure. Example: An employee requests leave for six weeks (30 work days) to care for a seriously ill spouse. The employee has four days of sick leave and five days of vacation leave available at the start of the leave. The employee is required to use all accrued paid sick leave and vacation leave (a total of nine work days). The remaining twenty-one days of leave will be unpaid. All six weeks of leave count against the employee's total FMLA entitlement of 12 weeks per year.

Health Insurance. Employees on approved leave remain covered under Amana Academy's health insurance.

PROFESSIONAL AND DUTY LEAVE. An employee may be granted paid or unpaid professional leave to engage in activities associated with professional organizations related to the employee's position at Amana Academy (e.g., annual conferences, state meetings, etc.). Professional leave requires approval in advance by the Executive Director. The length of the leave and whether it is to be paid or unpaid depends on the particular facts. If unpaid professional leave is granted, the employee may elect to use a personal day, if available, for the absence.

Paid duty leave may be granted when an employee must be away from normal responsibilities in order to participate in activities directly related to student needs or assigned by the Executive Director (e.g., coaching athletic teams, field studies, staff development, committee assignments at the local or state level, or other official school business). Duty leave requires approval in advance by the Executive Director.

Requests for professional or duty leave must be made on the form prescribed by Amana Academy and, when possible, must be submitted to the Executive Director thirty working days prior to the requested leave date.

Expense Reimbursement. In order to be reimbursed for expenses incurred while on duty or professional leave, the employee must submit the Request for Reimbursement Form to the Executive Director immediately upon return.

UNPAID MEDICAL LEAVE. An employee who does not have sufficient accumulated paid sick leave or vacation to cover medical absences may request unpaid medical leave. Medical certification on the approved form will be required to the same extent as for paid sick leave. Unpaid medical leave shall not exceed one contract year or assignment period.

JOB PROTECTION UPON RETURNING FROM LEAVE. Employees who have been employed by Amana Academy for at least 12 months and worked at least 1,250 hours during the 12-month period immediately prior to taking leave have job protection as follows: (1) Employees returning from FMLA leave or from non-FMLA leave of 45 consecutive work days or less will be returned to the same or equivalent position (though not necessarily the same position). (2) Employees returning from non-FMLA leave of more than 45 consecutive work days will be returned to the same or substantially equivalent position (though not necessarily the same position), provided there is a vacancy for which the employee is qualified. Employees without job protection under the FMLA or this procedure may be returned to employment at the discretion of Amana Academy.

Employees returning from any leave of 45 consecutive work days or more must notify the Executive Director at least two weeks prior to their scheduled return date. An employee's return

to an instructional position near the end of a semester may be delayed in accordance with the FMLA in order to maintain continuity of classroom instruction or delivery of services.

UNAPPROVED LEAVE. Taking unapproved leave, failing to respond to written communication from Amana Academy regarding leave status, or failing to return at the specified time following an approved leave of absence will be considered job abandonment. The employee will be deemed to have resigned and will be removed from the payroll.

MISREPRESENTATION OF FACTS. An employee who misrepresents facts in order to obtain paid or unpaid leave will be denied reinstatement or terminated.

EMPLOYMENT DURING LEAVE. Amana Academy employees on approved sick leave may not accept employment, work or compensation for other employers during the period of approved leave. Violation of this requirement is grounds for disciplinary action including termination of employment.

RETURN FROM LEAVE. Employees are expected to return to work from leave at the end of the approved time period. Requests for extension of leave must be submitted in writing by April 1 for the next contract or assignment year. Requests for extensions of less than one year duration must be submitted at least 60 days in advance of the approved return date. In cases of extenuating circumstances, requests for exception to the time requirement may be submitted in writing to the Executive Director and may be resolved based on the needs of Amana Academy.