

DRAFT
RISE Charter School ~ Policy 5400
Leaves of Absence

Sick Leave

RISE Charter School full-time employees shall be granted ten (10) days of sick leave per calendar school year; one for each month of employment. RISE Charter School half-time employees shall be granted five (5) days of sick leave per calendar school year; half of what is allowed for full-time. Employees are expected to use sick leave days for personal illness, hospitalizations, or doctor appointments. Sick leave days may also be used to attend doctor's appointments or care for a family member who is ill or hospitalized. Unused sick days will be rolled into an employee sick bank at the end of each school year. Employees may accumulate a maximum of two hundred twenty (220) days of unused sick leave. Unused sick leave shall accrue from year to year as long as an employee remains continuously employed by a public school district (including charter districts). Upon retirement, an employee's accumulated unused sick leave must be reported to RISE Charter School administration for referral to the public employee retirement system.

Personal Leave

Certified staff will be granted personal leave according to the terms of their current contract and based on years of certified experience. Classified staff will be granted personal leave in accordance with the number of years employed by RISE Charter School. Below are two tables with the corresponding years worked to days of personal leave granted for certified and classified staff.

Full-time employees will be granted three (3) days of personal leave for each calendar school year. Part-time employees will be granted one and a half (1.5) days for each calendar school year.

Certified Staff Personal Leave

Years of Teaching Experience	Days Personal Leave Granted Per Year
0-2	3
3-7	4
8-12	5
13+	6

Classified Staff Personal Leave

Years Worked for RISE Charter School	Days Personal Leave Granted Per Year
0-2	3
3-7	4
8-12	5
13+	6

Advance notice must be given to the RISE Administrator and leave will be granted contingent upon the needs of the school and availability of a substitute. The Director, with approval of the Board, shall have the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick leave.

During any unpaid personal leave of greater than fifteen (15) days, the employee will not receive fringe benefits. During the leave, the employee may pay RISE's share of any insurance benefit program in order to maintain those benefits, provided that such is acceptable to the insurance carrier.

Staff using personal leave shall not earn any sick leave or annual leave credit or any other benefits during the approved leave of absence. Unused personal leave will **not** be rolled over at the end of each year, but instead, may be paid out in June at the substitute pay rate (\$125 Certified Staff, \$95 Classified Staff).

Bereavement Leave

Full time employees who work at least 20 hours per week will be granted up to 3 days paid bereavement leave and those employees working 19 hours or less per week will receive 2 days paid bereavement leave. Bereavement leave shall be used for: spouse and your (or your spouse's child), stepchild, father, mother, sister, brother, grandparent, grandchild, son-in-law, daughter-in-law, uncle, aunt, or a person whose relationship is that of a foster parent. Unusual cases not included herein may be brought to the attention of the Executive Director for consideration.

FMLA Leave

In accordance with the provisions of the Family Medical Leave Act (FMLA) of 1993, a leave of absence of up to twelve 12 weeks during a 12 month period may be granted to an eligible employee for the following reasons:

1. The birth of a child;
2. The placement of a child for adoption or foster care with the employee;
3. A serious health condition that makes the employee unable to perform the functions of the job;
4. To care for the employee's spouse, child, or parent with a serious health condition; or

5. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in the Armed Forces.

An employee is eligible to take FMLA leave if the employee has been employed for at least 12 months, and has worked at least 1,250 hours during the 12 months immediately prior to the date when the leave is requested and otherwise qualifies pursuant to applicable federal laws

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12 month period to care for the service members.

Employees will be required to use appropriate paid leave while on FMLA Leave. Workers Compensation absences will not be designated FMLA Leave.

The Board has determined that the 12 month period during which an employee may take FMLA leave is **July 1 to June 30 OR the calendar year OR 12 months forward from the date of a particular employee's first FMLA leave OR 12 months backward from the date of FMLA Leave.**

Medical certification shall be required to determine FMLA initial or continued eligibility as well as fitness for duty.

Family and Medical Leave Procedure

Who Is Eligible: Employees are eligible if they have worked for RISE Charter School for at least one year, and for 1,250 hours over the previous 12 months, and otherwise qualify pursuant to applicable federal laws.

Benefit: Under certain conditions, eligible employees, if qualified, may be entitled to up to 12 weeks leave with continuing participation in RISE Charter School's group insurance plan. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12 month period to care for the service members.

Reasons for Taking Leave: Unpaid leave will be granted to eligible employees for any of the following reasons:

1. To care for the employee's child after birth, or placement of a child for adoption or foster care with the employee; or
2. To care for the employee's spouse, child, or parent (not including parents in-law) who has a serious health condition; or
3. For a serious health condition that makes the employee unable to perform the employee's job; or
4. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in support of a contingency operation.

Substitution of Paid Leave: Paid leave will be substituted for unpaid leave under the following circumstances:

1. Accumulated sick or personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in 2 or 3 above;
2. Accumulated vacation or personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in 1 above;
3. Accumulated sick leave will be utilized concurrently with FMLA leave whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to RISE Charter School policy; and
4. Whenever appropriate, workers' compensation absences shall be designated FMLA leave.

When Spouses are RISE Charter School Employees: If spouses are employed by RISE Charter School, they each are entitled to a total of 12 weeks of leave per year. However, where the reason for the leave is for birth of a child, or because of adoption or foster care, or to care for a sick parent, such leave may be limited to an aggregate of 12 weeks, between the married employees.

Advance Notice: Employees must provide 30 days advance notice when the leave is foreseeable. In other situations an employee must give notice as soon as practicable. Leave may be allowed in emergency situations when no advance warning is possible. Inexcusable delays in notifying RISE Charter School may result in the delay or denial of leave.

Requests: A sick leave request form is to be completed whenever an employee is absent from work for more than three days or when an employee has need to be absent from work for continuing treatment by or under the supervision of a health care provider.

Medical Certification: RISE Charter School will require medical certification to support a request for leave or any other absence because of a serious health condition (at employee expense), and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work statement.

Intermittent/Reduced Leave: FMLA leave may be taken "intermittently or on a reduced leave schedule" under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with the approval of RISE Charter School. Where FMLA leave is taken to care for a sick family member or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that RISE Charter School's payroll system uses to account for absences or use of leave.

Insurance: An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, but it is incumbent upon the employee to continue paying the portion of the premiums the employee usually pays throughout the leave period. An employee's eligibility to maintain health insurance coverage will lapse if the premium payment is more than

30 days late. RISE Charter School will mail notice of delinquency at least 15 days before coverage will cease.

Return: Upon return from FMLA leave, reasonable effort shall be made to place the employee in the original or equivalent position with equivalent pay, benefits, and other employment terms.

Record Keeping: Employees, supervisors, and building administrators will forward requests, forms, and other material to payroll to facilitate proper record keeping.

Summer Vacation: The period during the summer vacation or other scheduled breaks, such as Christmas, an employee would not have been required to work will not count against that employee's FMLA leave entitlement.

Special Rules for Instructional Employees

Leave More Than Five Weeks Before End of Term: If an instructional employee begins FMLA leave more than five weeks before the end of term, RISE Charter School may require the employee to continue taking leave until the end of a semester term if:

1. The leave is at least three weeks; and
2. The employee's return would take place during the last three-week period of the semester term.

Leave Less Than Five Weeks Before End of Term: If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than five weeks before the end of term, RISE Charter School may require the employee to continue taking leave until the end of a semester term if:

1. The leave is longer than two weeks; and
2. The employee's return would take place during the last two-week period of the semester term.

Leave Less Than Three Weeks Before End of Term: If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than three weeks before the end of term, RISE Charter School may require the employee to continue taking leave until the end of the academic term if the leave is longer than five days.

Intermittent or Reduced Leave: Under certain conditions, an instructional employee needing intermittent or reduced leave for more than 20% of the total working days over the leave period may be required by RISE Charter School to:

1. Take leave for a period(s) of particular duration not to exceed the duration of treatment;
or
2. Transfer to an alternate but equivalent position.

Employee Notification of Policy

A general notice from the Department of Labor explaining the FMLA's provisions and complaint procedures will be posted prominently where it can be readily seen by employees and applicants and shall either be distributed to each new employee upon hiring or will be included in employee handbooks or other written guidance concerning benefits or leave rights. No notification of rights

under the FMLA or related regulations should be construed to alter any applicable at-will employment relationship between RISE Charter School and an employee.

All Leaves

If leaves are to include expenses payable by RISE Charter School, the leave approval will state so. Leave will only be granted in units of half or full days of a regularly scheduled school/work day.

Legal Reference:

42 USC 2000e Equal Employment Opportunities;
I.C. § 33-1216 et seq. Sick and other leave;
I.C. § 33-1228 Severance allowance at retirement

Policy History:

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