

Rocky Mountain Conference

Leave Policies:

Personal/Professional, Sick leave, FMLA, Employee Disability Income Plan

August 2014

The Rocky Mountain Conference has implemented the following leave policies in an effort to support employees as they strive to maintain a balance between work and personal time. These policies are designed to meet the requirements and recommendations of federal and state laws, the North American Division Working Policy and the Mid-America Union Code for teachers. Please note that the types of leave available and their application depend on an employee's classification (pastor, teacher, office staff, exempt/non-exempt) and their full- or part-time status. This document outlines the differences in the use and purpose of various policies, noting when a policy only applies to a specific classification of employees. While it is not practical to reference all of the laws and policies in their entirety that were considered while developing the leave policies, this document serves as the guide for implementing the policies and ensuring compliance and consistency. Please remember that all policies are subject to change in order to remain compliant with applicable laws and policies established by the North American Division and the Union Code as well as federal and state employment laws. Employees are encouraged to ask questions and seek clarification if any of the information is not clear.

Personal/Professional leave (Teachers)

1. Full-time teachers receive two personal and two professional days off each school year. Part-time teachers who are employed between 50 and 75 percent of full-time, receive one personal and one professional day per school year. Time off cannot be taken in less than half-day periods.
2. Personal days can be used at the discretion of the employee to care for personal needs that may fall on a regular school day. To the extent possible, scheduling these days off should be coordinated and communicated with the principal, head teacher or superintendent/associate superintendent prior to scheduling the leave.
3. Professional enrichment days should be communicated in advance with the superintendent/associate superintendent to ensure the program/event/seminar/etc. meets eligibility criteria
4. Personal and professional days off do not accrue from year to year. The employee either uses or loses these days at the end of the school year on June 30. The conference education department encourages teachers to use these days to benefit their personal lives and professional development.
5. Personal and professional days are not convertible to paid leave or considered as credit payable at the end of the employee's service.

Sick leave

- When employees are sick or impaired to the extent of being unable to reasonably perform all regular duties or would expose others to illness or injury, they are not expected to report to work.
- Anticipated and unanticipated absences must be reported as early as possible to:
 - a. Teachers: Principal/head teacher or superintendent
 - b. Pastors: Ministerial Director
 - c. Office Staff: Direct supervisor
- Sick leave is intended to be used only in the case of personal illness or injury of the employee or to care for illness/injury of immediate family members. Immediate family members include the employee's spouse and children.
- Elective medical, dental or surgical appointments should be scheduled so as not to interfere with the regular work schedule. Where this is impossible, such time shall be taken for such appointments as sick leave.
- Sick Leave eligibility
 - a. Teachers: Full-time teachers are eligible for up to a maximum of ten sick leave working days during a single school year. Part-time teachers, who are employed between 50 and 75 percent of full time are eligible for up to a maximum of five sick leave working days within a single school year. Teachers cannot use more than their designated sick days within a school year, unless for circumstances that would require a leave such as a family medical leave of absence. Time off cannot be taken in less than half day periods.
 - i. Unused sick days accrue each year to a maximum of 130 days/26 weeks for use for extended leaves of absence. Only years of continuous service with the Rocky Mountain Conference (including transfers within the conference between academy/conference payrolls) count towards accrual.
 - b. Non-exempt (hourly): unused sick leave can accrue up to a maximum of 76 hours of short-term sick and 1,000 hours of long-term sick. (*NAD Working Policy E 82*)
 - c. Exempt (salaried) Pastors/Office Staff: do not accrue sick leave. However, exempt employees are expected to report days when they are not working due to illness or injury.
- Extended Sick Leave Time (*NAD Working Policy E 82 30*)
 - a. Beginning with the fourth (4th) work day of an illness, full-time pay shall be continued and charged to the extended sick leave time bank until those accumulated hours have been exhausted.
 - b. To qualify for this benefit, the employee must be under the care of a physician and submit a physician's certificate stating the nature of the illness, disability or incapacity. In cases where an employee is hospitalized the provision of paragraph a. above shall begin on the day of admittance to the hospital.
 - c. Accrued extended sick leave can be used for approved leaves such as family medical leave to care for a family member who is under the care of a medical professional and the purpose of the leave qualifies as a medical need. Medical certification will be

- required to support the need for leave to care for a seriously ill child, spouse, parent or servicemember.
- d. Accrued extended sick leave is not convertible to paid leave or considered as credit payable at the end of the employee's service.

Family Medical Leaves of Absence (FMLA)

The Family Medical Leave Act provides qualified employees with up to twelve weeks of unpaid, job-protected leave within a 12-month measurement period. The Rocky Mountain Conference calculates this measurement period as the 12-month period measured forward from the date of an employee's first FMLA leave usage. If eligible employees have accrued paid leave benefits, they may be able to use that time to continue compensation during the leave. FMLA also ensures that an employee's group health and other accrued employee benefits are maintained during the leave. Upon application and approval from AdCom, an employee may be granted up to twelve weeks of unpaid and/or paid Family and Medical Leave of Absence in a twelve-month period. Reasons may include birth or adoption of a child; the serious illness of a child, parent, or spouse of an employee; or a serious health condition of the employee that makes it impossible for that employee to perform the functions of his/her position. In addition, effective January 16, 2009, an employee may be eligible for up to twenty-six weeks of FMLA for specified military-related leave. Upon completion of the FMLA leave, the employee is guaranteed employment in the same or a comparable position unless extenuating circumstances arise such as financial exigency. (*NAD Working Policy E 83*)

Eligibility—To be eligible for leave under this policy an employee must have been employed by the Rocky Mountain Conference for at least twelve months in total, must have worked at least 1250 hours during the twelve-month period immediately preceding the commencement of leave, and where applicable, must be a family member of a covered servicemember. For purposes of eligibility, all full-time teachers of an elementary or secondary school system, or other educational establishment or institution, and all exempt employees, are deemed to meet the 1250-hour test unless the employer can clearly demonstrate that the employee did not work 1250 hours during the previous twelve months. (*NAD Working Policy E 83 20*)

1. Employees unable to work for extended periods of time due to an FMLA-qualifying event, must apply for extended time off through the Conference's HR department. When foreseeable, the employee is expected to provide a written 30-day advance notice of when leave will be needed and the duration of the expected leave. Paid time depends on the following:
 - a. Teachers—accrued time in the employee's extended sick leave bank. After the extended sick leave bank is exhausted, the teacher may use any remaining days in their short-term sick bank (maximum of ten days). Any remaining time is unpaid time. If an injury or illness happens during the summer months between June 1 and July 31, a teacher would only need to request time off under FMLA if the duration of recovery time is expected to extend beyond July 31. Medical certification would be required to support the need for FMLA after July 31. 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. Rocky Mountain Conference teachers are required to report for duty on August 1.

- b. Non-exempt employees (hourly)—accrued paid time off banks (short-term, extended sick, and vacation). After the paid time off banks are exhausted, the remaining time is unpaid time.
 - c. Exempt employees (salaried) Pastors/Office Staff—if an employee has been unable to work for two weeks (10 work days within a 30-day period) due to a serious illness or injury, they are expected to contact Human Resources to discuss the potential of continued leave under FMLA or other applicable employment policies. Once approved for FMLA, an employee receives full pay while unable to work and receiving medical care. Once the physician has released the employee to return to work, if the employee wants to continue their time off, they must use accrued vacation and receive approval from their supervisor.
 2. *Certification*—The Rocky Mountain Conference will require medical certification to support a claim for leave for a qualified employee’s own serious health condition or to care for a seriously ill child, spouse, parent or servicemember. The employer may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the employer, at its own expense, may require the binding opinion of a third health care provider approved jointly by the employer and the employee. (*NAD Working Policy E 83 30*)
 3. *Fitness for Duty Certification*—All returning employees will need to obtain a job-related fitness for duty certificate from the attending physician or health care provider prior to his/her return to work if the Family and Medical Leave of Absence leave taken was based on the employee’s own serious health condition. If a safety concern exists, a fitness for duty certification may also be required (*NAD Working Policy E 83 30*)
 4. In order to be eligible for Pregnancy/Maternity Leave, an employee must also meet the eligibility requirements of FMLA. Both the mother and father are entitled to FMLA leave to be with and care for a healthy newborn child (i.e. bonding). A husband and wife who are eligible for FMLA leave and are both employed by the Rocky Mountain Conference may be limited to a combined total of 12 weeks of leave. The mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. Circumstances may require that FMLA leave begin before the actual date of birth of a child. An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work. The husband is entitled to FMLA leave if needed to care for his pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for the spouse following the birth of a child if the spouse has a serious health condition. (FMLA Policy Sec. 125.120)
 - a. The beginning date and duration of Pregnancy/Maternity Leave shall be in harmony with the advice of the attending physician. Paid time for Pregnancy/Maternity Leave will depend on the following:
 - i. Teachers—accrued time in the employee’s extended sick leave bank up until the attending physician has released the mother and baby from medical care. From that day, if the teacher chooses to remain on FMLA, any paid leave from the extended sick leave bank would be discontinued. The teacher may use any remaining days in their short-term sick bank (maximum ten days). Any remaining time would be unpaid time up to a combined total of twelve weeks (paid and unpaid time). If a teacher gives birth to a baby during the summer months between June 1 and July 31, they would only need to request time off under FMLA if the duration of recovery time is expected to extend beyond July 31 or if the employee chooses to continue Pregnancy/Maternity Leave for

bonding purposes. However, if a physician is unable to certify a medical need for the mother or the baby beyond July 31, requested time off will be unpaid time. 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. Rocky Mountain Conference teachers are required to report for duty on August 1.

- ii. Non-exempt employees (hourly)—accrued time in the employee's paid time off banks (extended sick leave, short-term sick and vacation) up until the attending physician has released the mother and baby from medical care. From that day, if the employee chooses to remain on FMLA, any paid leave from the extended sick leave bank would be discontinued. The employee, however, may use any remaining days in their short-term sick or vacation banks. Any remaining time would be unpaid time up to a combined total of twelve weeks (paid and unpaid time).
- iii. Exempt employees (salaried) Pastors/Office Staff—paid time until the employee has been released from medical care. At that time, the employee can use their accrued vacation until exhausted. Any remaining time would be unpaid time up to a combined total of twelve weeks (paid and unpaid time).

FMLA Request Process:

1. Requests for FMLA are processed through Human Resources.
 - a. The employee should notify their immediate supervisor of the intended leave and submit a written request to the human resources office, indicating the purpose, expected date and duration of the leave.
 - b. Within 5 days of receipt of the request, HR will provide the employee with a completed form WH-381, Notice of Eligibility and Rights & Responsibilities.
 - c. Based on the purpose for the requested leave (self or family member), the employee will be required to submit the appropriate certification form, either WH-380 E, or WH-380 F. Employees will have 15 days to complete and return the form.
 - d. HR will bring the request to AdCom.
 - e. Within 5 days of receiving certification documents, HR will provide the employee a Designation of Notice form, either approving/denying the employee's request. The form also provides additional information to the employee regarding their time off.
 - f. HR will notify and work with the employee's direct supervisor, if needed, to ensure that the employee's responsibilities are covered if the employee's leave is approved.

Employee Disability Income Plan (NAD Working Policy Y33)

Purpose: This policy seeks to provide a partial solution to the exposure of risk of loss of income due to a prolonged absence from work because of a disability

1. All regular-status employees, working an average of at least 35 hours a week and sponsored seminary students are eligible to participate in the plan with the first day of employment.
2. This plan provides a monthly benefit amount of 66 2/3% of pre-disability basic monthly earnings (remuneration factor plus applicable cost-of-living) excluding area travel and all other allowances. This program coordinates with workers' compensation, Social Security, and other group and government assistance program benefits related to employment, subject to a minimum monthly benefit of \$100.
3. The elimination period before benefits are paid shall be no longer than 90 days.
4. Employee Benefits:
 - a. Retirement: Beginning with the first day of the elimination period, employees will continue to receive retirement contributions up to a maximum of 18 months.
 - b. Group Life Insurance: Beginning with the first day of the elimination period, employees will be eligible for continuation up to 18 months.
 - c. Health Care: shall continue up to the earlier of:
 - i. Reemployment
 - ii. Eligibility for Retirement Plan benefits at the normal retirement age.
 - iii. Eligibility for Medicare benefits
 - iv. Up to 24 months commencing from the first day of the elimination period.
5. When an employee cannot return to work due to an illness that is expected to last more than 90 days, they need to notify Conference Administration and begin the process to apply for benefits under this plan—even when/if they are currently on FMLA.
6. The application process can only begin when the employee has fully stopped working.
7. If an employee can return to work prior to the end of the elimination period, all proceedings to begin the benefits will cease. Certification from the employee's doctor is required to be reinstated to full-time employment.