

Sec. 4.13.1. PERSONAL LEAVE

Sec. 4.13.1.1. State Leave Days

Life School recognizes state personal leave days awarded through the State Personal Leave Program under Education Code, Chapter 22. Life school will accept state personal leave days earned through prior service with other Texas public schools as notated on an employee's official service record.

Life School will credit an eligible employee's service record with five state personal leave days per year. However, as an open-enrollment charter school, Life School cannot guarantee that state personal leave days awarded for service with Life School will transfer to other Texas public schools upon an employee's separation from Life School.

Sec. 4.13.1.2. Local Leave

Life School grants all employees five local leave days annually. The Superintendent or designee shall adopt procedures to implement and control Local Leave benefits.

Local Leave does not accumulate or roll forward from year to year, and is forfeited upon resignation, retirement, or termination from employment.

Sec. 4.13.1.3. Medical Certification

Any employee who is absent more than three days because of a personal or family illness must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and – in the case of personal illness – the employee's fitness to return to work.

Sec. 4.13.2. EXTENDED MEDICAL LEAVE FOLLOWING EXHAUSTION OF FMLA LEAVE

To encourage employees to return to work and provide employees who need extended leave for reasons of illness or injury a reasonable time to recuperate and recover, Life School has adopted the following policy to provide extended unpaid medical leave following an employee's exhaustion of FMLA leave. ***This policy applies only to employees who are eligible for and been granted an approved period of FMLA leave.***

If an employee's illness or injury requires a leave of absence for more than 12 workweeks (the amount of FMLA available during an employee's FMLA leave year), Life School will, with satisfactory medical certification, extend an employee's unpaid FMLA leave for an **additional two weeks**, or a total of **fourteen workweeks** of unpaid medical leave within the employee's 12-month FMLA leave period.

Life School will extend the employee's reinstatement rights under the FMLA through the end of the 14-week period.

Life School will maintain the employee's coverage under any group health plan during extended medical leave under this policy to the same extent as coverage would have been provided if the employee had been continuously employed during the entire leave period. During the leave period, the employee must continue to pay his or her share of group health plan premiums. If premiums are raised or lowered, the employee will be required to pay the new premium rates.

Employees will not accrue paid time off while on extended medical leave.

Sec. 4.13.2.1. Failure to Return to Work

If an employee is unable to return to work following a two-week extended medical leave period and the employee has exhausted all other available paid and unpaid leave (with the exception of leaves of absence for military duty), the employee shall be separated due to unavailability for work, subject to any reasonable accommodation duties Life School may have under the Americans with Disabilities Act or similar law. Any employee separated for nonattendance following exhaustion of all available extended medical leave will be eligible for rehire, and will be able to apply for any vacancies that may exist at any given time, depending on qualifications and availability of job openings.

Sec. 4.13.3. EMERGENCY LEAVE

This section intentionally omitted.

Sec. 4.13.4. BEREAVEMENT LEAVE

Life School may offer up to three days of paid bereavement leave per school year to eligible employees. A period of bereavement leave may last longer than three days at the discretion of the Superintendent or designee, but the portion of any bereavement leave extending past three days shall be unpaid.

The Superintendent or designee shall adopt guidelines for availability of paid bereavement leave to employees, and shall ensure that such guidelines are distributed to all employees through the Employee Handbook or other appropriate notice.

Sec. 4.13.5. RELIGIOUS OBSERVANCES

An employee requesting to attend a religious observance on a regularly scheduled school day may use Personal Leave. In the event that all Personal Leave has been used, deductions from the employee's salary shall be made on the basis of the employee's daily rate of pay.

Sec. 4.13.6. JURY DUTY AND OTHER COURT APPEARANCES

Life School will pay a non-exempt employee his or her normal daily compensation for each regularly scheduled workday on which the employee serves in any phase of jury service. Any employee selected for jury duty must notify his or her supervisor within 48 hours of the court's notice. The employee must also present documentation of jury service to his or her supervisor.

Employees will be paid while on leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Absences for court appearances related to an employee's personal business must be taken as local leave or leave without pay (if no local leave is available). Employees may be required to submit documentation of their need for leave for court appearances.

Life School shall not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror or grand juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States.

Sec. 4.13.7. VOTING LEAVE

Any employee who does not have two consecutive non-work hours while the polls are open on election day will be given up to two hours off with pay in order to vote, unless more time is required by state law. The employee should notify the appropriate supervisor before Election Day if time off is needed, so that the timing of the employee's absence can be pre-arranged.

Sec. 4.13.8. UNPAID MEDICAL LEAVE (NON-FMLA) FOR FIRST-YEAR EMPLOYEES

Sec. 4.13.8.1. Medical Leave of Absence within First Year of Employment

An employee who is in the first year of his or her employment with Life School and who is therefore ineligible for leave under the Family and Medical Leave Act ("FMLA"), and who has a serious medical condition as defined under the FMLA, may request an unpaid medical leave of absence (non-FMLA) for a self-qualifying medical event.

A new employee who does not qualify for FMLA leave may take up to **six (6) weeks** of unpaid non-FMLA medical leave within his or her first twelve months of service with Life School. Intermittent leave under this policy is not permitted, unless such leave has been approved as a reasonable disability-related accommodation pursuant to the Americans with Disabilities Act ("ADA"). This means that any unpaid non-FMLA medical leave taken must be taken in a single block for the duration of the leave, not to exceed six weeks.

Sec. 4.13.8.2. Special Rule for Instructional Employees

Life School will not allow non-FMLA unpaid medical leave granted to a first-year instructional employee (those employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting) to continue into the three-week period before the end of a semester.

Sec. 4.13.8.3. Requesting Non-FMLA Medical Leave

An eligible employee is expected to provide at least thirty (30) days' notice when requesting unpaid non-FMLA medical leave. When such notice is not possible, an employee is required to provide notice for the need for leave as soon as reasonably practicable. Leave requests that are not submitted within this timeframe will be denied.

Sec. 4.13.8.4. Certifications for Non-FMLA Medical Leave

Life School will require certification from a physician of the employee's serious health condition. The Benefits Specialist will receive all medical certifications. An employee must respond to a request for certification within fifteen (15) calendar days of the notice of eligibility. Failure to comply with this requirement will result in denial of leave or reinstatement from leave, in which case the employee's leave would be unauthorized, subjecting the employee to discipline up to and including termination.

If an incomplete medical certification is received, Life School will provide the employee with the opportunity to either have the health care provider correct the certification or provide a written release for Life School to contact the health care provider directly. The employee will have seven calendar days to resolve any deficiencies in the medical certification. If, after seven calendar days, the identified deficiencies have not been resolved, the request for leave will be denied.

Sec. 4.13.8.5. Pay Status while on Non-FMLA Medical Leave

An employee who is taking non-FMLA medical leave will be placed on unpaid status during the leave period. If an employee has accrued paid leave, he or she must substitute any qualifying paid leave for non-FMLA unpaid medical leave. Substituted paid leave will run concurrently with the unpaid non-FMLA leave, meaning that any paid leave used for a serious medical condition will be charged against the employee's entitlement to non-FMLA medical leave. The substitution of paid leave does not extend the 6 week period of unpaid medical leave available under this policy. During the period that an employee takes non-FMLA medical leave, he or she is not eligible to accrue paid time off benefits. Accruals will resume upon the employee's return to work.

Sec. 4.13.8.6. Return to Work Following Non-FMLA Medical Leave

Employees are expected to be able to return to work by the end of their approved non-FMLA medical leave period. Prior to returning from leave, the employee must provide a release from his or her healthcare provider confirming the release to return to regular duties and/or identify any potential restrictions on the employee's ability to work. This information must be provided to Life School at least **five (5) calendar days** (if possible) prior to the employee's expected return to work date.

If the employee is released to return to work with restrictions, Life School will discuss with the employee whether reasonable accommodations may be granted. Medical restrictions are those that prevent the employee from performing his or her regular duties at the end of the approved leave due to a continuing medical condition.

If an employee on approved non-FMLA medical leave is released to return to work sooner than the expected return date listed on the request for medical leave, the employee must notify the HR Department within two business days of receiving the release.

An employee who takes non-FMLA medical leave does not have job restoration rights. However, Life School will generally reinstate the employee to the same position or a position with equivalent status, pay, benefits, and other employment terms upon the employee's return before or at the end of the approved leave period. In the event that Life School will be unable to restore the employee, the employee will receive written notice from Life School.

Any employee who fails to return to work as scheduled following expiration of the approved leave period will be separated due to unavailability for work, subject to any reasonable accommodation duties Life School may have under the ADA. Any employee separated for unavailability to work following exhaustion of all available unpaid medical leave (non-FMLA) will be eligible for rehire, and will be able to apply for any vacancies that may exist at any given time, depending on qualifications and availability of job openings.

Sec. 4.13.9. LIMITATIONS ON LEAVES OF ABSENCE

With the exception of leaves of absence for military duty or approved medical leave under applicable policy, if an employee accumulates more than five days of absence after exhausting all available paid or unpaid leave, the employee will be separated due to unavailability for work, subject to any reasonable accommodation duties Life School may have under the Americans with Disabilities Act or similar law. Any employee separated for unavailability for work following exhaustion of all available leave may be eligible for rehire and will be able to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings.