**KLAMATH FAMILY HEAD START**

**PERSONNEL**

**POLICY & PROCEDURE #: 707**

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**SUBJECT: LEAVE**

**POLICY:**

Klamath Family Head Start will provide leave for employees.

**PURPOSE:**

To allow staff time off with their families, for military, court, health or other personal reasons.

**PROCEDURE:**

**HOLIDAY LEAVE**

The following holidays will be paid if within a scheduled work week:

Martin Luther King Jr. Day

President’s Day

Memorial Day

Juneteenth Day

Labor Day

Veterans Day

To receive holiday pay, an employee must either **work** **all scheduled work hours the day before and the day after the holiday** **or have accrued enough sick time to cover all regularly scheduled work hours:**

1. Holidays that fall on Saturday will be observed on the preceding Friday.

2. Holidays that fall on Sunday will be observed on the following Monday.

3. A paid holiday is not worked & will not be credited as a workday when computing overtime.

4. Holiday leave pay may be equal to the number of hours regularly scheduled to work but cannot exceed 8 hours.

5. Holiday leave **will not** be paid prior to successful completion of 90 days of employment excluding layoff periods.

6. All non-temporary employees who are scheduled to work at least twenty 20 hours per week are eligible for holiday leave pay.

7. Employees on suspension, summer lay off, or leave without pay are not eligible for holiday pay.

8. No holiday leave or other qualifying leave will be paid while an employee is drawing disability pay, or on FMLA/ OFLA.

9. With management approval, any employee desiring a religious holiday not listed in this benefit package may request their choice of one of the following options:

1. use personal leave time
2. or use a lay-off day.

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**SICK LEAVE**

Employees who have completed their first 90 days, excluding layoff periods, are eligible to use accrued sick leave. Employees may not use sick leave during their first 90 days of employment without the express approval of their manager.

When possible, employees are expected to schedule planned medical appointments so as to minimize disruption of workflow.

Managers will monitor employee use of sick leave for indications of abuse. Abuse of paid sick leave may result in disciplinary action up to and including termination of employment.

See Paid/Sick Leave policy in Fiscal Procurement 03-307.

**BEREAVEMENT**

Regular employees who are scheduled to work at least twenty (20) hours per week will be allowed to take up to five (5) days off with pay upon the death of a member of their immediate family or miscarriage of their unborn child. Immediate familyis defined as wife, husband, son, daughter, mother, father, sister, brother, grandparents, grandchildren, or partner sharing a home or a relative by marriage of a comparable degree (in-laws).

1. In the event of death in the immediate family, a maximum of **five (5)** working days will be paid**.**

2. Bereavement leave is not chargeable to sick leave.

3. Bereavement leave must be used within 30 days of the death.

4. Bereavement may be extended up to 14 days with approval of manager- OFLA. Sick leave will be used before any time off without pay is allowed.

**COURT LEAVE**

Court Leave will be granted to an employee for jury duty or when subpoenaed to appear as a witness other than as a party to the action.

1. All court leave will be reported on the employee’s time sheet.
2. While serving on a jury, the employee will be compensated with a full day of pay for every day on which six or more hours are served during jury selection or on a jury up to 30 days per year. If serving less than six hours, the employee will report to work for the remainder of the day to be compensated by Klamath Family Head Start (unless the employee is scheduled to work less than six hours that day).
3. The employee will receive paid leave while testifying as a subpoenaed witness.
4. When submitting time sheets, the employee will attach a copy of any and all compensation received from other sources by virtue of services on jury duty or as a witness. Payments to the employee for jury duty will be turned into front desk for deposit by Klamath Family Head Start

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**CRIME VICTIM LEAVE**

An employee who has been the victim of a crime, or whose family member has been the victim of a crime, may be entitled to a leave of absence to attend criminal proceedings under the terms of this policy and applicable law. An employee who has worked for at least 180 days and who has averaged 25 hours or more per week in the 180 days prior to the request for leave, may be eligible to take an unpaid leave of absence to attend criminal proceedings related to a crime in which the employee or a member of the employee’s immediate family was a victim. Employees must provide reasonable notice of their intention to take leave under this policy, discuss the approximate length of the leave with their supervisor, and provide copies of scheduling notices upon request.

Crime victim leave is unpaid; however, employees may use any accrued sick leave if applicable to receive pay for all or part of their absence. If the employee’s leave would create an undue hardship on the Organization, the leave may be limited and the employee may request that the court take the employee’s work schedule into account when scheduling the proceedings.

**UNPAID LEAVE OF ABSENCE**

1. Unpaid leave without pay may not exceed twelve (12) months.

2. All paid time off must be used prior to implementation of Unpaid Leave.

3. Request must be in writing and submitted to the Executive Director.

4. Unpaid Leave can only be granted by the Executive Director. Unpaid leave for the Director must be approved by the Board of Directors with the additional approval of the Policy Council.

5. Employees may elect to continue medical / dental insurance coverage (at their own cost) through COBRA.

6. The length of time employees are on an Unpaid Leave of absence will not be computed towards their total period of employment for length of service and will not accrue any benefits during the Leave period.

**COMPANY MEDICAL/PERSONAL LEAVE**

1. Employees may be granted an unpaid personal leave of absence for up to 90 calendar days at the discretion of the company. Requests for personal leaves of absence must specify a starting and ending date as well as the reason for the requested leave. There should be a compelling personal reason for the leave. A leave will not be granted to work another job or seek employment or career opportunities elsewhere.

2. Employees returning from personal leaves of absence are not guaranteed re-employment. Re-employment is subject to the availability of a position which the company determines is suited to an employee's skills, qualifications, and experience.

ELIGIBILITY FOR UNPAID LEAVE

To be eligible an employee must:

 1. Be an exempt employee;

 2. Have completed three consecutive years of satisfactory full time employment; and

3. **NOT** have requested Unpaid Leave within the previous three years.

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PROCEDURE FOR REQUESTING UNPAID LEAVE

1. A written request for leave must be submitted to the ExecutiveDirector.

2. In the case of the Executive Director leave must receive Board approval before implementation.

3. Notification of intent to return must be presented to the Executive Director a minimum of thirty (30) days prior to the end of the granted period of Unpaid Leave.

4. Failure to notify the Director of the intent to return will be taken as intent not to return and the position will be open for hire.

**FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA/ OFLA)**

1. Qualified full-time regular employees may request a family medical leave of absence of up to twelve (12) weeks within a twelve (12) month period. FMLA/OFLA will be calculated on a “rolling backwards calendar year.”

a. Been employed for at least one hundred eighty (180) days and have worked an average of 25 hours per week; or

b. Been employed at least twelve (12) months prior to the first day of the absence and have worked at least 1250 hours during the 12 month period immediately preceding the beginning of the leave.

2. Family medical leave may be taken if any of the following apply:

a. A serious health condition makes an employee unable to perform one or more essential function of the position;

b. There is a need to care for spouses, parents, parents-in-law, children, same –sex domestic partners, or parents or children of same-sex domestic partners who suffer from serious health conditions or;

c. To care for a newborn child or a child newly adopted or placed in foster care.

3. “Serious health condition” is defined as an illness, injury, impairment or physical or mental condition that:

a. Requires inpatient care in a hospital, hospice, or residential medical care facility;

b. In the medical judgment of the treating health care provider;

1. poses an imminent danger of death;

 2. is terminal in prognosis with a reasonable possibility of death in the near future; or

 3. requires constant care.

1. Necessitates an absence of more than three days from work, school, or daily activities that involve continuing treatment by a health care provider; or
2. Requires continuing treatment by a health care provider for a chronic or long-term condition, pregnancy or prenatal care.

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4. Voluntary or cosmetic treatments are exempted unless they involve inpatient care.

5. Federal Medical Leave of Absence (FMLA) and Oregon Family Leave of Absence (OFLA) shall runconcurrently.

**FMLA/OFLA REQUEST PROCEDURE:**

1. To request family medical leave, an employee must submit a written request for the anticipated leave as soon as is practicable. The anticipated date for return to work must be included in the request.
2. If the leave is unanticipated, verbal notice must be given within twenty-four (24) hours of the commencement of the leave.
3. Intent to return to work will be given three (3) days before date of intended return.
4. All paid leave must be used prior to utilization of leave without pay.

In addition to the basic 12-week family leave entitlement, Oregon employees may qualify for additional state family leave in the following circumstances: (1) 12 weeks leave for an illness, injury or condition related to pregnancy or child birth that disables the employee (2) employees who take 12 weeks of parental leave are entitled to 12 weeks of leave to care for a sick child.

VERIFICATION OF NEED FOR LEAVE

1. Employees requesting leave due to a personal health condition will be required to submit, in advance, a medical verification from the treating health care provider, which confirms the need for the leave.
2. In the case of an unanticipated leave, a medical verification will be required after the employee has been on leave for three days.
3. Contact your Supervisor/Human Resources for the appropriate form.
4. FMLA forms must be returned within 15 days after receipt.
5. While on FMLA outside employment is not authorized.
6. Employees will update their manager weekly, i.e. if established plan is still in effect or if there is a change.

PROVISIONAL ELIGIBILITY

If circumstances interfere with advance notice being given, Klamath Family Head Start reserves the right to **provisionally** grant a Family and Medical Leave absence, pending verification from a health care provider.

If the need is not verified, time off will be considered as an unexcused absence and may result in disciplinary action up to, and including, termination.

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CONTINUING VERIFICATION

1. An employee who requests leave for a period greater than one month may be required to submit continuing medical verification until the leave is complete.
2. Employees will be required to return certification and request for leave within 15 days.

DISPUTE RESOLUTION

If there is a dispute about the medical opinion provided, Klamath Family Head Start may require a second opinion by a health care professional of its choice, at Klamath Family Head Start’s expense. If a third opinion is necessary, a third health care professional may be selected by KFHS at Klamath Family Head Start expense.

**MILITARY FAMILY LEAVE ENTITLEMENT**

**MILITARY CAREGIVER LEAVE**:

1. An eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered current servicemember with a serious injury or illness incurred in the line of duty may be granted up to a total of **26 work weeks**of **unpaid**leave during a “single 12-month period” (beginning on the first day the employee takes leave for this reason and ending 12 months later) to care for the servicemember.
2. An eligible employee is limited to a **combined**total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period.” (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for covered servicemember).

**QUALIFYING EXIGENCY LEAVE**:

1. An eligible employee may be granted up to a total of **12 workweeks**of **unpaid**leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.
2. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

**Qualifying exigencies include:**

* Issues arising from a covered military member’s short notice deployment (i.e., deployment on seven or less days of notice) for a period of **seven**days from the date of notification;
* Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross which are related to the active duty or call to active duty status of a covered military member;

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* Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member;
* Circumstances arising from the active duty or call to active duty of the covered military member;
* Making or updating financial and legal arrangements to address a covered military member’s absence;
* Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
* Taking up to **five**days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
* Attending to certain post-deployment activities including addressing issues arising from the death of a covered military member;
* Any other event that the employee and employer agree is a qualifying exigency.
1. Spouses employed by the same employer are limited to a **combined**total of 26 workweeks in a “single 12-month period” if the leave is to care for a covered servicemember with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.
2. FMLA leave may be taken intermittently whenever **medically necessary**to care for a covered servicemember with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arise out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment as not to unduly disrupt the employer’s operation.

REQUEST PROCEDURE

1. Employees seeking to use military caregiver leave must provide **30 days** advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered servicemember.
2. If is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day.
3. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case.
4. The employee must provide “sufficient information” to make the employer aware of the need for FMLA leave and the anticipated timing and duration of leave.

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VERIFICATION OF NEED FOR LEAVE

Leave for a qualifying exigency:

* be supported by a copy of the covered military member’s active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party;

Leave to care for a covered servicemember with a serious injury or illness:

* be supported by a certification completed by an authorized health care provider **or**by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered servicemember’s family.

# USE OF PAID LEAVE BENEFITS

1.Employees requesting family medical leave are required to use any paid leave they have accrued. Benefit leave time will run concurrently with the approved family medical leave.

2**.** Accrual of sick leave, as well as payment for holidays, will be suspended during a family medical leave. Such benefits will resume upon return to active employment.

EMPLOYEE HEALTH BENEFITS

1. Employees on family medical leave will continue their health insurance benefits in the same manner as without the leave, for FMLA only, for up to a maximum of 12 weeks.

2. Employees who are required to contribute to part of the cost of the health insurance must make arrangements with the Accounting Department for timely payment of premium costs in advance of the leave.

3. If Klamath Family Head Start pays any portion of the employee’s contribution toward benefits, up to ten (10) percent of the gross pay of the employee, per pay period, may be withheld until Klamath Family Head Start is reimbursed for the total amount.

4. If an employee gives unequivocal notice (i.e. terminates his/her employment), this amount may be pursued through normal channels, including deduction from the final employee’s paycheck.

RELEASE TO RETURN TO WORK

If an employee uses family medical leave for his/her own serious health condition, s/he will be required to provide “fitness-for-duty” verification prior to returning to work.

JOB RESTORATION

When a family medical leave ends, the employee will be returned to his/her position prior to the leave, unless the position has been eliminated. In that case, the employee will be reinstated to an available equivalent position with the same pay, benefits, terms and conditions of employment if such a position exists.

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**KFHS BENEFITS PACKAGE**

1. Regular employees are eligible for the Klamath Family Head Start benefits package, on a prorated basis, subject to the terms, conditions, and limitations of each benefit program. Prorating will be based on the actual hours worked each week computed as a percentage of a forty-hour workweek.

2. Specific information about the benefits package can be found in the fiscal section of the personnel handbook.

**See Benefits Summary Chart**.

Revised: September 22nd, 2022

Approved by the Policy Council: August 30, 2017

Approved by the Grantee Board: September 14, 2017

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