

# EMPLOYEE HANDBOOK

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## PA Distance Learning Charter School

Welcome to the Pennsylvania Distance Learning Charter School Family. We are very excited that you have agreed to join our family of dedicated professionals. We are committed to our Mission Statement:

*PDLCS' Mission is to offer a valuable educational alternative; to practice and promote academic integrity; to present quality curriculum, technology and support; and to foster academic excellence in our students.*

This Employee Handbook (Handbook) will provide information regarding the benefit plans available to you. In this manual, you will find details regarding information such as Enrollment Eligibility, Medical Insurance, Dental Insurance, Vision Insurance, Life Insurance, Retirement Program, Supplemental Life Insurance, Short-term and Long-term Disability and Tuition Reimbursement, as well as other employee information. If you have any questions regarding the information contained in this Handbook, please see a School Administrator. The School retains the ability to add to, amend, alter, or eliminate the employee's benefit programs including eligibility, co-pays, deductibles or coverage.

**THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE  
CONSTRUED AS AN EMPLOYMENT AGREEMENT OR CONTRACT.**

**PDLCS RETAINS THE RIGHT TO AMEND OR CHANGE POLICIES CONTAINED  
HEREIN AT ANY TIME WITHOUT PRIOR NOTICE.**

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## **EQUAL EMPLOYMENT OPPORTUNITY**

In order to provide equal employment and advancement opportunities to all people, Pennsylvania Distance Learning Charter School (PDLCS or the School) bases its employment decisions on lawful factors, such as each person's performance and qualifications. PDLCS does not discriminate against applicants or employees with respect to race, color, religion, sex, national origin, age, disability, familial status, genetic information, sexual identity, ancestry or any other characteristic protected by law. This prohibition may include harassment based on any protected class or classes. Harassment may include verbal or physical conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile work environment. This policy applies to all employees, including managers, supervisors, co-workers and non-employees such as customers, clients, business partners and consultants.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with disabilities, the Employer will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship or a direct threat of substantial harm to the health or safety of the individual or other that cannot be eliminated or reduced by reasonable accommodation would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job he or she hold or desires should contact a human resources representative and request such an accommodation. If the requested accommodation is reasonable and will not impose an undue hardship or a direct threat of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation, the Employer will make the accommodation in accordance with applicable law.

The Employer may propose an alternative to the requested accommodation or substitute one reasonable accommodation for another. The Employer retains the ultimate discretion to choose between reasonable accommodations. Employees are expected to cooperate fully with the accommodation process.

Direct any questions about discrimination at work, or information about possible violations of this policy to School Administrators. There will be no consequences for asking questions. Any employee found to be illegally discriminating against an individual or individuals will be subject to disciplinary action, up to and including termination of employment.

## **NATURE OF EMPLOYMENT**

Working at PDLCS is voluntary and employment is "at will." "At will" means that employees are free to resign at any time, with or without cause or advance notice. Likewise, "at will" means that PDLCS may terminate employment at any time, with or without cause or advance notice.

The "at-will" nature of an employee's employment cannot be altered or modified by a School Administrator or other PDLCS representative; rather, when PDLCS seeks to alter "at-will" employment, it does so through a written agreement specifically guaranteeing employment consistent with terms approved in writing by the Chief Executive Officer or authorized designee.

The policies in this Handbook are not intended to create a contract. The policies should not be construed to constitute contractual obligations of any kind or a contract of employment between PDLCS and any employee. The provisions in the Handbook have been developed at the discretion of School Administration and may be amended or cancelled at any time, at the sole discretion of PDLCS.

These provisions replace all other existing handbooks and may not be changed or added to without the express written approval of the Chief Executive Officer of PDLCS and its Board of Trustees.

## **CLEARANCES/CERTIFICATIONS**

All PDLCS employees are required to have all clearances required by the Commonwealth of Pennsylvania including Act 34, Act 151, Act 168, and FBI Fingerprint.

Every employee is required to obtain a Child Abuse History Clearance and Criminal Background Check as stipulated under PA Act 151, PA Act 34, Act 168 and FBI fingerprint verification. These documents must be kept on file in the employee's personal file and must be kept current. No employee will be permitted to work without these clearances. Employees are responsible for providing PDLCS administration with updated clearances every three (3) years.

## **Acceptable Use of Electronic Information Resources**

The Employer's Acceptable Use of Electronic Information Resources Policy governs employees' use of Employer-owned resources such as internet, intranet, e-mail, software, social media, computers, phones or other devices, voicemail, printers and electronic equipment. A copy of the *Technology & Internet Acceptable Usage Policy* is attached at Appendix B.

## **EMPLOYMENT APPLICATION**

PDLCS relies upon the accuracy of information contained in the employment application, as well as other data represented throughout the hiring process and employment. Any misrepresentations, falsifications or material omissions in any of this information or data may result in PDLCS' exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

All individuals employed at PDLCS are also expected to comply with the employment eligibility verification requirements of the U.S. Department of Justice. All workers must produce the appropriate identification documents and complete a Form I-9 at the time of hire.

## ETHICS AND CONDUCT

Employees of PDLCS are expected to be ethical in their conduct. Employee conduct impacts the School's reputation and success. PDLCS requires employees to obey and comply with all laws and regulations and practice the highest standards of conduct and personal integrity. Ethics in the educational work space is addressed in the Pennsylvania Code of *Professional Practice and Conduct* and the *Professional Educator Discipline Act* administered by the Professional Standards and Practices Commission.

The following are some examples of the kind of conduct that would warrant discipline, up to and including termination:

- Insubordination – refusal to comply with instructions of a supervisor;
- Falsifying an application for employment, time sheets or other work records;
- Malicious damage to Company property;
- Theft or inappropriate removal or possession of property;
- Use of obscene, abusive or threatening language;
- Unsatisfactory performance;
- Unsafe acts;
- Excessive absenteeism or tardiness;
- Fighting;
- Refusal to work overtime when required; and
- Violation of any policy set forth in this Employee Handbook.

### **No Discrimination, Harassment and Retaliation**

Federal and State laws prohibit discrimination based on race, color, religion, sex, national origin, sex, age, disability, pregnancy, genetic information, as well as other legally protected characteristics. Unlawful discrimination on the job, including harassment, is prohibited by PDLCS. For purposes of this policy, "harassment" can include, but is not limited to:

- derogatory remarks, epithets, offensive jokes, or the display or circulation of offensive printed or visual matter;

- offensive physical contact, impeding or blocking movement, and gestures or any physical interference with normal work or movement; and/or
- Visual forms, such as derogatory posters, letters, poems, graffiti, cartoons, or drawings.

Harassment also can include unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to, or rejection of, such conduct by an individual is used or is threatened to be used, as the basis for employment decisions affecting such an individual; or
- Such conduct has the purpose or effect of interfering with any individual's work performance or creating an intimidating, hostile or offensive working environment.

The prohibition against discrimination and harassment is applicable to all employees of PDLCS, which includes all staff members, teachers, administrators, managers and officers.

Federal and State laws also prohibit retaliation based on an employee's protected activity, including making complaints about unlawful harassment or participating in an investigation into allegations of prohibited harassment. PDLCS also prohibits such unlawful retaliation against its employees. No employee will be retaliated against for good-faith reporting of any suspected policy violation.

## **Employees Must Report Discrimination, Harassment and Retaliation**

It is important that every employee who believes he or she has been subjected to unlawful discrimination, including harassment, or retaliation report it to allow School Administration the opportunity to investigate the situation and take appropriate action. If any violation of above policy occurs, it will be a priority for School Administration to evaluate the issue and take the appropriate action necessary for resolution. It takes the complete cooperation of the entire staff for PDLCS to enforce its above Discrimination, Harassment and Retaliation Policy.

If an employee feels that he or she has been disrespected, discriminated against or harassed in any way, it is generally best to tell the person exhibiting such behavior that you find the behavior offensive, that such behavior is against PDLCS' policy, and that the employee wants him or her to immediately stop. However, if the employee is uncomfortable taking this action, if the conduct does not stop after the employee has warned the offending person, or if an employee has observed discrimination, harassment or retaliation, the employee, must report it to his or her department supervisor. If the employee is unable, or does not wish to report the matter to the department

supervisor for any reason, he or she should report it to the Chief Executive Officer or other School Administrator. The report will be kept confidential to the extent practicable and as necessary to complete the investigation. In order to assure that the facts are accurately understood by the person receiving the report, the Principal, Chief Executive Officer or other School Administrator will put it in written form. The Complainant will generally be asked to acknowledge the accuracy of the facts or to correct the statement to accurately describe the complaint. The steps to be taken during the investigation cannot be fixed in advance, but will vary depending on the nature of the allegations.

Depending on the investigation, failure to report such behavior or situations may result in consequences ranging from a permanent letter in your employee record to legal action. Any employee who fails to cooperate fully in an investigation may be subject to discipline, up to and including termination.

## **Resolution of Complaints**

The results of the investigation will be discussed with the complaining employee. If it is determined that there has been discrimination, harassment or retaliation, the Principal, Chief Executive Officer or other School Administrator will discuss the procedure for resolving the complaint with the employee.

If there is a situation in which an employee believes that he or she is being physically threatened, it should be reported to the nearest School Administrator and temporary protection against the harassment or hostility will be provided.

## **Employee Conduct and Work Rules**

School Administration expects employees to follow certain work rules and behave in ways that protect the interests and safety of all employees and PDLCS

While it is impossible to list every action that is unacceptable conduct, the following lists some examples. Employees who break work rules such as these may be subject to disciplinary action, up to and including termination of employment. This list is not exhaustive; it is only meant to be a guide:

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- 
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property

- Insubordination
- Violation of safety or health rules
- Smoking on school property or property being used for school purposes
- Smokeless tobacco products, such as chewing tobacco, vaping products, or e-cigarettes on school property or property being used for school purposes
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Unauthorized absence from work station during the workday
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of confidential information as defined below
- Violation of personnel policies
- Unsatisfactory performance

## **NON-DISCLOSURE**

It is very important to the School that employees protect confidential school-related information. Any product designed and created for PDLCS by an employee remains the sole property of PDLCS and may only be used elsewhere with appropriate citation or origin. Confidential information includes the School's non-public business information that provides the School with a competitive advantage or constitutes personal information under data security laws, which are not limited to the following specific examples:

- Computer Processes
- Computer Programs and Codes
- Legal Information, such as attorney-client privilege discussion
- New Materials Research
- Pending Projects and Proposals
- Research and Development Strategies
- Scientific Data
- Social Security Numbers
- Student Information
- Technology Data

An employee improperly using or disclosing confidential school information will be subject to disciplinary action, up to and including termination of employment and legal action. This provision applies even if disclosure or use of the confidential information does not benefit the employee in any manner.

## **OPEN COMMUNICATIONS/COMPLAINTS**

### **General Overview**

PDLCS is committed to providing an outstanding educational value to Pennsylvania students. As part of this commitment, the School has developed the *Open Communications/Complaint Policy*

to manage and resolve complaints and to document situations providing input for possible school improvement.

PDLCS also believes in, supports and fosters open communication with its employees. Employees are encouraged to bring issues of concern or suggestions to the attention of their supervisor or any School Administrator on a regular basis. We believe that through this open dialogue, problems can be resolved at an early stage before they become an obstacle to an effective business environment. By working together directly, we can achieve a productive, positive environment that benefits everyone.

To the extent that an employee desires to utilize the formal complaint process, the employee should indicate his or her desire so the issue is documented in accordance with the process identified below. Further as discussed and defined below, any whistleblower complaint must be brought to the attention of a School Administrator, and employees are required to indicate that such issue is being raised as an Official Complaint. By communicating it as an Official Complaint, it prevents ambiguity as to the employee's view of the seriousness of the issue being reported.

## **Mandated Child Reporting**

Additionally, if any employee believes or suspects there to be an issue concerning the health, safety or welfare of a student (23 Pa.Code § 6311), it must be reported as an Official Complaint.

All employees of PDLCS including ... “Licensees who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the licensee, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

## **Complaint System**

The School shall develop and maintain a complaint system, such as a database for data management, to meet the requirements of the policy. It is the responsibility of School Administration to maintain this policy and the associated systems.

## **Complaint – Definitions**

A Complaint is a comment from a student, parent, teacher, administrator, or supplier that suggests a need for improvement by PDLCS with regard to a specific situation, circumstance or policy. An Originator is the issuer of the notice of complaint.

The School encourages comments and suggestions and takes negative complaints very seriously; however, the School does not encourage excessive use of complaints to push an individual agenda or for any other reason than bringing issues to light that can help to improve the School.

A complaint can be filed as an Official Complaint; this means the Originator requests a formal review and response. Official Complaints will generally be given priority and addressed on an accelerated basis to the extent possible. For example, communications about the need for improvement or issues with any of the following will generally be treated as "Official Complaints":

- Theft.
- Improper deductions from employee wages or payment of employees.
- Financial reporting which is fraudulent, intentionally misleading or negligent in any manner.
- Improper or undocumented financial transactions.
- Forgery or alteration of documents.
- Unauthorized alteration or manipulation of computer files.
- Improper destruction of records.
- Improper access or use of confidential information.
- Authorizing or receiving compensation for goods not received or services not performed.
- Violations of the Board's Conflict-of-Interest Policy.
- Any other improper occurrence regarding cash, financial procedures, or reporting.
- Any abuse of or discrimination against a school employee, client, vendor, or person connected with the School.
- Any crime, including those defined by the Pennsylvania Drug Device and Cosmetic Act and/or the Pennsylvania Crime Code, or federal criminal statute.

## **Complaint Recording & Documentation – Confidentiality**

All Complaints must be recorded in the School's complaint system by a designated member of the School Administration (Complaint Administrator), including parameters such as nature of the Complaint, Originator, date filed, status, and employee appointed to investigate/resolve the Complaint. One or more employees will be designated as responsible for maintaining the data in the system.

Access to this system will be on a need-to-know basis as determined by the School Administration. Once filed, a School Administrator will be named as the Complaint Manager, who will be responsible for further investigation and resolution of the Complaint. The Complaint will continue to be listed as "active" in the complaint system until satisfactorily resolved, as determined by School Administration, at which time the Complaint will be classified as "closed."

School Administration will use their best judgment to determine how best to report the Complaint to the Originator and others affected by the Complaint, subject to the Originator's rights to naming a Complaint as an Official Complaint. It is expected that in certain cases, the recording of the Complaint will be sent to the Originator and any others involved even if it is not an Official Complaint, to ensure accurate recording, with the Originator then being obligated to offer remarks to correct the filed Complaint. Any parties named in the Complaint will also be obligated to respond to the complaint file, in care of the Complaint Manager.

The Complaint Originator and any parties named in the Complaint shall have the right at any time to request the current status of an Official Complaint, and the Complaint Administrator will then be obligated to respond in writing, in a timely fashion.

### **Complaint Confidentiality**

The Complaint Manager and Complaint Administrator are obligated to keep the details of the Complaint confidential to the extent practicable to review and investigate the Complaint, and to identify information to those affected or named in the Complaint, generally in connection with the investigation and resolution.

### **Complaint Review and Resolution**

The Complaint Manager will use his or her best efforts, in a professional and unemotional manner, to investigate the situation of the Complaint and to resolve any related issues. Once so resolved, the details of the resolution act will be recorded in the Complaint System, and written conclusion will be sent to the Originator and any involved named parties.

### **Complaint Appeal**

The Complaint Originator or any named involved party has the right to appeal the resolution of the Complaint Manager, in which case the Complaint Manager must name an Alternate Complaint Manager to review the case and confirm or revise the previous resolution. The Alternate Complaint Administrator should, unless prevented due to circumstance, be a supervisor of the Complaint Administrator. However, the School Administrator has the right to define a Complaint or an appeal as frivolous, and thus immediately close the Complaint.

Any Complaints relating to ethics or the proper action of the School Administrator should be discussed with the School's Board of Trustees President.

### **Review and Reporting**

Complaint file status and resolution are to be reported to the Board of Trustees at regular intervals, with information reported to include data such as number of active complaints, number of complaints received in the period, number of complaints resolved in the period, number of latent complaints, and specific information of any particular complaints that the Complaint Administrator feels should be reviewed at the Board level, keeping in mind that such

specifics may not be appropriate for a public meeting such as a Board meeting and that it may be more appropriate for Board review under an Executive Session.

## **Whistleblower Encouragement and Protection**

PDLCS is committed to facilitating open and honest communications relevant to its governance, finances and compliance with all applicable laws and regulations. Employees and representatives must practice honesty and integrity in fulfilling responsibilities. Employees who in good faith report to School Administration or cooperate in investigation of suspected waste or wrongdoing shall not be subject to discrimination or other adverse employment consequences.

The *Whistleblower Law* provides protection for employees against being discharged or discriminated against by reason of his or her filing good faith reports with an employer of suspected waste or wrongdoing or cooperating in the investigation of such reports.

Definitions include:

**Good faith report:** A report of conduct defined as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.

**Waste:** Conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from Commonwealth or political subdivision sources.

**Whistleblower:** A person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to School Administration, to an agent of the School, or to an appropriate authority.

**Wrongdoing:** A violation which is not of a merely technical or minimal nature of a federal or state statute or regulation, or a political subdivision ordinance or regulation, or of a code of ethics designed to protect the interest of the public or the School.

**Protection of Employees:** No employee may be discharged, threatened or otherwise discriminated or retaliated against regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee: 1) makes a good faith report or 2) participates in an investigation, hearing or inquiry held by an appropriate authority or in a court action.

**Reporting Procedure:** Employees must follow the Complaint procedures in reporting a concern about a waste or illegal or dishonest activities which are violations of federal, state or local laws, billing for services not performed or goods not delivered, and other fraudulent activity.

Employees must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to further disciplinary action including, but not limited to, discharge from employment.

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of Board policies. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with knowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

## **SOCIAL MEDIA**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity website, or web bulletin board or a chat room, whether or not associated or affiliated with PDLCS.

### **Be Respectful**

When using social media, please be fair and courteous to fellow employees, customers, contractors, and vendors. Keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open Communications Policy than by posting complaints to a social medial site.

Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, or threatening, that falsely disparages fellow employees, customers, contractors, or vendors, or that might constitute harassment or bullying. Examples of such conduct include offensive posts meant to intentionally harm someone's reputation, threats, and statements that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other legally protected characteristics.

### **Be Honest and Accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched.

Never post any information or rumors that you know to be false about the Company, fellow employees, customers, contractors, or vendors.

## **Do Not Post Confidential Business Information**

Maintain the confidentiality of PDLCS' student information, trade secrets and proprietary business information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology, student information or employee social security numbers. Do not post internal reports or other internal business-related confidential communications that could give a competitor an advantage or harm the PDLCS' relationship with a customer, contractor, or vendor, such as protected personal information.

## **Express Only Your Personal Opinion**

Never represent yourself as a spokesperson for PDLCS or other employees. If PDLCS is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the PDLCS, fellow employees, customers, contractors, or vendors.

It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of PDLCS."

## **Media Contacts**

You should not speak to the media on PDLCS' behalf without first contacting the Chief Executive Officer and obtaining written approval. All media inquiries seeking comments from the Company should be directed to the Principal.

## **For More Information**

If you have questions or need further guidance, please contact the School Administrators.

## **BENEFITS**

### **Employee Insurance Premiums**

The School takes pride in offering employees access to medical, dental, vision, disability and life insurance that includes superior benefits at the lowest reasonable cost to employees. Periodically, the School will review employee needs, as well as costs to the School, when evaluating policy, premiums and quality for the benefits program. In the present economy, the long-term health and wellness of the School must be considered along with the health and wellness of the employees as School Administration seeks the best possible balance for all concerned. Quality programs will continue to be offered within that balance.

A School Administrator will direct employees to the appropriate benefits resource for a detailed explanation of premiums and benefits.

## **Insurance Enrollment Eligibility**

Employees working in full-time positions are eligible to participate in the School insurance programs. Part-time hourly employees and contracted service providers are not eligible for insurance programs. Eligible employees are required to elect or waive insurance coverage within the first thirty (30) days of employment. Elected benefits are effective on the 1st day of the month following date of employment. Employees who waived health insurance in his or her first thirty (30) days of employment may enroll in the medical, dental and/or vision plans during Open Enrollment or under the Qualifying Event rule. Details are listed below:

### **Open Enrollment**

Open enrollment is offered during the month of September with an effective date of October 1<sup>st</sup> for those employees who waived insurance coverage during the first thirty (30) days of employment and employees who wish to make changes.

### **Qualifying Event – Medical, Dental and Vision**

*Loss of Other Coverage* is defined as: The Eligible person and/or Dependent had existing health coverage under another plan at the time he or she had an opportunity to enroll during the Initial Enrollment Period or Open Enrollment Period. Coverage under the prior plan ended because of any of the following: loss of eligibility (including, without limitation, legal separation, divorce or death); the employer stopped paying the contributions; and/or, in the case of COBRA continuation, the coverage ended.

Employees that lose prior insurance coverage and wish to enroll in the benefit plan must apply for coverage within thirty (30) days of losing coverage by completing the enrollment form and by providing a Certificate of Prior Coverage to the School. The prior insurance company will provide this certificate to the employee.

### **Marriage, Birth, or Adoption of Baby**

Enrolled employees who wish to enroll a new spouse or newborn or adopted child must apply for coverage within thirty (30) days of the qualifying event. The employee must complete an enrollment form and provide proof of the event, i.e., marriage certificate or birth certificate of newborn to the School.

### **Late Enrollee Application – Long/Short Term Disability and Supplemental Life**

If an employee waived coverage during the first thirty (30) days, he or she may apply for Long/Short-Term Disability and Supplemental Life Insurance Plans. To apply for these benefits, the employee must complete an *Evidence of Insurability and Enrollment Form*. The insurance company will make a determination of the application and inform the employee in writing of the decision.

## To Search for Providers visit the following websites:

- Insurance Broker: Benefits Management Corporation Client Service Center – [www.bmcbenefitservices.com](http://www.bmcbenefitservices.com)
- Medical – Aetna [www.aetna.com](http://www.aetna.com)
- Dental – Guardian [www.GuardianAnytime.com](http://www.GuardianAnytime.com)
- Vision – Aetna [www.aetna.com](http://www.aetna.com)

## Basic Life

The School provides \$25,000 Basic Term Life coverage for full-time employees. Basic Term Life coverage includes Accidental Death and Dismemberment coverage equal to one times the employee's life benefits. Employees may elect Voluntary Term coverage. Premiums will be deducted from the employee's semi-monthly payroll check.

## VOLUNTARY BENEFITS

### Supplemental Life Insurance

A voluntary Supplemental Life Insurance is offered through the Guardian Life Insurance Company. Eligible employees can choose to purchase supplemental life insurance on themselves and their dependents. Employees pay 100% of the premiums. Employees can change/increase his or her elections by completing an *Evidence of Insurability Form*. Employees may choose to keep the supplemental plan after employment at the School is terminated. Guardian offers a portability feature that allows an insured person to continue his or her low cost group term protection. In addition, there is a conversion feature that allows employees to convert coverage to a permanent plan after termination. Supplemental life insurance is also available for spouses. The spouse of an employee is eligible, with maximum amount restrictions, for up to 50% of the supplemental life insurance carried by the employee. Spouse Supplemental Life Insurance cost is based on the employee's age. Children of employees are eligible for Supplemental Life Insurance. Employees may insure child(ren) for 10% of the amount carried by the employee up to a maximum of \$10,000.

### Educational Reimbursement

The Tuition Reimbursement Program is offered to all eligible employees working towards Certification Compliance, Re-Certification, or a graduate degree by earning college credit hours subject to the following conditions:

1. Eligible Employees are all regular full-time employees who have completed a minimum of three (3) months with the School and who are not currently subject to a professional improvement plan.
2. Eligible courses/programs include those taken for certification, re-certification, certification compliance or graduate degree that will either offer growth in an area

related to his or her current position, or might lead to promotional opportunities within the School. Eligible courses/programs must be offered by an accredited institution recognized by the Pennsylvania Department of Education. School administration retain the right/discretion to determine what qualifies as an eligible course.

3. All Tuition Reimbursement Requests must be approved by Chief Executive Officer prior to registering for a course(s).
4. All courses satisfactorily completed in the current school year must have all required documentation submitted on or before the **June 1st** in order for all processing to be finalized and reimbursement issued. The amount of reimbursement may be reduced or denied if documentation is received after the **June 1st**.
5. Required documentation includes written proof of a passing grade of B or above in the form of an official transcript of completed credits and a receipt of payment from the issuing institution.
6. The maximum reimbursement per credit hour is \$250.00; with a maximum of \$2,250.00 per school year. Under no condition will an employee be reimbursed more per credit hour than the actual tuition. The maximum reimbursement per request will be six semester hours. The maximum reimbursement per school year is nine semester hours.
7. If an employee loses eligibility (termination of employment, withdrawal from course(s), disciplinary action) before the course is completed, no reimbursement will be available.
8. The amount of reimbursement may be subject to deductions mandated by law.
9. Must work for one (1) year post tuition reimbursement or refund PDLCS amount paid.

## **WORKERS' COMPENSATION INSURANCE**

PDLCS provides a comprehensive workers' compensation insurance program to all employees in accordance with Pennsylvania law. This program is provided at no cost to employees.

The workers' compensation insurance program covers injuries or illnesses that might happen during the course of employment requiring medical, surgical, or hospital treatment. Subject to legal requirements, workers' compensation insurance begins after a short waiting period, or if an employee is hospitalized, the benefits begin immediately.

It is very important that the employee immediately report any work-related injury or illness, (within one hour) to School Administration regardless of how minor it might seem at the time.

Prompt reporting helps to make sure employees qualify for appropriate coverage as quickly as possible. It also enables School Administration to investigate the matter promptly.

Workers' compensation covers only work-related injuries and illnesses. Except as may be required by law, neither PDLCS nor its insurance carrier will pay workers' compensation benefits for injuries that might happen if an employee voluntarily participates in an off-duty recreational, social, or athletic activity that PDLCS may sponsor, or any other injury that is not work related.

## **EMPLOYMENT STATUS & COMPENSATION**

### **Employment Status**

**REGULAR FULL-TIME EMPLOYEES** – A regular full-time employee normally works 40\_ or more hours per work week.

**PART-TIME EMPLOYEES** – A part-time employee normally works less than 25 hours per work week.

Your employment status may affect your eligibility for benefits.

### **Exempt and Nonexempt Classifications**

The School classifies its employees as follows:

**EXEMPT EMPLOYEES** – Exempt employees are not required to be paid overtime under applicable federal or state wage and hour laws.

**NON-EXEMPT EMPLOYEES** – Non-exempt employees are paid overtime under applicable wage and hour laws. Overtime pay will be paid at a rate of one and one-half the employee's regular hourly rate for each hour of overtime worked.

### **Overtime**

Overtime compensation is paid to all non-exempt employees in accordance with applicable federal and state wage and hour laws. Overtime pay is based on actual hours worked. Time away from work for paid time off and any other leave of absence are not considered hours worked for purposes of overtime calculations. Non-exempt employees are required to obtain permission from their supervisors prior to working overtime. Failure to obtain permission as required prior to working overtime will result in discipline, up to and including termination.

### **Work Week**

The work week is defined as the seven-day period beginning each Sunday at 12:00 a.m. and ending at 11:59 a.m. the following Saturday.

## **Time Reporting**

Accurately recording total hours worked is the responsibility of every non-exempt employee. Federal and state laws require the Employer to keep an accurate record of time worked in order to calculate employee pay and benefits.

Employees must use the time clock to record time worked. Each employee must punch "in" upon beginning work and punch "out" immediately upon leaving duty. Time records must reflect all regular and overtime hours worked, any absences, late arrivals, early departures, and meal breaks. Altering, falsifying, tampering with time records, or recording time on another employee's time record is prohibited. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work performed but not reported. .

Employees must punch their own time cards, and it is a violation of School policy for any employee or manager to instruct another employee to incorrectly or falsely report hours. If an individual instructs an employee to: (1) incorrectly or falsely under-report or over-report hours worked; or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, the employee should report the details of the request immediately to the Human Resource Assistant. It is the employee's responsibility to certify the accuracy of all time reported. Supervisors will review and approve time before submitting it for payroll processing. If corrections or modifications to the employee's time record are needed, both the employee and the supervisor must document and verify those changes by initialing the time record. In addition, employees are required to turn in a correction request in the event the employee's work time as shown by the time clock records is inaccurate for any reason. Where practicable, the correction request must be provided to the employee's supervisor no later than 8:00 a.m. of the morning following the work shift to which the time correction applies.

Employees who fail to report or inaccurately report hours worked will be subject to disciplinary action, up to and including termination

## **Payroll Deductions**

Various payroll deductions are made to comply with federal and state laws or the convenience of the employee, including, but not limited to the following:

- Payroll Taxes;
- Benefit Plan Contributions;
- Garnishments – including child support or other court ordered waged deductions – statutory; and
- Other agreed-upon and legally permissible deductions.

Garnishments are court orders requiring an employer to withhold specified amounts from an employee's wages for payment of a debt owed by the employee to a third party. State law requires the School to honor garnishments of employee wages (including child support) as a court or other legal judgment may instruct.

All employees are responsible for notifying the School of their new municipality if they move to a new address. Employees must agree in writing to permit additional payroll deductions.

## **Payroll Review**

Employees are advised to review their paychecks for accuracy. The School makes every effort to ensure employees are paid correctly. In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the payroll administrator at the School so that corrections can be made as quickly as possible.

## **Annual Holidays**

PDLCS recognizes the following holidays and creates an annual school calendar accordingly. It is up to School Administration to designate holidays for either time off, or for in-service training.

PDLCS observes the following holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day

## **Scheduling Vacations and Personal Time**

PDLCS staff members work in our school offices located in Wexford, PA. When a staff member is unable to report to the office as scheduled they may request time off. Travel for school business purposes is an expectation of all school staff and outlined in the travel section of this handbook.

Personal time may be taken in increments of ½ day or one (1) full day. Vacation time may be taken in one (1) full day increments; must be prescheduled. All requests for time off must be

submitted via the Request for Time-Off (RTO) form located on the Staff Training Site and preapproved at least three (3) days in advance.

Employees with emergency requests for Personal time unable to be preapproved three (3) days in advance must call via telephone the Chief Executive Officer to request the time off. The online RTO form must also be filled out upon return to work following the emergency requested day(s). Unused vacation and personal time may not be rolled over to the following year.

If three (3) or more consecutive personal days are taken and were not prescheduled, the employee must provide a doctor's excuse to return to work.

PDLCS must maintain adequate staffing at all times. Therefore, employees are to refer time off parameters in their individual contracts. No time off will be approved during back-to-school training, on Professional Development Days, or during standardized testing windows.

## **Time Off for Employees**

Full-time employees may refer to their individual contract regarding available paid time off.

PDLCS does not provide paid vacation time for part-time hourly or contracted employees.

## **Family and Medical Leaves of Absence**

The Family and Medical Leave Act ("FMLA") provides eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The School complies with the FMLA and provides FMLA to eligible employees in accordance with its FMLA policy which is attached at Appendix A.

The School will also provide unpaid leave in accordance with other applicable state and federal laws, including but not limited to accommodations that may be required under the ADA.

## **FUNERAL LEAVE POLICY**

### **Notification of Leave**

The employee must notify School Administration of the need to take funeral leave.

Upon return, documentation must be provided to School Administration. When granted funeral leave, it is mandatory to attend the funeral of the relative for whom such funeral leave was requested. School Administration reserves the right to request the name and relationship, the name of the funeral home that handled the arrangements, as well as the obituary to confirm date of funeral.

Paid funeral leave days do not count toward an employee's paid time off. Employees may elect to use paid time off days in conjunction with the allotted number of funeral leave days.

## **Immediate Family Member**

Up to five (5) days of paid funeral leave will be provided to all full-time employees at the time of death of an employee's immediate family member which includes: the employee's spouse, child(ren), step-children, siblings, domestic partner, grandchild, father-in-law, mother-in-law, brother-in-law, daughter-in-law parent, step-parent, or custodial relative acting in the role of a parent or caregiver for the employee during his or her life.

## **Non-Immediate Family Member**

One (1) day of paid funeral leave will be provided to all full-time employees at the time of death of a non-immediate family member which includes: grandparents, aunts, uncles, cousins, or parent-in-laws.

## **JURY DUTY**

The School encourages employees to fulfill civic responsibilities by serving on a jury if summoned. Employees may request up to one (1) week paid leave for jury duty. Thereafter, an employee may request unpaid jury duty leave for the absence. An employee may elect to use any earned personal or vacation time available.

## **Paid Absence**

Upon receiving a jury duty summons, show it to School Administration as soon as possible. This will help PDLCS plan for possible absence from work. Time off taken for jury duty is treated as a paid absence for up to five (5) days during any one year. Employees are paid for the time they are absent for jury duty, less the amount they receive for performing jury duty service. Additionally, depending on whether the employee is required to perform any work while on jury duty, the employee may receive additional pay. Before performing any work while on jury duty leave, the employee must first seek approval from a School Administrator.

## **Advance Notice**

Employees must give advance notice of the need for time off for jury duty. A copy of the summons should accompany the request.

## **Return to Work**

If the employee is dismissed from jury duty before the end of the workday, he or she must immediately call his or her direct supervisor or a School Administrator for instructions on whether to return to work for the rest of the workday.

Subject to the terms, conditions, and limitations of the applicable plans, PDLCS will continue to provide all benefits for the full period of unpaid jury duty leave.

## **MILITARY LEAVE**

Employees who wish to serve in the military and take military leave should contact the Human Resources Assistant for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

## **ORGANIZATION AND OFFICE**

### **Attendance and Punctuality**

Unplanned absences can disrupt work, inconvenience other employees, and affect productivity. Poor attendance or excessive lateness may be subject to disciplinary action, up to and including termination of employment, as well as salary increase/bonus considerations and opportunities for advancement.

Employees are expected to report for work as scheduled. School Administration should be advised of any deviation from an employee's work schedule.

The normal work schedule for employees is eight (8) hours a day, five (5) days per week. Employees work from 7:30 AM to 3:30 PM. A paid thirty (30) minute duty-free lunch is built into each workday schedule. Any deviations from the work schedule must be approved by School Administration. Staffing needs and operational demands are determined solely at the discretion of administration.

All employees are required to travel for the administration of standardized testing and family outreach events. Travel often involves overnight stays for which the employee is reimbursed expenses as outlined in the Travel section of this Handbook.

### **Fraud**

Like all organizations, PDLCS is faced with risks from wrongdoing, misconduct, dishonesty, and fraud. As with all business exposures, School Administration must be prepared to manage these risks and their potential impact in a professional manner. The impact of misconduct and dishonesty may include:

1. actual financial loss incurred
2. damage to the reputation of PDLCS and its employees
3. negative publicity
4. the cost of investigation
5. loss of employees
6. loss of customers
7. damaged relationships with PDLCS students, parents, and suppliers
8. litigation
9. damaged employee morale

The goal is to establish and maintain a business environment of fairness, ethics, and honesty for its employees, students, parents, guests, suppliers, and anyone else with whom there is a relationship. To maintain such an environment requires the active continual assistance of employees and managers.

PDLCS is committed to the deterrence, detection and correction of misconduct and dishonesty. The discovery, reporting and documentation of such acts provide a sound foundation for the protection of innocent parties, the disciplinary action against offenders up to and including termination where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

## **Paydays**

Payday is on the 15th and 30th or last working day of each month. If the payday falls on a Saturday or Sunday, payday is the Friday before. There are two (2) payroll due dates each month. Any payroll or personal information changes must be submitted prior to established pay periods. Employees should contact a School Administrator to make changes.

## **Personal Data Changes**

Employees must inform the School of any changes to personal information. Personal information includes: mailing address, telephone number, marital status, dependents' information, emergency contact, highest degree of education obtained, and certifications acquired. Contact a School Administrator to update personal information.

## **Personal Property**

PDLCS is not responsible for personal property that is lost, damaged or stolen. Be aware that employees are solely responsible for any personal property that is brought into the workplace.

No item may be brought onto the premises or worksite that is sexually suggestive, offensive, or demeaning to specific individuals or groups. Firearms or other weapons are prohibited. All personal property brought onto the premises may be inspected for purposes of enforcing the School's policies and to protect against theft.

Small appliances (*e.g.*, space heaters, small refrigerators and microwaves) are not permitted.

## **Telephones and Voicemail**

Use of PDLCS telephones for personal calls is discouraged. All calls may be monitored or recorded. There should be no expectation of privacy when using School telephones. The School's telephones and voice-messaging systems should be used only in relation to an employee's job duties or for school business purposes.

Telephone communications are an important reflection of the School's image to our families and the community. Always use proper telephone etiquette. The following are some examples of

good telephone etiquette: use an approved greeting, speak courteously and professionally, repeat information back to the caller, and only hang up after the caller hangs up.

Voicemail messages recorded on PDLCS equipment are the property of the School. As a result, employees have no expectation of privacy in any voicemail messages left on the PDLCS voice-messaging system and should act and treat the system accordingly. Voicemail messages can be disclosed, monitored, copied, retrieved or reviewed by PDLCS at any time, with or without permission, prior to or otherwise, of the employee.

Respectful use **of personal cell phones** for talking and texting is important to daily work space. These guidelines are to be followed:

- Cell phones must not be visible in meetings or in any work area – place in drawer, coat pocket or bag.
- Use cell phones during lunch breaks only. Be considerate of others who may be working.
- If taking an emergency call, step into the hallway or conference room for conversation.

## **HEALTH AND SAFETY**

### **Animals in the Workplace**

Service animals are the only animals permitted in the workplace. No other exceptions may be made in order to provide a safe, clean working environment.

Please refer any questions concerning this policy to School Administration.

### **Emergency Closings**

Emergencies such as severe weather, fires or power failures can disrupt the School's operations. There is a call/notification process in place to notify employees in the event of an emergency. Each employee is responsible to update contact information as necessary. Contact a School Administrator to verify or update information.

### **First Aid**

Call 911 for any life-threatening emergency. During a 911 call, follow the instructions of the dispatcher to safely assist in the situation until qualified help arrives. For minor injuries, report the incident to School Administration.

Contact School Administration, immediately, to report any incident that occurs on school property. Employees must report all work-related injuries, regardless of severity, to School Administration. Work-related injuries will be handled in accordance with Workers' Compensation laws. Refer to the section on Workers' Compensation Insurance for more information.

## Safety

The Board of Trustees of the PDLCS recognizes the importance of a safe school environment relative to the educational process. Possession of weapons in the school setting is a threat to the safety of students and staff and is prohibited by law.

**Weapon:** The term shall include but is not be limited to any knife, cutting instrument, cutting tool, martial arts device, firearm, air rifle, pistol, slingshot device, explosive device, replica of a weapon, and/or any other tool or instrument capable of inflicting serious bodily injury.

Furthermore, the term "weapon" is defined and prohibited in accordance with applicable law.

## Smoking/Drug/Alcohol Use

**Smoking:** It is against Pennsylvania law to smoke on any school property. This law applies equally to all employees, vendors, and visitors. School policy concerning smoking, smokeless, e-cigarettes, vaping products and/or chewing tobacco use states that such use must occur fifty (50) or more feet from any building owned, leased or being used for school purposes, such as testing, graduation, and family outreach activities.

**Drug and Alcohol Use:** PDLCS is a smoke-free and drug-free workplace.

**PDLCS explicitly prohibits the following to the extent allowable under applicable law:**

1. The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication either without a prescription or not taken in accordance with the prescription (Prohibited Substances) on PDLCS or school event premises or while performing an assignment.
2. Being impaired or under the influence of Prohibited Substances away from PDLCS or school event premises, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts PDLCS's reputation at risk.
3. Possession, use, solicitation for, or sale of Prohibited Substances away from the School or school event premises, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts PDLCS's reputation at risk.

Violation of any of the above requirements will lead to disciplinary action, up to and including immediate termination of employment. School Administration may also require the employee to participate in a substance abuse rehabilitation or treatment program. Failure to comply could lead to other legal consequences.

If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, the employee may be subject to appropriate disciplinary

action, up to and including discharge from employment. In such a case, the employee will have the opportunity to explain the circumstances prior to any final employment action becoming effective. This policy, however, does not prevent employees from taking drugs in accordance with their prescription, and to the extent such prescription medication interferes with an employee's performance of his or her job duties, the employee must notify the Principal or other School Administrator.

Questions regarding this policy or issues related to drug or alcohol use at work can be directed to School Administration without fear of reprisal.

## **Workplace Monitoring**

PDLCS may conduct workplace monitoring to help ensure quality control, employee safety, security, and customer satisfaction.

All computer equipment, services, or technology furnished for carrying out employment responsibilities are property of PDLCS. School Administration reserves the right to monitor computer activities and data that are stored in school computer systems. School Administration also reserves the right to find and read any data written, sent, or received via a school computer and systems, and such monitoring should be expected. Please do not use PDLCS' equipment for transferring or storing information that you would like kept private.

## **TRAVEL**

### **Travel Statement of Purpose**

PDLCS seeks to simplify the travel process by providing guidelines to follow in order to protect the interests of both the employee and the School. The following information serves to clarify the means by which travel should be arranged and parameters that employees must adhere to. It is School policy to reimburse employees for ordinary, necessary and reasonable travel expenses when directly connected with or pertaining to the transaction of school business. All travel must be done in accordance within these guidelines to qualify for reimbursement. Employees are asked to exercise prudent business judgment regarding expenses covered by these guidelines. When submitting expense report reimbursement claims, employees are expected to neither gain nor lose financially with regard to the below identified reimbursable expenses.

### **Responsibilities and Enforcement**

The School realizes business travel can, at times, be costly. With this understanding, an organized and clear process for submitting expenses is crucial to ensure all expenses are reimbursed in a timely manner. For detailed instructions on the reimbursement process, refer to the Staff Training Course Human Resource folder. School employees who incur travel and entertainment expenses are required to comply with these guidelines. Employees submitting expenses that are not in compliance with the guidelines risk a delayed, partial or forfeited reimbursement.

Cases of significant abuse will be investigated and may result in disciplinary action up to and including employee termination.

All travel must be approved by the School Administrator prior to booking a trip. The approval for travel must be submitted by a Request for Time Off-Business Trip through the time off reporting system.

The School Administrator is responsible for assuring that all policies detailed herein have been adhered to prior to approving employee expense reports. Any deviations must be explained on the employee's expense report with the approval of the reviewer. The School Administrator is responsible for ensuring that any expenses reimbursed or paid for by the School are in compliance with these guidelines. Reimbursements for expenses that are not in compliance with the guidelines require the written approval of a School Administrator.

## Travel Arrangements

**Obtaining Travel Authorization:** School employees may be required to travel for school business throughout the year. At least three (3) days prior to travel, the employee must obtain pre-trip authorization from a School Administrator as noted above. All travel must be approved by the School Administrator prior to booking a trip. The approval for travel must be submitted through the time off reporting system.

**Reservation Procedures:** Upon receiving approval from a School Administrator for the business trip, flights may be booked through a reputable online travel site such as Orbitz, Priceline or Travelocity. Each employee or designated travel planner will be responsible for coordinating his or her travel arrangements, obtaining confirmation numbers and ensuring proper payment is made. Reservations made before obtaining trip approval may not be reimbursable.

## Air Travel

**Class of Service:** All employees should travel in coach class unless they receive a free upgrade.

**Lowest Available Airfare:** All airline tickets must be booked at the lowest available airfare as determined by an approved online travel site. The following criteria will be utilized to determine lowest available airfare.

- The flight's departure or arrival time is within two hours before or after the requested departure or arrival time;
- One stop or connecting flights should be considered if savings of \$100 or more can be achieved;
- Employees may not specify a preferred carrier.
- Air travel is not an option for standardized testing.

**Electronic Tickets (e-tickets):** To capitalize on the cost benefits and convenience, use of electronic ticketing will be the primary method of ticketing, except multi-leg international itineraries and airlines not yet allowing electronic tickets.

**Frequent Flyer Programs:** Employees may utilize personal frequent flyer program benefits and receive points and rewards appropriately. However, participation in these programs may not result in any incremental cost to the School beyond the “lowest available airfare,” as identified above. Employees are responsible for any tax implications that may arise as a result of using school-paid rewards for personal use.

**Charter or Private Aircraft:** Usage of charter or private aircraft will not be reimbursed.

**Payment and Documentation:** Travelers must use personal credit cards to make flight arrangements unless a corporate card has been made available for their use.

## Lodging

### Hotel Selection:

**Room Type:** A single room with a private bath in a moderately priced business class hotel or motel is the School’s standard. Reimbursement for suites or luxury accommodations requires written permission from a School Administrator PRIOR to incurring the expense. A good tool to help gauge moderately priced lodging is the US GSA website (<http://www.gsa.gov>.) under Domestic Per Diem Rates. Travelers are encouraged to compare prices before booking rooms through a travel site such as Orbit, Priceline or Travelocity.

A Per Diem Rate for Pennsylvania may be found on the <http://www.gsa.gov> website. Partial rates for lodging change every October.

**Cancellation:** Employee must cancel the room reservation by the required deadline, if the room is no longer needed, to avoid a “no-show” charge. Employee should request and retain a “cancellation number” as documentation of the transaction. “No-show” charges are not reimbursable.

**Payment and Documentation:** Lodging charges are to be billed to the employee and reported on his or her expense report for reimbursement. The original receipt of charges, an Approved Expense Sheet from TimeLive and an Approved Request for Time Off-Business Trip are required documentation for reimbursement of lodging charges.

## Car Rentals

Cars should be rented by employees when traveling for business purposes.

**Preferred Companies:** Currently employees are encouraged to rent from the following three (3) car rental companies: *CarRentals.com*, *Travelocity.com* and *Priceline.com*. Employees should choose a competitive rate from a reputable car rental company.

**Navigational Device:** Additional costs for the use of navigational devices in a rental car are not reimbursable.

**Size Limit:** All rentals should be for intermediate size cars or smaller, unless three (3) or more people are traveling together, or if an upgrade is provided by the rental company at no cost.

**Car Rental Insurance:** For rentals within North America, optional theft and collision insurance premiums are not required for employees that are licensed drivers. Optional theft and collision insurance premium charges are not reimbursable. When renting a vehicle outside North America, purchasing optional insurance may be mandatory in certain countries. If this purchase is mandatory, then premiums are reimbursable to employees.

**Refueling:** Employees are expected to refuel cars prior to returning them to the rental company. This practice can save as much as 50% of the gasoline cost.

**Payment and Documentation:** The original receipt of charges, an Approved Expense Sheet from TimeLive and an Approved Request for Time Off-Business Trip are required documentation for reimbursement of business travel expenses.

## Other Transportation

**Personal Car:** Employees may utilize personal cars for business travel if they so choose. Reimbursement for personal car use will be as follows:

**Round Trip under 120 Miles:** Expenses associated with the use of personal cars for business travel of 120 miles or less will be reimbursed at the standard rate, currently \$0.56/mile, set by the US General Services Administration under *Privately Owned Vehicle Mileage Reimbursement Rates*. This mileage allowance covers all auto costs (e.g. gasoline, repairs, insurance, etc.) other than parking and tolls.

**Round Trip over 120 Miles:** Employees are encouraged to rent a car, if the round trip is expected to be 120 miles or greater. If an employee elects to use his or her personal car, the reimbursement will be actual gas (receipt required) plus \$45 per day for use of the vehicle.

**Ride Sharing:** If two or more individuals are traveling to the same location, it is required that the employees share a ride whenever possible.

**Rail:** All rail transportation must be in economy class in North America.

**Taxi and Other Local Transportation:** The cost of taxis to and from places of business, hotels, airports or railroad stations in connection with business activities is reimbursable. The use of taxis is authorized only when more economical services (hotel vans, shuttles, etc.) are not available. Employees are encouraged to utilize public transportation whenever feasible. Receipts are required for all transportation expenses.

## Meals and Entertainment

**Personal Meal:** These expenses are those incurred by employees when dining alone on an out-of-town business trips.

Personal meal expenses will be reimbursed for the actual expense incurred up to the daily limits according to IRS regulations for each city/state. Original receipts must be submitted for reimbursement. A complete list may be obtained at [www.gsa.gov](http://www.gsa.gov) under Per Diem.

Amounts incurred in excess of the daily rate will be the obligation of the employee. On school related travel days, only those meals required after travel begins or before travel ends will be included in calculating reimbursement. Travel beginning before 8:00 AM will include breakfast, lunch, and dinner; travel beginning between 8:00 AM and 12:00 Noon will include lunch and dinner; travel beginning after 12:00 Noon will include dinner. Travel ending before 12:00 Noon will include only breakfast; travel ending before 5:00 PM will include only breakfast and lunch; travel ending after 5:00 PM will include breakfast, lunch, and dinner. All expenses for meals must have line item receipts.

School events such as those held in fair ground settings with street type vendors will be permitted to use the federal per diem rate for the city/county where the event is being held of 20% for breakfast, 30% for lunch and 50% for dinner of the daily per diem rate. The event per diem allows for \$9.20 for breakfast, \$13.80 for lunch and \$23.00 for dinner under the CONUS rate and provides consistency for all such events held at a fair ground or where street type vendors are the only option. It also allows for a combination of receipts and per diem for partial day events to be submitted for reimbursement.

The school event per diem is only permitted for **pre-approved school event travel**. All other travel-related meals must have line item receipts. Receipts deemed excessive by School Administration will be addressed on an individual basis.

**Business Meals:** Those approved meals taken with clients, prospects or associates during which a business discussion takes place. Business meals will not be restricted under the same daily limits as personal meals. However, business meal expenses must be supported by an original itemized receipt and an expense report as described below.

**Entertainment Expenses:** These include events such as nightclubs, theatre and sporting events, when a business discussion takes place immediately before, during or immediately after the event. The School Administrator must give written approval of entertainment expenses IN ADVANCE.

**Payment and Documentation:** For business meals and entertainment expenses, employees must submit the **original itemized receipt** of charges, an **Approved Expense Sheet** from the expense reporting system and an **Approved Request for Time Off-Business Trip**. Tear Tab receipts, where the employee fills in the amount of the expense, will NOT be accepted as documentation for business meal and entertainment expenses.

**Tax Requirements:** The following specific information must be included on employee expense reports as support for all business meal and entertainment expenses in order to be in compliance with current tax regulations:

- Name, title and company of all attendees

- Name and location of the establishment where the event took place
- Amount and date of expense
- Specific business topic discussed
- In the case of entertainment expenses, the specific time the business discussion took place (i.e. before, during or after the event)

## **Spouse/Personal Travel Combined with Business**

Travel expenses for a spouse or other family members who are not employees are not reimbursable as a business expense.

## **Other Reimbursable Expenses**

The following incidental expenses, when directly related to business travel, are reimbursable:

- Tips: 15% at restaurants, \$1 per bag, \$2 per night for hotel maid service
- Laundry/Valet: for trips in excess of four (4) days
- Parking
- Currency Conversion
- Tolls
- Hotel Internet Access if required
- No Receipt events (usually food expenses) may be reimbursable as long as the amount does not exceed the daily Per Diem. Include the possibility of this situation in the Approved Request for Time Off-Business Trip

**Receipts are required for all miscellaneous reimbursable expenses.**

## **Non-Reimbursable Expenses**

The following expenses are NOT reimbursable:

- Expenses without proper documentation including the Approved Request for Time Off-Business Trip
- Babysitter fees
- Charitable contributions
- Personal gifts
- Personal articles (i.e. toiletries, magazines, etc.)
- Gasoline, except for instances noted within this policy
- Normal commuting expenses
- Computer supplies
- Office supplies
- Airline club dues
- Barber/Hairstylist
- Traffic and parking fines
- In-flight movies/refreshment
- Hotel movies, games and other discretionary charges

- Laundry & Dry Cleaning
- Luggage, Briefcases
- Air or rental car phone usage
- Additional travel insurance coverage

## Expenses/Reimbursement

The School has attempted to provide the employee maximum flexibility while keeping in compliance with IRS regulations and good business practice. As with any policy, if there are any questions or concerns, please contact a School Administrator.

Business expenses, other than travel-related items, should always go through the normal purchasing process.

In order to process travel related business expense reports for reimbursement in the most efficient way possible, all supporting invoices and documentation including the Request for Time Off - Business Trip must be submitted through the approved expense reporting system. Note that an approved **Request for Time Off-Business Trip** is required for all travel. In addition, the form must be signed by the designated School Administrator. Using these methods of submission will greatly reduce the time it takes to approve the expense reports and generate reimbursement to the employee.

All business expense reports are subject to audit. If an issue arises which could preclude reimbursement, the request will be held pending further discussion with the employee. Additionally, in accordance with good business practices, business expenses older than **sixty (60)** days that are submitted for reimbursement will not be processed for payment.

**Payment and Documentation:** The **original receipt** of charges, an Approved **Expense Cover Sheet printed** from the approved expense reporting system and an Approved **Request for Time Off - Business Trip** are required documentation for reimbursement of business travel expenses. Payments will be processed by the business office and issued on the 15th and 30th of each month.

## Reimbursement for Federal Programs Travel

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who travel on official school business of a grant recipient. Such costs may be charged on an actual cost basis, per diem, or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the School's non-federally funded activities and in accordance with the School's written travel reimbursement policies. 2 C.F.R §200.474(a).

Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the School in its regular operations as the result of its written travel policy. In addition, if these costs are charged directly to the federal award, documentation must be maintained that justifies that (1) participation of the individual is necessary to the federal award; and (2) the costs are reasonable and consistent with the School's established policy. 2 C.F.R §200.474(b).

## **School Administration Travel & Business Expenses**

School Administration will be responsible for approval of all staff travel expense requests.

School Administrators' travel expenses will be reviewed and approved by a Board designee.

## **RESIGNATION**

Resignation is a voluntary act initiated by the employee to terminate employment with PDLCS. PDLCS requests at least two weeks written resignation notice from all employees.

Prior to an employee's departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on the employee's benefits.

If an employee does not provide advance notice as requested, the employee may be considered ineligible for rehire.

## **JOB ABANDONMENT**

Any employee who is habitually absent from work or who is absent for at least three (3) consecutive scheduled work days, without approval or without notice to School Administration, shall be deemed to have abandoned employment and will be automatically terminated.

In addition, employees who resign without providing a two-week notice are considered to have abandoned their jobs and are not eligible for rehire consideration.

## **RETURN OF PROPERTY**

PDLCS may loan property, materials or written information to fulfill employee responsibilities. Employees are responsible for protecting and controlling said property.

Employees must return loaned property promptly when asked for the purpose of inventory or termination of employment.

If the property is not returned, and if the law allows, PDLCS may withhold money from an employee's regular or final paycheck to cover the cost. PDLCS may also take legal action to recover property.

## **BENEFITS CONTINUATION (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals may be required to pay the entire premium for coverage up to 102 percent of the cost to the plan.

COBRA generally requires that group health plans sponsored by employers with twenty (20) or more employees in the prior year offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) in certain instances where coverage under the plan would otherwise end.

COBRA outlines how employees and family members may elect continuation coverage. PDLCS is required to provide COBRA notice, upon termination, to an employee. Direct any questions regarding COBRA to the school's Insurance Broker.

# Acknowledgment of Receipt of Employee Handbook

This will acknowledge your receipt and understanding of the provisions contained in this Employee Handbook. The information contained in this manual has been prepared to give employees a summary of many but not all policies. Although this Handbook reflects the current benefits and practices, it may be necessary to make changes from time to time to best serve the needs of the School, and the School reserves the right to change any policy at any time with or without specific written notice. The School seeks to follow all of the applicable laws, and these laws continuously change. The School's policies will only be enforced to the extent they are consistent with applicable law.

The policies and statements contained in this Handbook (and any future changes) are NOT to be considered as a contract of employment. Instead, this Handbook serves the purpose of a guideline to help improve mutual communication.

If you have any questions regarding any of the policies contained in this Handbook, please contact the designated School Administrator.

*I acknowledge that I have received, read and understand the Employee Handbook. I further acknowledge that I am an "at will" employee and am aware of my reporting obligations under the School's policies.*

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

*This Employee Handbook replaces all previous versions.*

## APPENDIX

### **Family and Medical Leave Policy**

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. The FMLA is a federal law which can be accessed at [www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla) and is outlined in the U.S. Department of Labor Notice of Employee Rights and Responsibilities, attached hereto. The terms and provisions outlined in this policy shall be construed in accordance with the FMLA and applicable regulations.

To request FMLA leave or to ask a question regarding FMLA eligibility, employees should contact a human resources representative.

#### **1. Eligibility**

FMLA leave is available to “eligible employees.” To be an “eligible employee,” an employee must: (1) have been employed by the Employer for at least 12 months (which need not be consecutive); (2) have been employed by the Employer for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and (3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

#### **2. Entitlements**

The FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration. The FMLA also entitles employees to certain written notices concerning their potential eligibility for and designation of FMLA leave.

#### **3. Basic FMLA Leave Entitlement**

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a rolling 12-month period measured backward from the date an employee uses his/her FMLA leave. Leave may be taken for any one, or for a combination, of the following reasons:

To care for the employee’s child after birth, or placement for adoption or foster care (this leave must be taken within 12-months of the child’s birth/placement);

To care for the employee’s spouse, son, daughter or parent who has a serious health condition;

For the employee’s own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee’s job;

For purposes of Qualified Exigency Leave (described below); and/or

For purposes of Military Caregiver Leave (described below).

If both married parents are employed by the Employer, they are together entitled to a total of 12 weeks of leave (rather than 12 weeks for each employee) for the birth or placement of a child for adoption or foster care.

The terms “serious health condition” and “son” and “daughter” are defined by the FMLA and applicable regulations.

### **Qualified Exigency Leave Entitlement**

When an employee is the spouse, son, daughter, parent or next of kin (as those terms are defined by law) of a member of the United States Armed Forces, National Guard or Reserves, such employee will qualify for “qualified exigency leave” if the covered service member is on active duty, has been called to active duty, or has been notified of an impending call or order to active duty. For the purposes of this provision, “active duty” means deployment to a foreign country.

The categories of qualifying exigencies for which leave may be taken are:

- Short-notice deployment;
- Military events and related activities;
- Childcare and school activities;
- To care for the parent of a covered service member who is incapable of self-care;
- Counseling;
- Rest and recuperation with a covered service member who is on temporary, short-term leave during a period of active duty (up to 15 days);
- Post-deployment activities (within 90 days following active duty);
- Additional activities as agreed upon by the Employer.

### **Military Caregiver Leave Entitlement**

Military Caregiver Leave will be granted for up to twenty six (26) weeks to eligible employees who are the spouse, son, daughter, parent or next of kin (as those terms are defined by law) of a covered service member with a serious injury or illness during a 12-month period to care for the covered service member.

For the purposes of this provision, a covered service member is defined as a member of the United States Armed Forces, National Guard or Reserves, or any individual who was honorably discharged from the United States Armed Forces, National Guard or Reserves at any time during the five (5) years immediately preceding the beginning of the requested FMLA leave period, who has a serious injury or illness incurred or aggravated in the line of duty.

For purposes of this provision, the 12-month period of Military Caregiver Leave eligibility is calculated on a fixed basis, by looking forward from the date of the FMLA leave request.

“Serious injury or illness” is defined by the FMLA and applicable regulations.

### **Intermittent Leave and Reduced Leave Schedules**

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered service member.

### **No Work While on Leave**

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by law.

### **Protection of Group Health Insurance Benefits**

During FMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work

### **Restoration of Employment and Benefits**

At the end of FMLA leave, subject to some exceptions including situations where job restoration of “key employees” will cause the Employer substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The Employer will notify employees if they qualify as “key employees,” if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee’s FMLA leave.

### **Notice of Eligibility for, and Designation of, FMLA Leave**

Employees requesting FMLA leave are entitled to receive written notice from the Employer telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: (1) their rights and responsibilities in connection with such leave; (2) the Employer's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and (3) the amount of leave, if known, that will be counted against the employee’s leave entitlement.

The Employer may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the Employer's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the Employer and employee can mutually agree that leave be retroactively designated as FMLA leave.

## **Employee Obligations**

### **1. Provide Notice of the Need for Leave**

Employees who take FMLA leave must timely notify the Employer of their need for FMLA leave. The following describes the content and timing of such employee notices.

#### Content of Employee Notice

To trigger FMLA leave protections, employees must inform a human resources representative of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the Employer to determine that the leave is FMLA-qualifying.

Calling in “sick,” without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the Employer's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave maybe denied. When employees seek leave due to FMLA-qualifying reasons for which the Employer has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

#### Timing of Employee Notice

Employees must provide 30 days’ advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days’ notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the Employer notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days’ notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

### **Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules**

When planning medical treatment, employees must consult with the Employer and make a reasonable effort to schedule treatment so as not to unduly disrupt the Employer's operations, subject to the approval of an employee’s health care provider. Employees must consult with the Employer prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the Employer and the employees, subject to the approval of an employee’s health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the Employer may require employees to attempt to make such arrangements, subject to the approval of the employee’s health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered service member, the Employer may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the Employer of the reason why such leave is medically necessary. In such instances, the Employer and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the Employer's operations, subject to the approval of the employee's health care provider.

### **Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)**

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an initial certification, a recertification and a return to work/fitness for duty certification.

It is the employee's responsibility to provide the Employer with timely, complete and sufficient medical certifications. Whenever the Employer requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the Employer's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The Employer shall inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The Employer will delay FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the Employer (through individuals other than an employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the Employer with authorization allowing it to clarify or authenticate certifications with health care providers, the Employer may delay FMLA leave if certifications are unclear.

Whenever the Employer deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

#### **Initial Medical Certifications**

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered service member, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave

begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the Employer has reason to doubt initial medical certifications for an employee taking Basic FMLA Leave, it may require employees to obtain a second opinion at the Employer's expense. If the opinions of the initial and second health care providers differ, the Employer may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the Employer and the employee.

#### Medical Recertifications

If an employee's medical certification states that the employee's FMLA leave period will last less than six (6) months, then the employee will be required to submit a new medical certification at the end of the initial leave period. If an employee's medical certification states that the employee's FMLA leave period will last six (6) months or more, then the employee will be required to submit a new medical certification every six (6) months. The Employer will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

#### Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the Employer medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The Employer may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

### **2. Submit Certifications Supporting Need for Qualified Exigency and Military Caregiver Leave**

Confirming documentation, including but not limited to the applicable Military orders of the covered service member, may be required to support an employee's request for Qualified Exigency Leave.

In addition to medical certifications, confirming documentation, including but not limited to proof of the covered service member's honorable discharge, may be required to support an employee's request for Military Caregiver Leave.

### **Substitute Paid Leave for Unpaid FMLA Leave**

Employees beginning FMLA leave between July and December may hold back up to ten personal days and are required to exhaust all other accrued paid time prior to taking unpaid FMLA leave.

Employees beginning FMLA leave between January and June may hold back up to five personal days and are required to exhaust all other accrued paid time prior to taking unpaid FMLA leave.

The use of paid time does not extend the length of FMLA leave and the paid time will run concurrently with an employee's FMLA entitlement.

Employees with short term disability insurance may opt to exercise this benefit (if it applies) prior to taking paid and/or unpaid leave. Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

### **Pay Employee's Share of Health Insurance Premiums**

During FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the Employer notifies employees of other arrangements, whenever employees are receiving pay from the Employer during FMLA leave, the Employer will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If FMLA leave is unpaid, employees must pay their portion of the group health premium through a method determined by the Employer upon leave.

The Employer's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Employer will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work for at least 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the Employer for the cost of the premiums the Employer paid for maintaining coverage during their unpaid FMLA leave.

### **Coordination of FMLA Leave with Other Leave Policies**

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any state or local law, which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the Employer's other leave policies in this Employee Handbook or contact a human resources representative.

### **Questions and/or Complaints about FMLA Leave**

If you have questions regarding this FMLA policy, please contact a human resources representative. The Employer is committed to complying with the FMLA and shall interpret and apply this policy in a manner consistent with the FMLA and all applicable regulations.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact a human resources representative immediately. The Employer will investigate any FMLA complaints and

take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

### **Exemption for Highly Compensated Employees**

The Employer may choose not to return highly compensated employees (highest paid 10% of employees at a worksite or within 75 miles of that worksite) to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the Employer. (This fact-specific determination will be made by the Employer on a case-by-case basis.) The Employer will notify you if you qualify as a “highly compensated” employee, if the Employer intends to deny reinstatement, and of your rights in such instances.

Notice of Eligibility and Rights & Responsibilities  
(Family and Medical Leave Act)

U.S. Department of Labor  
Wage and Hour Division



OMB Control Number: 1235-0003  
Expires: 2/28/2015

In general, to be eligible an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form by employers is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave, as required by 29 C.F.R. § 825.300(b), (c).

**[Part A – NOTICE OF ELIGIBILITY]**

TO: \_\_\_\_\_  
Employee

FROM: \_\_\_\_\_  
Employer Representative

DATE: \_\_\_\_\_

On \_\_\_\_\_, you informed us that you needed leave beginning on \_\_\_\_\_ for:

- \_\_\_\_\_ The birth of a child, or placement of a child with you for adoption or foster care;
- \_\_\_\_\_ Your own serious health condition;
- \_\_\_\_\_ Because you are needed to care for your \_\_\_\_\_ spouse; \_\_\_\_\_ child; \_\_\_\_\_ parent due to his/her serious health condition.
- \_\_\_\_\_ Because of a qualifying exigency arising out of the fact that your \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent is on covered active duty or call to covered active duty status with the Armed Forces.
- \_\_\_\_\_ Because you are the \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent; \_\_\_\_\_ next of kin of a covered servicemember with a serious injury or illness.

This Notice is to inform you that you:

- \_\_\_\_\_ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)
- Are **not** eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):
  - \_\_\_\_\_ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately \_\_\_\_\_ months towards this requirement.
  - \_\_\_\_\_ You have not met the FMLA's hours of service requirement.
  - \_\_\_\_\_ You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact \_\_\_\_\_ or view the FMLA poster located in \_\_\_\_\_.

**[PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE]**

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by \_\_\_\_\_. (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

- \_\_\_\_\_ Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request \_\_\_\_\_ is/ \_\_\_\_\_ is not enclosed.
- \_\_\_\_\_ Sufficient documentation to establish the required relationship between you and your family member.
- \_\_\_\_\_ Other information needed (such as documentation for military family leave): \_\_\_\_\_

\_\_\_\_\_ No additional information requested

If your leave does qualify as FMLA leave you will have the following responsibilities while on FMLA leave (only checked blanks apply):

- \_\_\_ Contact \_\_\_\_\_ at \_\_\_\_\_ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.
- \_\_\_ You will be required to use your available paid \_\_\_\_\_ sick, \_\_\_\_\_ vacation, and/or \_\_\_\_\_ other leave during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.
- \_\_\_ Due to your status within the company, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We \_\_\_\_\_ have \_\_\_\_\_ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.
- \_\_\_ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every \_\_\_\_\_. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave you will have the following rights while on FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as:
  - \_\_\_ the calendar year (January – December).
  - \_\_\_ a fixed leave year based on \_\_\_\_\_.
  - \_\_\_ the 12-month period measured forward from the date of your first FMLA leave usage.
  - \_\_\_ a "rolling" 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on \_\_\_\_\_.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.)
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have \_\_\_\_\_ sick, \_\_\_\_\_ vacation, and/or \_\_\_\_\_ other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

\_\_\_ For a copy of conditions applicable to sick/vacation/other leave usage please refer to \_\_\_\_\_ available at: \_\_\_\_\_.

Applicable conditions for use of paid leave: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Once we obtain the information from you as specified above, we will inform you, within 5 business days, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you have any questions, please do not hesitate to contact:

\_\_\_ at \_\_\_\_\_.

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

It is mandatory for employers to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(b), (c). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room 5-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

