

## VII. TIME AWAY FROM WORK

### Institutional Holidays

The following days are institutional holidays for which all full-time employees are paid and excused from regular duties, except those who may be needed for emergencies or unusual circumstances:

New Year's Day	one working day
Martin Luther King Day	one working day
Easter	one working day
Memorial Day	one working day
Juneteenth	one working day
Independence Day	one working day
Labor Day	Offices are open on Labor Day; employees get one working day as a floating holiday
Thanksgiving	two working days
Christmas	five working days - see below*

\*The office schedule for the Christmas and New Year's holidays is flexible and published each fall at the discretion of the President.

Part-time regular employees who work at least 20 hours per week, year-round, are granted time off in accordance with the hours regularly worked that day.

If a non-exempt employee must work on a paid holiday, that employee will be paid double time for that day or will be given equivalent time off during the same week as the paid holiday. Double time is calculated as holiday pay plus straight time for the hours worked on the holiday.

### Holiday Pay for Compressed Work Week Schedule

A full-time regular work schedule is a 5-day work week, with one day equaling 20% of the work week. For holidays, an employee receives 8 hours of holiday compensation (20% of the regular work schedule) for each day the College is closed in observance of a holiday.

For holiday pay-eligible employees whose regular work week schedule is compressed to fewer than five days during a week, the holiday pay calculation is different. Full-time employees who regularly work a compressed work week schedule will receive 8 hours of holiday pay regardless of the percentage their compressed scheduled hours bear to their regular work schedule.

## **Veterans' Day Holiday**

Simpson College allows its employees who are veterans to schedule the day off on Veterans Day, November 11, unless to do so would impact public health or safety or causes the College to experience significant economic or operational disruption.

Employees who are veterans and who wish to take Veterans Day off must provide the College with a written request at least one month prior to Veterans Day. Exempt or non-exempt staff may elect to apply vacation or personal time to this day; otherwise, the time off is unpaid. The employee's federal certificate of release or discharge from active duty, or similar federal document, must be included with the request to allow the College to verify the employee's eligibility for the benefit. On or before November 1, the College will notify each employee who has submitted a timely written request as to whether the request is granted. The College reserves the right to deny a request if it is determined that to grant it would impact public health or safety or would cause the College to experience significant economic or operational disruption. Under those circumstances, the College will deny time off to the minimum number of employees needed by the College in order to protect public health and safety or to maintain minimum operational capacity, as applicable.

## **Vacation**

The College believes that periodic breaks from work benefit the health and well-being of its employees. The following vacation benefit policy describes the procedures and accruals for paid time off intended for rest and relaxation or to attend to personal circumstances that necessitate an absence from work.

Whenever possible, the College will grant earned vacation at the convenience of the employee. However, requests will be reviewed based on a number of factors, including departmental and staffing requirements. All vacation use must be approved by your supervisor prior to use.

### **VACATION ACCRUAL**

#### **NON-EXEMPT STAFF**

Vacation for non-exempt employees working full-time and the entire year (12 months) will accrue using the following schedule:

0 to 4 years: 10 days (80 hours) annually (6.67 hours per month)

5 to 9 years: 15 days (120 hours) annually (10 hours per month)

10+ years: 20 days (160 hours) annually (13.34 hours per month)

- Part-time employees who work a minimum of 20 hours per week the entire year (12 months) will earn vacation at the percentage of FTE their position is assigned. (i.e. half-time equals .5 FTE).
- Temporary, seasonal, adjunct or student status employees are not eligible for vacation benefits.
- Vacation will begin according to the month of hire. The first month of employment will be pro-rated to hire date.
- Vacation accrual is posted monthly on the College's payroll system (pay advice).
- Years of service advancement is granted for continuous employment.
- Vacation time is paid using the base rate of pay when the vacation is taken.
- Maximum accrual is 240 hours.
- Employees shall be paid their accrued unused vacation time upon termination of employment, unless the employee quits without providing the required notice or is involuntarily terminated as a disciplinary action (not a performance reason), in which case such accrued unused vacation at the time of termination is forfeited.

EXEMPT STAFF (EXCLUDING CERTAIN ATHLETIC DEPARTMENT PERSONNEL)

Exempt staff employees who are full-time and work twelve (12) months per year accrue vacation at the rate of 13.34 hours per month for every month worked or 20 days (160 hours) over a 12-month period. Effective June 1, 2021, this section does not apply to the Director of Athletics, the Assistant Director of Athletics, the Sports Information Director, the Assistant Sports Information Director, and Athletic Department exempt staff who serve as full-time Athletic Team Coaches pursuant to a Coach Appointment Agreement with the College. These employees do not accrue paid vacation time and are not eligible for this benefit.

Vacation use must be approved in advance by the employee's supervisor, taking into consideration the needs of the department and vacation requests made by other employees in the department.

- Vacation accrual is posted monthly on the College's payroll system (pay advice).
- Vacation begins accruing the month of hire. The first month of employment will be pro-rated.
- Vacation time is paid using the base rate of pay when the vacation is taken.
- Paid vacation can be used in one-hour increments.
- Maximum accrual is 240 hours.
- Employees shall be paid their accrued unused vacation time upon termination of employment, unless the employee quits without providing the required notice or is involuntarily terminated as a disciplinary action (not a performance reason), in which case such accrued unused vacation at the time of termination is forfeited.

ACADEMIC YEAR ONLY STAFF (EXEMPT AND NON-EXEMPT)

Individuals working on the academic year (9, 10, and 11 months) will receive a bank of personal days on September 1 each year. This time is to be used at their discretion throughout the academic year, after obtaining supervisor approval.

- Full-time, academic year-only staff will receive a bank of 64 hours of personal time. Part-time, academic-year-only staff will receive a bank of personal hours based on their FTE equivalence.
- Individuals starting after September 1 will receive a pro-rated bank of time.
- Time is paid using the base rate of pay when the time is taken.
- Up to 25 hours can be carried over to subsequent years; hours not used during the academic year are forfeited.

Updated 6/1/2026

### Other Conditions of Vacation Leave

In order to allow the coordination of paid vacation and sick leave with Family & Medical Leave Act leave (FMLA), all employees seeking to take a vacation will be required to provide enough information to their supervisor and/or Human Resources about the nature and purpose of the leave to allow a determination of whether the leave is appropriately qualified as FMLA leave. If paid vacation also qualifies as FMLA leave, the leave will be so designated, and the paid vacation (and/or sick) leave will run concurrently with FMLA leave, as specified in the College's FMLA policy.

All employees will be required to record vacation time used monthly on the College's Time tracking system. Late or inaccurate reporting of vacation leave will be considered a negative performance issue, and depending on the circumstances, may subject an employee to disciplinary action.

When an authorized paid holiday falls within an employee's vacation period, the employee will not be charged a vacation day; the employee will be paid for the holiday instead.

If an employee becomes ill during a vacation, that time cannot be converted to sick leave.

In the event an employee has exhausted his or her accrued vacation, any time off requested that does not qualify as sick leave or a protected leave (e.g., FMLA, workers' compensation) will be unexcused and may be considered a negative performance issue.

*Revised: November 1, 2024*

## **Sick Leave**

Paid sick leave is provided to prevent loss of income or financial hardship during necessary periods of absence from work caused by illness or non-work-related injury. Employees may use paid sick leave for absence due to personal illness or medical appointments. Accrued sick leave may also be used to care for a spouse/domestic partner, child or parent as a result of personal illness or medical appointments.

Sick leave is accrued at the rate of one day (8 hours) for each month of employment, with the maximum accrual limited to 90 days (720 hours). Accrual will begin upon the first full month of employment. A supervisor or department head may require a statement from a doctor documenting any absence of three days or more.

An employee who works less than full-time, but at least half-time accrues sick leave based on their FTE. Faculty do not accumulate sick leave. Accumulated sick leave is accrued and posted monthly on the pay deposit slip in hours accrued.

All time off for personal or family illness will be charged against sick leave. If no accrued time is available, the employee may use accrued vacation time or take the time without pay.

When employees cannot work because of personal or family illness, they should call their supervisor immediately and explain the reason for their absence. In addition, the supervisor should be kept informed of the progress and when to expect the employee back on the job.

Sick leave with pay will be granted only for time lost on the basis of a regular workweek or less and not overtime or premium pay.

When an employee goes from full-time to part-time, sick leave will be prorated on the same basis as the part-time work. For example, a full-time employee who has accrued 10 days leave will retain five of these days when going to one-half time.

## **Accumulated Sick Leave Pay-Out for Non-Exempt Employees**

Non-exempt employees who retire at age 62 or older, and non-exempt employees who voluntarily leave the employ of the College after 20 years of service, will be paid his or her accrued unused sick leave, said payout being subject to a \$2,000 maximum limit. Accrued unused sick leave in excess of that limit shall be deemed forfeited.

*Amended and restated April 3, 2023*

## **Paid Personal Day**

Full-time regular non-exempt employees working on a twelve (12) month schedule will receive eight (8) hours of paid personal time. Paid personal time will be added to leave banks at the time of hire. Paid personal time will accrue in the same month each year thereafter. As with all time off, supervisor approval is necessary. Paid personal time can be used in as little as a one-hour increments. This time will not accumulate, so it needs to be used prior to the next anniversary month. Part-time, non-exempt staff who work a minimum of 20 hours per week, year-round, will earn a pro-rated amount based on their full-time equivalent status.

## **Paid Bereavement (Funeral) Leave**

A regular employee is eligible to take paid time off in the event of a death of immediate and extended family members.

- You may be excused with pay for up to five working days in the event of the death of an immediate family member.

Immediate family is defined as the mother, father, spouse/domestic partner, son, daughter, foster child, brother, sister, or grandchild of the employee.

- You may be excused with pay for up to three working days in the event of the death of a grandparent or grandparent-in-law, mother or father-in-law, sister or brother-in-law and daughter or son-in-law.

Requests to attend funerals of other relatives or friends will be given consideration by the employee's supervisor and, if possible, will be granted, as vacation or time without pay.

*Updated & Approved by Cabinet March 18, 2019*

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

*Revised and restated: February 15, 2018*

### **PART A. Employees Who Qualify for Leave Under the Family and Medical Leave Act of 1993**

The College will grant a leave of absence to regular full-time and regular part-time employees (who meet the requirements described below) for:

- the care of a child after birth or placement with the employee for adoption or foster care;
- the care of a family member (spouse, child, or parent) with a serious health condition;
- an employee's own serious health condition that makes the employee unable to perform the functions of the employee's job, or incapacity due to the employee's pregnancy or prenatal medical care;
- any qualifying exigency (as defined below) arising out of the fact that a family member (spouse, son, daughter or parent) is serving in any branch of the Armed Forces, including a member of the National Guard or Reserves on active duty or has been notified of an impending call or order to active duty; or
- the care of a service member with a serious injury or illness if the employee is the spouse, child, parent or next of kin of the service member.

Leaves will be granted for a period of up to twelve weeks (or up to 26 weeks in the case of care for a service member, as discussed below) in any twelve-month period. Except in the case of leave to care for a covered service member with a serious illness or injury, the twelve-month period is a rolling period, measured backward from the date any qualifying leave is taken. In the case of leave to care for a covered service member with a serious illness or injury, the twelve-month period is measured forward beginning on the date the employee first takes FMLA leave.

An employee must have completed at least twelve months of service with the College and have worked a minimum of 1,250 hours in the twelve-month period preceding the leave to be eligible for such leave. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave. An employee must also be employed at a worksite where 50 or more employees are employed by the College

within a 75-mile radius of that worksite. Service prior to a break in service of less than seven years will be counted in determining whether the employee has completed at least twelve months of service with the College. Service prior to a break in service lasting seven years or more will be counted only when the break in service has been caused by the fulfillment of USERRA-covered service obligations.

Employees who do not meet these requirements may apply for a leave of absence subject to the conditions described in Part B of this policy.

#### *Scope of Child/Family Care/ Military Exigency Leave*

You may request a leave of absence to care for a child after birth, or placement in your home for adoption or foster care. An employee's entitlement to leave for a birth or placement for adoption or foster care expires at the end of a 12-month period beginning on the date of birth or placement.

You may also request a leave of absence to care for a covered family member with serious health condition (as defined below). A covered family member is a spouse; a biological, adoptive, step or foster parent, but not an "in law"; a biological, adoptive, step or foster child, or legal ward who is under age 18, or who is 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

You may also request a leave of absence because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is a member of any branch of the Armed Forces, including a member of the National Guard or Reserves on covered active duty in a foreign country (or has been notified of an impending call or order to covered active duty in a foreign country) in support of a contingency operation. A qualifying military exigency means: (a) short-notice deployment (up to seven days of leave if the military member receives seven or less days' notice of a call to active duty); (b) military events and related activities; (c) certain temporary or alternative childcare arrangements and school activities (excluding ongoing regular childcare); (d) making or updating financial and legal arrangements to address the service member's absence resulting from active duty status; (e) counseling by a non-medical counselor, such as a member of the clergy, arising from the active duty or call to active duty; (f) rest and recuperation (up to fifteen days of leave when the military member is on short-term, temporary rest and recuperation leave); (g) parental care leave for a military member's parent who is incapable of self-care when the change in care is necessitated by the member's covered active duty and/or (h) post-deployment military activities.

#### *Leave for Employee's Serious Health Condition*

You may request a leave of absence in the event that your own serious health condition renders you unable to perform the functions of your position. An employee is unable to perform the functions of his or her position when the employee either cannot work at all or is unable to perform any one of the essential functions of his or her position within the meaning of the Americans with Disabilities Act. An employee who must be absent to receive medical treatment

for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

### Serious Health Condition Defined

The Family & Medical Leave Act broadly describes a serious health condition as an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

The term "continuing treatment" is defined in the Department of Labor regulations as including five different scenarios:

- A period of incapacity of more than three full consecutive calendar days involving two or more treatments within 30 days of the first day of incapacity (absent extenuating circumstances), by or under the orders of a health care provider, or treatment by a health care provider on at least one occasion that results in a supervised regimen of continuing treatment (for example, prescription medications or specialized therapy). Treatment by a health care provider requires an in-person visit with the health care provider, the first (or only) in-person treatment visit taking place within seven days of the first day of incapacity;
- Pregnancy (including severe morning sickness) and time needed for prenatal care
- A chronic health condition, such as asthma, diabetes, or epilepsy, which requires at least two visits for treatment by a healthcare provider per year;
- A long-term condition such as Alzheimer's, a severe stroke, or the terminal stages of a disease, for which treatment may not be effective; and
- Restorative surgery after an accident or other injury, or a condition that is likely to result in a period of incapacity of more than three full consecutive calendar days if left untreated, such as physical therapy for severe arthritis or chemotherapy for cancer.

(Note: any period of incapacity that is the result of pregnancy or a chronic serious health condition, such as morning sickness or an asthma attack, qualifies for FMLA leave even if the employee does not receive treatment from a health care provider or the absence does not last more than three full, consecutive days.)

### Service Member Family Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (usually, the nearest blood relative) of a covered service member shall be entitled to a total of 26 work weeks of leave during a twelve (12) month period to care for the service member. The leave described in this paragraph shall be available only during a single 12-month period, measured from the date the employee's first FMLA leave to care for the covered service member begins. A "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient

status, or is otherwise on the temporary disability retired list, for a serious illness or injury, which either existed prior to the beginning of the member's active duty and was aggravated by service in the line or duty or was incurred in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating for which the service member is undergoing medical treatment, recuperation, or therapy.

A "covered service member" also includes a veteran who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or who is otherwise on the permanent disability retired list, and who was formerly a member of the Armed Forces, including a former member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes the medical treatment, recuperation or therapy. For purposes of this paragraph only, the term "serious illness or injury" means:

- (a) An injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or that pre-existed active duty and was aggravated by service in the line of duty on active duty) that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; or
- (b) A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or
- (c) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
- (d) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers

This leave entitlement is applied on a per-covered-service-member, per-injury basis.

#### Leave Entitlement and Schedule

Eligible employees are entitled to leave for up to twelve weeks (or up to 26 weeks in the case of care for a service member as discussed above) in any twelve-month period (or longer if required by applicable state or local law or, in the case of a leave for an employee's serious health condition, where a leave extension is requested and approved).

Leave taken to care for a child after birth or placement in your home for adoption or foster care must be taken in consecutive workweeks. Leave taken for the employee's or a covered family member's (or nearest blood relative in the case of service member leave) serious health condition may be taken consecutively, intermittently, or on a reduced work/leave schedule based on certified medical necessity.

To accommodate an intermittent or reduced schedule FMLA leave when the leave is foreseeable based on planned medical treatment for the employee or a covered family member, the

employee may be transferred on a temporary basis to an alternative position for which the employee is qualified. The alternative position will have equivalent pay, benefits, and terms and conditions of employment.

### Combined Leave Total

If an eligible employee qualifies in the applicable 12-month period for leave to care for a service member and leave for one of the other purposes described above, that employee shall be entitled to a combined total of 26 work weeks of leave. If both spouses are employed by the College and are eligible for service member family leave, then they are entitled to take only a combined total of 26 work weeks of leave during the single 12-month period.

When eligible spouses are both employed by the College, and are not eligible for service member family leave, they may take only a combined total of 12 weeks during the applicable twelve month period if the leave is taken (1) for the birth of a child and to care for such child; (2) for the placement of a child for adoption or foster care and to care for such child; or (3) to care for his/her own parent (not an “in-law”) with a serious health condition.

### Conditions of Leave

1. **Notification Requirements.** If the leave is planned in advance, you must provide us with at least thirty (30) days' notice prior to the anticipated leave date, using the College's official Leave-of-Absence Request Form. In the case of leave arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) of the armed forces in support of a contingency operation, the employee shall provide such notice to the College as is reasonable and practical. Verbal notice of the need for leave is sufficient, but it is preferred that you provide notice by filing the College's official Leave-of-Absence Request Form

If the leave is unexpected, you should notify your supervisor and the Human Resources Department as far in advance of the anticipated leave date as is practicable. (Normally, this should be the same day or the next business day after you become aware of your need for the leave.) Verbal notice of the need for leave is sufficient, but it is preferred that you provide notice by filing the College's official Leave-of-Absence Request Form.

2. **Designation of Leave as FMLA-qualifying.** The College will provide a written notice to the employee designating the leave as “FMLA-qualifying” within five (5) business days after the College has enough information to determine whether the leave is being taken for a FMLA-qualifying reason, absent extenuating circumstances. The College may delay final leave designation until a required medical certification form has been returned.
3. **Certification of the Need for Leave.** The College will require you to provide certification of the need for leave as follows:

- Employees requesting a leave to care for a child after birth or after placement in your home for adoption or foster care must provide documentation to support the leave request.
- Employees requesting a leave to care for a covered family member (including as a next of kin in the case of service member leave, as discussed above) with a serious health condition (or serious injury or illness, in the case of service member leave) will be required to provide medical certification from the family or service member's physician attesting to the nature of the serious health condition, probable length of time treatment will be required, and the reasons that the employee is required to care for this family or service member.
- Employees requesting a leave due to his or her own serious health condition will be required to provide medical certification from his or her health care provider attesting to the nature of the serious health condition, probable length of time leave will be required, and the inability of the employee to perform the functions of his or her position due to the serious health condition.
- Employees requesting leave due to a military exigency will be required to provide certification that the covered family member is a member of the Armed Forces, including a member of the National Guard or Reserves who is on active duty or called to active duty in support of a contingency operation in a foreign country. The employee will also be required to provide a statement, including available written support documentation, about the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member.

Employees are required to provide the requested certification within fifteen (15) calendar days of the College's request for certification. If the College fails to receive the certification, FMLA leave may be denied. If the College receives incomplete, vague, ambiguous or non-responsive medical certifications, the College will notify you of the problems with the certification and provide you seven (7) days to cure any deficiency unless not practicable under the circumstances. If the deficiencies are not cured within that time frame, the College may contact the health care provider directly for clarification or authentication purposes or the FMLA leave may be denied.

If the College determines that a second medical opinion is required, the College may, at its own expense, require you to obtain a second opinion from a health care provider designated by the College. If the first and second opinions do not agree, the College may, at its own expense, require you to obtain a third opinion from a health care provider agreed upon by both you

and the College. The opinion of the third health care provider is final. However, in the case of certification of a serious injury or illness for military caregiver leave, second opinions may be required only if the initial certification was not made by an authorized DOD/VA affiliated healthcare provider.

4. ***Recertification.*** While on leave under this policy, the College may request recertification of medical necessity every thirty (30) days, or if the medical certification indicates the minimum duration of the condition is more than 30 days, then at the end of the minimum duration. You may also be requested to provide recertification in less than 30 days if you request a leave extension, the circumstances described by the earlier certification have changed substantially, or the College receives information that casts doubt upon the employee's stated reason for the absence. The College may also require periodic reports on your status and intent to return to work. Where a serious health condition of either an employee or that of a family member lasts beyond a single leave year, the College may require employees to provide a new medical certification each subsequent leave year.
5. ***Substitution of Paid Leave.*** You will be required to use all accrued, unused vacation days, sick days, and personal days during the leave period. When leave is taken on an intermittent or reduced leave schedule, the minimum increment of substituted paid leave used will not be greater than one hour, and your FMLA leave entitlement will not be reduced by more than the amount of leave actually taken. Once such benefits are exhausted, the balance of the leave will be without pay. FMLA leave because of an employee's own serious health condition will run concurrently with worker's compensation leave, when applicable.
6. ***Continuation of Benefits.*** All College benefits that operate on an accrual basis (e.g., vacation and personal days) will cease to accrue during the leave period. All group health benefits (e.g., major medical, hospitalization, and dental insurance) will continue during the leave provided you continue regular employee contributions to these plans. (Other benefits will be governed in accordance with the terms of each benefits plan.)

#### *Reinstatement Rights*

Eligible employees are entitled on return from leave to be reinstated to their former position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Exceptions to this provision may apply if business circumstances have changed (e.g., if the employee's position is no longer available due to a job elimination). In addition, employees on a leave extension are not guaranteed reinstatement.

Before you will be permitted to return from medical leave, you will be required to present the College with a note from your physician indicating that you are capable of returning to work and performing the essential functions of your position with or without reasonable

accommodation. Where required, the College will consider making reasonable accommodation for any disability you may have in accordance with applicable laws.

Under limited circumstances, where restoration to employment will cause substantial and grievous economic injury to the operations of the College, the College may refuse to reinstate certain “key” employees after using FMLA leave. These employees will be made aware of their status as “key” employees prior to any denial of job restoration and will have a reasonable opportunity to return to work from FMLA leave upon this notice.

#### Non-Discrimination

The College will not interfere with, restrain, or deny an employee the opportunity to exercise any right provided under FMLA. The College will not discharge or discriminate against any employee for opposing any practice made unlawful by FMLA or because of an employee's involvement proceeding under or related to FMLA.

#### Confidentiality

The College will also keep any medical information it obtains in complying with the FMLA confidential, pursuant to this statute, as well as the Genetic Information Non-Discrimination Act (GINA).

#### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer to enforce the employee's rights under the FMLA. The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

### **PART B. Leaves for Employees Who Do Not Meet the Minimum Service Requirements**

Full-time regular and part-time regular employees who have less than twelve months of service and/or who have not worked a minimum of 1,250 hours during the twelve-month period prior to their leave may request leaves of absence due to disabilities resulting from the employee's pregnancy, miscarriage, legal abortion, childbirth, or recovery therefrom, subject to the following terms and conditions:

1. Leave requests must be made at least thirty (30) days in advance of the date the employee would like the leave to begin or, in emergency situations, with as much advance notice as is practicable, using the College's official Leave-of Absence Request Form. (Normally, this should be the same day or the next business day after you become aware of your need for the leave). This request must be submitted to the employee's supervisor and the Human Resources Department.

2. The certification requirements and the conditions for required use of accrued time off, benefits accrual, and continuation of group health insurance during leave set forth in Part A apply to all leave requests.

3. All leaves due to disabilities resulting from the employee's pregnancy, miscarriage, legal abortion, childbirth, or recovery therefrom will be granted for the period of disability or eight weeks, whichever is less, and which may be taken intermittently.

4. Eligible employees are entitled on return from leave to be reinstated to their former position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Exceptions to this provision may apply if business circumstances have changed (e.g., if the employee's position is no longer available due to a job elimination).

All questions regarding leaves of absence and requests for applicable forms should be directed to the Human Resources Department.

## **Short-Term Disability Paid Leave Due to Childbirth**

Leave is available to all birthing mothers under the Family and Medical Leave Act (FMLA), or under state law if the employee is not eligible for leave under the FMLA (or does not have sufficient FMLA time available), as described in the immediately preceding section of this Handbook.

### *Paid Short-term Disability Benefit due to Childbirth*

Full-time employees are eligible for a paid short-term disability benefit for temporary disabilities resulting from childbirth. The College will pay 100% of the employee's weekly regular wage for six (6) weeks as a result of disabilities due to a normal delivery and for eight (8) weeks for delivery via C-section. The employee's weekly benefit is not calculated to include and does not apply to overtime, holiday, and bonus pay. This paid short-term disability benefit due to childbirth will be subject to your tax elections.

### *Alternative to FMLA Leave and Paid Leave Benefit for Birthing Faculty Employees*

1) In lieu of paid short-term disability benefits due to childbirth described above, a birthing faculty member may elect to take FMLA leave (or leave under state law if FMLA leave of sufficient FMLA leave is unavailable) for the entire semester during which the leave discussed above [or a majority thereof] would have otherwise been utilized. In the event that a majority of the leave discussed above is rendered unavailable or unnecessary due to the temporal proximity of the birth to the winter holiday recess or summer recess, the eligible faculty member may elect to exercise the entire semester leave option during the semester immediately following the recess. In no instance can the entire semester leave option be utilized by an eligible faculty member for more than one semester for any one birth. If a faculty member elects this entire semester leave option, the faculty member will receive one half (1/2) of that faculty member's regular salary for that semester, and will not receive the paid short-term disability benefit discussed above. To utilize the entire semester leave option, the faculty member should submit a written request to the Director of Human Resources and the Senior Vice President and Academic Dean at least sixty (60) days

prior to the start of the impacted semester. A failure or inability to request the entire semester leave option sixty [60] days prior to the start of the impacted semester may, at the discretion of the College, preclude the faculty member from utilizing the entire semester leave option.

## 2) Impact on Contracted Compensation and Tenure or Promotion Decisions

It is NOT the intent of the Short-Term Disability Paid Leave Benefit due to Childbirth and the New Child Paid Leave Benefit to provide remuneration beyond that for which the faculty member is contracted. Therefore, faculty members exercising the option to under section 1 of this policy will not be eligible for, and will not receive, either the Short-Term Disability Paid Leave Benefit due to Childbirth or the New Child Paid Leave Benefit.

The use by a faculty member of any leave contemplated by the Short-Term Disability Leave Benefit due to Childbirth and New Child Leave provisions shall in no way adversely affect tenure or promotion decisions related to that faculty member. Please refer to the tenure and promotion provisions in the faculty handbook for specific information.

Written request for this leave should be submitted to Human Resources and the Vice President for Academic Affairs thirty (30) days prior to the expected leave date, or as soon as practicable thereafter.

## **New Child Paid Leave Benefit**

Under the FMLA, eligible employees may take up to twelve (12) weeks of unpaid leave for the care of a child after birth or placement with the employee for adoption or foster care. In order to cushion the expense of taking time off work for bonding with their new child, an FMLA eligible employee may apply for paid New Child Leave benefits. FMLA-eligible birthing mothers will receive paid benefits as outlined in the Short-Term Paid Disability Leave due to Childbirth section above.

New Child Paid Leave is based on the employee's status as a parent of a newborn child or as a parent with whom a child is placed for adoption or foster care. Benefit eligibility begins on the day the baby is born or the child is adopted or placed. The employee will be provided two weeks of paid leave at 100% pay. The 100% pay benefit does not apply to overtime, holiday, and bonus pay. New Child Leave must be taken within twelve weeks after birth or placement of the child. New Child Paid Leave will run concurrently with FMLA, and after exhaustion of the paid leave benefit, will not run longer than the employee's FMLA entitlement. Beyond the applicable New Child Paid Leave benefit, any additional time off under the FMLA will require use of available accrued but unused vacation hours, per the College policy, and thereafter will be unpaid.

For non-faculty employees, a written request for this leave should be submitted to Human Resources and the appropriate Vice President thirty (30) days prior to the expected leave date, or as soon as practicable thereafter.

For faculty employees, a written request for this leave should be submitted to Human Resources and the Senior Vice President and Academic Dean thirty (30) days prior to the expected leave date, or as soon as practicable thereafter.

New Child Leave will not be extended by, but rather will run concurrently with, any paid holidays falling within the leave period.

In the case of adoption, Simpson College will provide an eligible employee \$1,000 per adopted child to help cover the cost associated with adoption. Payment will be made upon submission of appropriate documentation of a completed adoption.

## **Time Off to Vote**

Employees are encouraged to participate in the political process by voting in public elections. In general, an employee who wishes to vote is expected to do so before or after their scheduled work time. However, the College understands that there may be times when your work schedule might not leave you enough time outside of your shift to vote. If, on the day of any election, you do not have three consecutive hours outside your scheduled work time during which the polls are open for voting, you will be granted such paid time off as will, when combined with your nonworking hours, provide you with three consecutive hours to vote. Each employee who wishes to obtain time off to vote must provide advance written notice (prior to Election Day) to their supervisor. The College will designate the particular hours you may take off work to vote.

No employee will be penalized or retaliated against for requesting time off to vote. This leave does not apply to participation in the Iowa caucuses.

## **Jury Duty and Witness Leave**

Employees called for jury duty and assigned to serve will be paid their normal base compensation by the College during the time you are required to report and serve on a jury. A jury duty summons and payment slip must be submitted to your supervisor when compensation during jury duty is sought, and receipt of such compensation is expressly conditioned upon the employee remitting to the payroll clerk the monies received from the county, state, or federal courts for this duty. The time absent from work will not be deducted from vacation or sick leave allowance. Employees excused from jury duty are expected to return to work as promptly as possible.

Jury duty pay does not cover circumstances where you are a party to a court action, such as a plaintiff or a defendant.

Employees who receive a subpoena to be a witness at a hearing or trial will be granted Witness Leave according to the same requirements for Jury Duty above. A copy of the subpoena must be submitted to your supervisor when pay for witness leave is requested. Witness Leave is not granted if you volunteer to be a witness.

## **Volunteer Time Off (VTO)**

This policy is designed to support the mission of Simpson College by encouraging staff to become involved in the Indianola and Greater Des Moines communities, supporting programs that positively impact the quality of life.

Each new calendar year, eight (8) paid hours of Volunteer Time Off (VTO) will be available to full-time employees; a proration will be given to part-time employees. VTO is in addition to Campus Day (annual spring-cleaning day).

Employees should request approval of the volunteer option they have selected and the time needed with their supervisor at least one (1) week prior to using VTO.

Volunteer work needs to be in association with a charitable organization, school, or other non-profit group.

While every reasonable effort will be made to accommodate requests, approval is contingent on business needs, workload, and performance of each individual staff member. If a question arises, Divisional Vice Presidents and the Director of Human Resources will have the final decision over approval or denial of a request.

Volunteer time should not conflict with work-related responsibilities, create the need for overtime, or cause conflicts with other employees' schedules.

VTO time cannot be carried over from year to year.

VTO is non-working paid time; it will not count as "hours worked" for the calculation of overtime and is not subject to overtime, nor will it be paid out if not used at the time of termination or retirement.

VTO may not be used for organizations that discriminate based on race, national origin, color, sex, religion, age, sexual orientation, gender identity, disability, or any other characteristic protected by law.

Staff using VTO will need to record the use on their monthly timesheet under the category "VTO."

Examples of appropriate uses for VTO:

- Building a house for Habitat for Humanity.
- Donating time at a food bank.
- Helping with your child's school field trip.
- Participating in Big Brother/Big Sister programs.

Examples of inappropriate uses for VTO:

- Taking a ski vacation and charitably giving ski lessons.
- Attending your child's PTA conference.
- Attending a professional or personal interest conference.

*Effective January 1, 2013.*

## **Military/Reserve/National Guard Leave**

The College provides military leaves of absence to employees who serve in the uniformed services as required by the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable state laws. The College's policy is that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States, including any reserve or National Guard unit. No person will be denied employment, reemployment, promotion or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Director of Human Resources.

### *Eligibility*

Employees taking part in a variety of military duties are covered under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including active duty, reserve, or National Guard, for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the law, these benefits are generally limited to five years of leave of absence.

A military leave of absence will be granted to full-time and part-time employees to attend scheduled drills and training or if called to active duty with the U.S. Armed Services, including reserve units and the National Guard. USERRA requires that service members provide advance written or verbal notice to their employer for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. Accordingly, an employee requesting military leave shall submit a copy of his or her orders as soon as possible to their immediate supervisor indicating the dates of service. The supervisor shall then forward the orders to the Office of Human Resources.

Human Resources will review the request for leave of absence, collect any applicable insurance premiums from the employee, generate other applicable documents and process the leave of absence accordingly. In the event of verbal notice by the employee, Human Resources will document the military leave on a leave of absence form.

Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence. This is an exception to the College's other leave policies, which require an employee to exhaust all vacation prior to going into an unpaid status.

*Military leave of less than 31 days.*

The College provides up to thirty (30) calendar days of unpaid military leave per calendar year. The leave shall be without loss of fringe benefits.

If an individual is on military leave for less than 31 days, (including, but not limited to, two-week active duty training assignments or inactive duty training drills), the service member must return to work at the next regularly scheduled shift after the end of the training, allowing reasonable travel time home plus an eight-hour rest period. If an employee fails to return to work in a timely manner, they will be deemed to have resigned.

#### *Military leave of more than 30 days*

Under USERRA, an individual may be absent from work for military duty and retain reemployment rights for five years. However, there are exceptions to the five-year limit, including initial enlistments lasting more than five years, periodic training duty, and involuntary active duty extensions and recalls, especially during a time of national emergency.

#### *Benefits During Military Leave*

If the leave is for 30 days or less, an employee on military leave may elect to continue the College health, dental, and vision plan coverage and is required to pay only the employee's portion of the insurance premium.

If the leave of absence is for 31 days or longer, the employee (and covered dependents) may elect to continue healthcare coverage as provided under COBRA for up to 24 months at 100% of the overall (both employer and employee) premium rate. Employees must elect coverage and make the required payments to Human Resources in a timely manner to continue coverage. If coverage is terminated at the employee's option, the College may not impose a waiting period for benefit reinstatement upon return to employment.

Employees do not accrue vacation, personal leave or sick leave while on military leave of absence status.

The group life insurance and long-term disability insurance benefits provided by the College will terminate the day the employee becomes active military.

With respect to the College's retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reemployment, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's reemployment and that is not greater in duration than three times the length of the employee's military service. Employees will receive all associated College matches for such contributions.

### *General Benefits Upon Reemployment*

Employees reemployed following military leave will be treated as though continuously employed for determination of benefits based on length of service, such as paid time off accruals, and will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward eligibility for FMLA leave. Additionally, upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment.

### *Documentation*

The Office of Human Resources will, upon the employee's reapplication for employment, request that the employee provide the College with military discharge documentation to establish the timeliness of the application for reemployment, the duration of the military service, and the honorable discharge from the military service, if applicable.

### *Application for Reemployment*

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment to the Office of Human Resources according to the following schedule:

- *If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.*
- *If service is for 31 days or more but less than 181 days - the employee must submit an application for reemployment with HR no later than 14 days following the completion of service.*
- *If service is more than 180 days - the employee must submit an application for reemployment with HR no later than 90 days following the completion of service.*
- *If the employee is hospitalized or convalescing from a service-connected injury - the employee must submit an application for reemployment with HR no later than two years following completion of service.*

### *Exceptions to Reemployment*

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

- The College's circumstances have so changed as to make reemployment impossible or unreasonable.
- Reemployment would pose an undue hardship upon the College.

- The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
- The employee did not receive an honorable discharge from military service.

*Amended and restated April 4, 2023*

## **Student and Special Assemblies**

Employees are invited to attend open convocations at the beginning of each academic semester. Student assemblies, Homecoming, Commencement, and other activities that are held during normal working hours are normally not to be attended by non-faculty personnel, unless expressly and specifically permitted. Only in special cases will permission be granted for non-faculty personnel to attend assemblies during working hours, which have been scheduled primarily for students.

## **Voluntary Shared Leave Program**

The College recognizes employees may experience serious personal or family medical emergencies that require an extended leave resulting in the need for time off in excess of their available accrued leave banks, thereby otherwise rendering the leave unpaid. This voluntary shared leave program has been created to allow employees with unused vacation hours to donate up to 24 hours into a paid leave bank (“the donation bank”) for use by eligible co-workers, in accordance with the guidelines detailed below. **This program is strictly voluntary; no employee is or will be compelled to participate.**

**In all instances, the College determines whether leave in excess of available paid leave and/or leave in excess of that required under the law may be taken. The existence of this program does not substitute or otherwise eliminate the need for all leave requests, whether paid or unpaid, to be approved by the College under its regular procedures.**

*Definitions:*

**Medical emergency** is defined as a major illness or medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available.

**Immediate family member** is defined as a spouse, child or parent as defined under the Family & Medical Leave Act.

*Eligibility and conditions of receipt and use of donated leave:*

- The employee or the employee’s immediate family member has a qualifying medical condition that has been certified by the treating healthcare practitioner.
- Eligible employees are those who accrue paid sick and vacation time.

- The employee is eligible to receive donated leave only after the employee's request for donated leave has been approved and the employee has exhausted or does not have vacation, sick or personal time accrued and available to cover all leave time needed because of the medical emergency.
- Employee has not qualified for and is not receiving Long Term Disability (LTD) or workers' compensation benefits.
- Donated time may be used only for time off related to the approved request. A leave recipient may not convert leave received under the plan into cash in lieu of using the leave.

*Requesting shared leave:*

- Employees requesting to receive donated hours must complete the Shared Leave Request Form found on the Human Resources portal and submit it to Human Resources. In addition, the employee must submit certification of the employee's or family member's qualifying medical condition by the treating healthcare practitioner, if not previously submitted. Human Resources may require an updated certification if previously submitted.
- If the recipient employee has available any accrued unused paid leave balance of any type – sick, vacation or personal - those balances must be exhausted before an employee may use any donated time.

*Limits and exceptions:*

- Recipient identities will not be disclosed to donating employees.
- An employee donating leave to the donation bank is not allowed to designate the donation be used only for a specific leave recipient or restrict the use of the donated hours from use by particular employees or for use for only a certain group of employees.
- An approved donation is irrevocable.
- Employees who receive donated time may receive no more than 480 hours (12 weeks), prorated to 12 weeks for part-time employees, within a rolling 12-month period, as that term is defined in the College's FMLA policy.
- Nothing in this policy will be construed to limit or extend the maximum allowable leave available to an employee under the Family and Medical Leave Act.
- Leave due to childbirth (whether a normal delivery or C-section) is not eligible for donated leave unless circumstances arise that result in the leave qualifying as a medical emergency as defined in this policy. Similarly, leave under the College's New Child Leave policy is not eligible for donated leave.

*Eligibility to donate leave:*

- Employees wanting to donate hours must complete the Voluntary Shared Leave Donation Form found on the Human Resources portal.
- Any employee may donate only vacation hours. The minimum number of vacation hours that an eligible employee may donate is four (4) hours per calendar year and the maximum number that may be donated per calendar year is 24 hours; provided, however, that in no event may the number of vacation hours donated reduce the donor's accrued unused

vacation leave below an annual accumulation of 80 hours, or prorated to 2 weeks for part-time employees.

- Although employees may seek to donate at any time, employees will be given the opportunity to donate vacation hours twice per year. The donated vacation hours will be transferred from the donor to the leave pool on December 1 and June 1 of each year.
- Sick leave and personal days are excluded from donation.
- Employees cannot borrow against future vacation accruals to donate.
- Employees who are currently on an approved leave of absence are not eligible to donate.

*Administration:*

- Human Resources will administer this program.
- The donation of time is made in hours. These hours will be converted to a dollar value using the donor's hourly rate of pay and placed in the donation bank.
- When a Recipient Application request is processed and approved, money from the donation bank will be converted to the recipient's base hourly rate to be used during the approved leave period. In other words, donated hours will be paid at the receiving employee's current rate of pay.
- All paid leave granted to the recipient is taxable as wages and is subject to appropriate tax withholding.
- Under current tax law, donor employees may not claim an expense, tax deduction, or a deduction for a charitable contribution for any of the leave donated to the donation bank. Please consult your personal tax professional on advice in this area.
- Request Applications will be processed and acted upon in chronological receipt by the Human Resources Department as measured from the date the fully-completed Request Application Form and all fully-completed required medical certifications are received.
- Leave requested that is not used will be returned to the donation bank.
- Unused donated hours do not remain in the donation bank indefinitely. All hours donated in a fiscal year (June 1 – May 31) and remaining unused at the end of the fiscal year will expire and be deemed forfeited as of the close of business on the last day of the fiscal year.

**CONFIDENTIALITY:** Information regarding hours donated or received is confidential, as is all medical information. Individual leave records are also confidential.

*Approved date 1/2020*

*Effective date 6/2020*

## **Leaves of Absence**

A leave of absence without pay is discouraged. It is granted only in emergency circumstances at the discretion of the department supervisor and approved in writing by the Director of Human Resources.

Employees must request leave from their supervisor and receive approval before beginning any unpaid leave. The direct supervisor has a right to know the reason for the absence. Any leave of

absence including medical or family leave should be reported on the employee's time sheet. If a leave of absence is granted for a period of 30 days or more, the employee must make arrangements with the Director of Human Resources to maintain medical insurance and other benefits during the leave.

Employees taking leaves of absence to extend a holiday period either before or after the holiday will not be eligible for holiday pay. The entire period of absence is an unpaid leave of absence. Employees also do not receive pay for holidays falling within the leave of absence, nor will vacation or sick leave accumulate during the leave.

If employees wish to take an extended leave without pay (more than one month), no guarantee will be made that their jobs will be available upon their return. Unusual circumstances and extreme emergencies will be given special consideration by the supervisor and the Director of Human Resources.

There is no established sabbatical policy for non-faculty personnel. Exceptions based upon unusual circumstances may be made upon occasion with the approval of the President and the Board of Trustees.