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## Employee Leave and Benefits Policy

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*This policy was approved by the American Academy Board of Directors on May 11, 2021*

### **Purpose**

This policy describes the various types of leave and benefits available to employees of American Academy.

### **Provisions for Duties Performed During Absence**

It is the responsibility of the employee to ensure that a designated substitute or other authorized person is secured and can perform the duties of the employee during the employee's absence, in accordance with school policies. This includes providing to the substitute or other authorized person the tools, documentation, and any training necessary prior to the employee's absence.

### **Paid Time Off**

#### ***Applicable Law***

Effective January 1, 2021, CRS 8-13.3-403 ("403") requires Colorado employers to, among other things, provide one hour of paid leave for every thirty hours worked, up to a maximum of 48 hours (or 6 days) in a fiscal year for these specific reasons: Colorado law provides paid time off for the following:

- The employee has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- The employee needs to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- The employee or family member has been the victim of domestic abuse, sexual assault, or harassment and needs to be absent from work for purposes related to such crime; or
- A public official has ordered the closure of the school or place of care of the employee's child or of the employee's place of business due to a public health emergency, necessitating the employee's absence from work.

American Academy employees have Paid Time Off (PTO) days as set out below. Employees may use PTO for any reason they deem fit, including the specific reasons set out in 403. The total number of PTO days provided under this policy satisfies all leave requirements under 403.

American Academy's Paid Time Off policy is intended to comply with Colorado law. If any provision or related procedure in this policy is deemed in conflict with Colorado law, American Academy will follow Colorado law.

#### ***Salaried Employees***

Full-time salaried employees, who are employed at the start of an academic year, are provided with a total of 8 days of PTO for use in that academic year. Full-time salaried employees who start employment after the start of the academic year are provided with PTO on a prorated basis, based on the estimated percentage of the academic year remaining, as determined by American Academy in its discretion and consistent with 403 and all other state laws.

Part-time salaried employees, who are employed at the start of an academic year, are provided with PTO for use in that academic year. The number of days of leave is calculated by multiplying the full-time percentage by 8 (so, a 75% employee would receive 6 days and a 50% employee would receive 4 days). Part-time salaried employees who start

employment after the start of the academic year are provided with PTO on a prorated basis, based on the estimated percentage of the academic year remaining, as determined by American Academy in its discretion.

### **Hourly Employees**

Hourly employees who regularly work 30 or more hours per week are provided with a total of 6 days of PTO for use in that academic year with the same proration, if necessary, as salaried employees, discussed above.

All other hourly employees are provided a total of 3 days of PTO for use in that academic year with the proration, discussed above. These employees may carry over up to 3 PTO days into the following academic year if they go unused in the previous academic year.

### **Unused PTO**

For certified teaching staff, unused days of PTO will be credited back to the employee at the full American Academy average substitute rate as calculated at the end of the school year. Hourly employees that work less than 30 hours a week may carry over up to 3 days unused PTO into the following academic year. All other employees forfeit unused PTO at the end of the academic year.

### **Request for Paid Time Off**

A request for PTO must be submitted using the designated Time off Request system. Personal time off must be requested one week in advance, except in an emergency, such as illness. Personal time must be approved by the employee's supervisor. American Academy reserves the right to deny a personal time off request for any reason. Personal days may not be used during designated professional development days, cross-campus planning days, designated testing days, or the last two weeks of school.

### **Bereavement Leave**

When a death occurs in an employee's immediate family, all regular full-time employees may take up to three (3) days off with pay. Immediate family includes parents, children, siblings and spouse by blood or marriage. Additional time off may be taken unpaid at the discretion of the employee's supervisor and the Executive Director of Schools (EDS). The pay for time off will be prorated for a part-time employee, if the time off occurs on a scheduled work day.

### **Professional Leave**

Professional Leave may be granted by the supervisor and approved by the EDS if the program or information to be learned is deemed to be beneficial to American Academy. Professional Leave must be approved by the EDS or designee in advance. Professional Leave for the EDS must be approved in advance by the Board of Directors. Professional Leave days will not be deducted from the employee's PTO balance.

Reimbursable expenses incurred during Professional Leave must be pre-authorized by the EDS.

### **Employee Compensation**

Compensatory time may be given to those employees who attend overnight field trips as chaperones at the discretion of the EDS or designee. Compensatory time will be given for unscheduled days worked (i.e. weekends, holidays, teacher comp days).

### **Employments Agreements**

Annual employment agreements generally adhere to the following schedule:

- Teacher Agreements: August 1 – July 31
- Administration and Office Agreements: July 1 – June 30

- Hourly Agreements: August 1 – July 31

## **Group Insurance Plans**

American Academy provides 100% of employee-only coverage for the base health, dental and vision plan offerings for full-time employees. Part-time salaried employees at 0.75 full-time equivalent (FTE) or higher are eligible for employer-paid benefits at a percentage equal to FTE. For example, a 0.75 FTE would be eligible for 75% of employee-only coverage.

Hourly employees that consistently work 30 hours or more a week throughout the contract period are also eligible for employer-paid benefits at a percentage equal to estimated FTE at the time of hire. For example, a 0.75 FTE would be eligible for 75% of employee-only coverage. Hourly employees estimated at less than 1.0 FTE will have premiums for months not worked (summer) deducted during working months. For example, a 0.75 FTE hourly employee beginning employment August 1 would not have an August paycheck sufficient to withhold for August premiums or the subsequent July payroll for July premiums; August and the subsequent July premiums will be divided by 10 months (September – June payroll). In the event that premium deductions are greater than earnings, the EDS (in their sole discretion) may convert the hourly employee to a reconciled salaried position.

For all employees, insurance coverage will begin on the first day of the month following their first day of employment. For example, non-hourly contracts beginning August 1 will provide insurance coverage beginning September 1. For any employees electing optional additional insurance coverage for spouse/child(ren), this coverage will be withheld from employee paycheck in the month of the insurance benefit. For example, withholding in August payroll will provide coverage for the month of August.

## **Family and Medical Leave**

Each employee of American Academy who is employed at the start of an academic year, whether paid on a salaried or hourly basis, whether exempt or non-exempt, and whether full-time or part-time, may take up to a total of 12 weeks of unpaid Family and Medical Leave during that academic year. Employees who start employment during an academic year are provided with unpaid Family and Medical Leave on a prorated basis, based on the estimated percentage of the academic year remaining, as determined by American Academy in its discretion.

Family and Medical Leave may be used for one or more of the following reasons: (1) the birth and care of an employee's child; (2) placement with an employee or the employee's spouse of a child for adoption or foster care; (3) to care for the employee's spouse, child, or parent, if they have a serious health condition; or (4) when the employee is unable to perform the functions of his/her position because of a serious health condition. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or that involves continuing treatment by a health care provider.

Family and Medical Leave may be taken intermittently or on a reduced leave schedule only for an employee's serious health condition or when the employee's leave is for the caring for the employee's spouse, child or parent with a serious health condition, and only when the intermittent or reduced leave schedule is medically necessary. Intermittent means sporadic. For example, you may need to take a Family and Medical Leave four days per month during a six-month period for a prescribed medical treatment. A reduced leave schedule is a part-time schedule. For example, you may need to work four hours a day for a certain period of time so that you can obtain physical therapy.

Please contact Human Resources as soon as possible if you need a Family or Medical Leave. Additional information will be provided when a leave is requested. Unless your need for leave is not foreseeable, you must provide 30 days' advance notice of your request for leave and must obtain advance written approval from the EDS. You may be required to provide documentation to, and have periodic communications with, American Academy substantiating your basis for taking a Family and Medical Leave of Absence.

If you are requesting Family and Medical Leave because of your own serious health condition or that of your spouse, minor child or parent, you may be required to provide a written certification of a health care provider that a serious health

condition exists. Second or third opinions from other health care providers at American Academy's expense may be required. Recertification may also be required from time-to-time. If you are on Family and Medical Leave due to your own serious health condition, you may also be required to provide American Academy with written certification from your health care provider that you are able to return to work. If your leave is due to your own serious health condition, you must notify the EDS in writing, every 30 days during your leave, of your current health status and the date you intend to return to work.

During your Family and Medical Leave, American Academy will continue to pay the employer's share of premiums for your group medical and dental insurance plans. If you would like to continue your group medical and dental insurance plans during your leave, you must pay the employee's share of the premiums during the leave. In some instances, you will be expected to pre-pay such premiums for the anticipated duration of your leave. If the premiums are not pre-paid, you will be billed for such premiums. All amounts which are normally deducted from your paycheck for such benefits will be billed to you during any Family and Medical Leave. The coverage will remain in effect for the duration of your Family and Medical Leave or until such time as you are 30 days' delinquent in payment of your share of the premium cost.

Family and Medical Leave is unpaid unless otherwise specified. Family and Medical Leave time is not accumulated from one academic year to the next. Employees will not be paid for the unused Family and Medical Leave time upon the termination of employment or at the end of an academic year. Family and Medical Leave time will not be considered as hours worked for the calculation of overtime.

If an eligible employee takes PTO for one of the four reasons for which Family and Medical Leave may be taken, such PTO is charged against the employee's Family and Medical Leave allotment. In other words, if a full-time salaried employee who commenced work at American Academy at the start of the academic year used all PTO (8 days) for the care of a spouse's serious health condition, for example, the employee would have ten weeks and two days of unpaid Family and Medical Leave remaining.

If the need arises to lay off employees, AA will treat an employee on a Family and Medical Leave the same as any other employee not on an FMLA leave. Unless an employee's position has been eliminated or changed while they are on FMLA leave, upon their return, they will be restored to their original or equivalent job position with equivalent pay, benefits, and other employment terms.

If an employee takes intermittent leave or leave on a reduced leave schedule, they may be required to transfer to an available alternative position for which they are qualified and which better accommodates recurring periods of leave than does their regular position. In this case, the employee will not accrue additional wage or benefit entitlements during the Family and Medical Leave, but will not lose any benefit that accrued prior to the start of the leave.

Any employee who falsifies the reason for taking a Family and Medical Leave may be disciplined up to and including the termination of employment.

### **Maternity and Paternity Leave**

Full-time salaried employees taking FMLA Leave due to the birth of a child will receive paid leave for the first two weeks of FMLA Leave. All accumulated personal time may be taken after this two week, paid period. Maternity/paternity paid time off must be used immediately in conjunction with FMLA leave and will not be accumulated or paid out at the end of the year.

If an employee takes this leave at the start of a school year, the eligible employee must return to work that school year for the paid leave to be applicable.

### **Jury Duty**

A Jury Duty Leave of Absence may be given for employees who are called to serve on jury duty. The employee will be paid the difference between his/her regular pay and all moneys paid to the employee by the court.

**Military Leave**

A Military Leave of Absence is for required military service. American Academy complies with applicable state and federal law concerning leaves for military service.

**Worker's Compensation**

All employees are automatically covered by Worker's Compensation Insurance at the time they are hired. American Academy pays 100% of the premiums for this coverage. The following benefits are provided to employees who sustain a work-related injury or illness:

- partial wage replacement for periods of disability according to Colorado law;
- medical care including medicine, hospital, doctor, X-rays, crutches, etc.; and
- rehabilitation services, if necessary.

It is important that the employee report any work-related injury or illness to Human Resources as soon as it happens, regardless of how minor it may be. Upon such report, American Academy will refer the employee to its Worker's Compensation physician. If the health of the employee allows for it, the employee with a work injury should wait to visit their personal physician until they have been seen by American Academy's Worker's Compensation physician. An employee's medical bills from a personal physician may not be paid depending on the circumstances.

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**POLICY HISTORY**

- Original:* approved by the BOD on November 7, 2005
- Revision 1:* approved by the BOD on August 1, 2006
- Revision 2:* approved by the BOD on April 23, 2009
- Revision 3:* approved by the BOD on December 17, 2009
- Revision 4:* approved by the BOD on April 15, 2010
- Revision 5:* approved by the BOD on July 15, 2010
- Revision 6:* approved by the BOD on March 20, 2013
- Revision 7:* approved by the BOD on June 19, 2013
- Revision 8:* approved by the BOD on April 5, 2014
- Revision 9:* approved by the BOD on June 16, 2014
- Revision 10:* approved by the BOD on July 2, 2015
- Revision 11:* approved by the BOD on October 20, 2015
- Revision 12:* approved by the BOD on July 11, 2017
- Revision 13:* approved by the BOD on October 16, 2018
- Revision 14:* approved by the BOD on December 8, 2020
- Revision 15:* approved by the BOD on May 11, 2021