

Big Bend Community Based Care Policy & Procedure

Series: 1100: Human Resources

Policy Name: Work Hours, Paid Time Off, Leave and Holidays

Policy Number: 1120

Origination Date: 02/14/2009

Revised: Board Meeting of 12/13/2018

Regulation: CFOP 60-01

Referenced Documents:

1100-1120 x 1, Paid Time Off (PTO) Request Form
1100-1120 x 2, Paid Time Off (PTO) Donation Form

Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to inform all employees of the procedures regarding attendance, work hours, holiday and leave and apply these procedures in a consistent manner.

Procedure

A. Work Hours.

1. The workweek consists of forty (40) hours. For the purposes of calculating overtime (if applicable), the workweek begins on Monday of each week and ends on Sunday.
 - a. Some positions may require work in the evenings or on weekends.
2. BBCBC Executive Management is authorized to implement flexible work hours and work schedules based on the needs of the business.
 - a. Flexible work hours, work schedules and breaks are not rights, but privileges granted to employees when business necessity allows.
 - b. Business necessity will take precedence over any individual situation.
 - c. BBCBC Executive Management may rescind the flexible work hours or work schedule at any time.
 - d. If circumstances allow, employees will be given advance notice if flexible hours or schedules must be rescinded.
3. Failure to report to work and to call in an absence for three (3) consecutive days will be considered a voluntary resignation.
4. Employees are responsible for completing the appropriate BBCBC time sheet depending on exempt vs. non-exempt status, including appropriate leave taken. The timesheets are due based on a predetermined date as established by Human Resources in order to process payroll in a timely manner. Payday is the 15th and the last day of each month. The employee timesheet must be signed by the employee and approved by the employee's supervisor (or designee) in the supervisor's absence. Information from the employee's timesheet is utilized to process payroll. Following completion of payroll, leave balances for each employee are reconciled to leave balances maintained by the Third Party payroll provider.

B. Paid Time Off.

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1. PTO should be used for Vacation, Short-term illnesses or personal concerns which require your attention.
2. Employees begin accruing PTO on a semi-monthly basis upon employment and are eligible to draw from PTO hours beginning immediately.
3. Total possible accrual for full time employees, according to years of service, is as follows:

Employee Tenure	Annual	Per Pay Period Accrual Rate
Year 0 through completion of year 3	20 days	6.67 Hours
Year 4 through completion of year 6	25 days	8.33 Hours
Year 7+	30 days	10 Hours

4. Employees may begin taking PTO upon employment with prior written approval from their supervisor.
5. Employees requesting leave for PTO time, or leave of absence must submit a Leave Request Form to his/her supervisor, or designee for approval. Supervisor should validate available hours with Human Resources.
6. The employee should submit the form and receive approval prior to the taking the leave time, with the exception of an absence due to illness.
7. Employees need to request PTO within the appropriate time frame outlined below in order to be granted the time off, as follows (except for absence due to illness):

Time Off Requested	Notice Required
3 days or more	2 weeks' notice

8. Vacation time can usually be scheduled as requested but at times, it may be denied due to scheduling conflicts.
9. Appropriate notice is needed to make arrangements for someone else to perform the employee's duties.
10. An employee may use PTO for sick leave for an employee's illness, immediate family member's illness or doctor's appointment.
 - a. Immediate family member is defined as spouse, domestic partner, child(ren) of the employee (including biological, step, adoptive and foster care children), or the employee's parent(s). When an employee cannot report to work, the employee is expected to notify the employee's supervisor at the earliest possible time on the day the employee cannot report to work. Employees are expected to contact their supervisor if they will be more than thirty (30) minutes late for the beginning of their scheduled workday.
 - b. Failure to report to work and to notify supervisor of absence for three (3) consecutive days will be considered a voluntary resignation unless the employee is on an approved leave of absence.
11. If the duration of an illness is uncertain, employees are required to communicate with management concerning additional days of sick leave that are required.
12. A maximum of two hundred forty (240) hours of accrued and unused PTO time may be carried forward from one fiscal year to the next. (BBCBC's fiscal year is July 1 to June 30). Annually on June 30, an employee's PTO hours in excess of two hundred forty (240) will transfer the employee's Medical Leave Bank (MLB) account subject to the MLB maximum. If any PTO hours remain after moving hours to MLB, the excess hours will be forfeited.

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13. If an employee runs out of paid time off, the leave will be leave without pay.

- a. PTO will not accrue if the leave without pay exceeds one full pay cycle.
- b. PTO accrual will resume on the first working day following return from leave.

14. Unused PTO, up to a maximum of two hundred forty (240) hours, at the time of termination of employment with BBCBC will be paid out to the employee, at the employee's current salary if they were terminated due to lay off, performance reasons other than misconduct, or if they voluntarily resign with proper notice. This payment will be made no later than thirty (30) days after last day of employment.

C. Medical Leave Bank (MLB). All full time employees and all part time employees eligible for benefits are eligible to participate in BBCBC's MLB program. This program provides time off with pay for an employee or an employee's immediate family member with an injury, illness or medical condition. Any excess PTO identified in *subsection B.12., above*, will be credited to an employee's MLB each year until the total in the account reaches four hundred eighty (480) hours. MLB time may only be used after an absence of three consecutive work days and only for your own or your immediate family member's certified injury, illness or medical condition. In order to be approved for MLB, you must provide medical documentation (e.g., a doctor's note) to BBCBC's Human Resources Department. In addition, as a general rule, MLB time may only be used in eight hour increments. Employees are encouraged to accumulate and maintain a minimum balance of PTO to be used for unplanned absences. MLB cannot be converted to PTO. **MLB will not be paid out upon termination of employment with BBCBC.**

D. Donation of Paid Time Off.

1. BBCBC employees may donate personal time off (PTO) leave toward the PTO leave bank of another employee who requires additional leave and whose PTO leave has expired. To be eligible to receive donated PTO for this program an employee must have:

- a. Successfully completed BBCBC's orientation period.
- b. Be classified as a regular full time or regular part time employee.
- c. Exhausted all accrued PTO leave.
- d. Provide a certification from a health care provider which supports the need for leave for the care or comfort of an employee's spouse, sibling, parent (including someone who acted in loco parentis), or child or due to the employee's own serious health condition and which states the date the serious health condition commenced and its probable duration.

2. The program is reserved for an illness, injury that prevents an employee from reporting to work, or hospitalization of five (5) days or more of the employee or the employee's spouse, sibling, parent (including someone who acted in loco parentis), or child.

3. When the need for the absence meets the Family and Medical Leave Act (FMLA) eligibility criteria as defined in BBCBC's Family and Medical Leave policy, the approved leave will be counted toward the employee's FMLA entitlement.

4. Employees interested in donating hours must complete the PTO leave donation form and submit the form to Human Resources (HR).

- a. When an employee donated PTO leave in this program, BBCBC will post the leave as "Taken" by the employee thus reducing the employee's PTO accrual balance.
- b. The hours being donated will be converted to a dollar amount by multiplying the number of hours of the donating employee's hourly rate. This dollar amount is then divided by the receiving employee's hourly rate to determine the equivalent number of hours being donated.

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- c. Donated hours will be recorded as “regular pay” on the payroll register for the receiving employee.
- 5. BBCBC will monitor the program to insure that an employee receives only enough leave to remain on the payroll until returning to work.
 - a. When the employee returns to work, he/she should not be left with a balance. The balance of any donated hours will be divided among those who donated PTO hours to the employee.
 - b. The amount returned to the donating employee(s) is determined by multiplying the hours by the hourly rate of the employee who received the donation.
 - c. This dollar amount is then divided by the hourly rate of the employee who donated the hours to determine the equivalent number of hours to be added back to the employee’s individual PTO balance.
- 6. Use of this program will be denied to employees if the certification from the health care provider as described above states that the probable duration of the absence is less than five (5) days.
- 7. Donated hours may not be used in conjunction with a workers’ compensation injury or illness.
- 8. When the absence meets the eligibility requirements under the FMLA, the hours will be counted towards the employee’s FMLA entitlement.
- 9. Donations are completely voluntary and no employee may coerce or in any way intimidate another employee to donate leave.

E. Employee Classifications and Leave Determination.

- 1. For the sole purpose of determining the eligibility for certain employee benefits including earned PTO, BBCBC employees are classified as:
 - a. Regular Full-Time employees are those who have successfully completed the orientation period and whose regular schedule is forty (40) hours per week.
 - b. Regular Part-Time employees are those who have successfully completed the orientation period and work less than full-time.
 - i. Regular part-time employees must work a minimum of thirty (30) hours per week in order to be entitled to participate in most BBCBC benefit programs.
 - ii. Holiday and Paid Time Off (“PTO”) benefits will be pro-rated.
 - c. Temporary employee may be hired by BBCBC for specific, limited periods or for the completion of a specific project.
 - i. The job assignment, work schedule, and duration will be determined on an individual basis.
 - ii. A temporary position will not usually exceed six (6) months in duration, unless approved by the CEO.
 - iii. Temporary employees do not (typically) earn PTO/leave benefits.
 - d. Orientation Period Employees are those employees in their first one hundred eighty (180) days of employment.
 - i. During this time, BBCBC will evaluate the staff member’s capabilities, work habits and overall performance.
 - ii. Holiday and PTO benefits will accrue.

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- iii. Any significant absence by a staff member during this period will automatically extend the orientation period by the length of the absence.
- iv. Upon satisfactory completion of the orientation period, employees will be classified as regular employees.

F. Leave for Special Circumstances.

1. Bereavement Leave.

- a. An employee is entitled to two (2) workdays with pay to attend the funeral and take care of personal matters related to the death of a member of your immediate family (defined as, spouse, child (includes biological, step, adoptive, or foster care) parent, step-parent, sister, brother, grandparents, mother-in-law, father-in-law and grandchild).
- b. An extension of bereavement leave may be granted at the discretion of the CEO or designee and will be charged as PTO, or if no PTO is available, leave will be unpaid.
- c. Pay for bereavement leave will be made for actual time missed from work.

2. Jury or Court Duty. Employees should notify their supervisor as soon as they are summoned to serve on jury duty or subpoenaed as a witness in a case unrelated to their employment with BBCBC.

3. Military Leave.

- a. A military leave of absence will be granted to employees in uniformed services, which includes the Armed Forces and National Guard, for the performance of duty on a voluntary or involuntary basis in a uniformed service.
 - i. This includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and any period for which the employee is absent for the purpose of an examination to determine the fitness of the employee to perform any such duty.
 - ii. Military leave and reinstatement will be granted in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 as amended in July 2008.
- b. An employee taking military leave must submit a request for leave as soon as the employee receives notice that such leave will be necessary, unless the employee is precluded from giving notice by military necessity or under all of the relevant circumstances, the giving of such notice is otherwise unreasonable or impossible.
 - i. All requests should be submitted in writing and duly certified by attached copies of the orders.
- c. Military leave is considered leave without pay. However, an employee may use PTO pay if they choose when taking military leave.
 - i. BBCBC will pay the difference between an employee's regular salary and the amount received for military reserve duty for up to fifteen (15) days per year.

4. Extended Leave.

- a. Any employee who is ineligible for or has exhausted his/her family and medical leave and/or PTO leave and is unable to return to work with or without a reasonable accommodation will be considered to be on unpaid extended leave. The leave of absence shall last for a maximum of six (6) months from the beginning date of leave (regardless of what category the leave was classified under when first taken.) If at any time the employee is able to return to work with or without a reasonable accommodation, the

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employee should notify BBCBC. While on extended leave, BBCBC may require the employee to report periodically on his/her status and the intention of the employee to return to work, and may also require periodic re-certification of the medical condition.

- b. Extended leave will be without pay except that BBCBC may require an employee to substitute accrued and unused paid time off leave. However, the employee will not accrue paid time off leave of any kind after his/her leave (regardless of the category the leave was classified under when first taken) exceeds one (1) complete pay cycle.
 - c. Because BBCBC's operations require that vacant positions be filled, an extended leave of absence under this section (which does not qualify as a FMLA leave) does not guarantee that the job will be available when the employee returns. An effort, however, will be made to place the employee in his/her previous position or a comparable job, which the employee is qualified to perform. If no such position is available, he/she may be eligible for rehire as a new employee if he/she applies for an available position for which he/she is qualified and if his/her prior work history warrants rehire.
 - d. BBCBC may offer unpaid leave of absence upon written request to the CEO. The CEO may approve up to six (6) months of unpaid leave.
 - e. All PTO accumulated, must be used prior to receiving a leave of absence. While on an unpaid leave of absence, no benefits accrue.
5. If an employee wishes to take a leave of absence without pay, the employee must submit a request in writing to the supervisor using the "Leave Request" form.
6. All leave for special circumstances is subject to the approval of the employee's supervisor and Human Resources.

G. Paid Holidays.

1. In addition to the employee's available PTO, BBCBC offers eligible employees ten (10) paid holidays per year. These holidays are as follows:
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| New Year's Day | Labor Day |
| Martin Luther King | Veteran's Day |
| Good Friday | Day Thanksgiving |
| Memorial Day | Day After Thanksgiving |
| Independence Day | Christmas Day |
2. If the above holidays fall on Sunday, Monday will be observed, if holiday falls on Saturday, Friday will be observed.
- a. With proper notice and approval of your supervisor, an additional day of religious or cultural significance may be taken as a personal holiday in which PTO will be charged or you will receive leave without pay if PTO is not available.