

VACATION LEAVE

Vacation Leave Accrual: Full-time, regular, exempt (salaried), and non-exempt (hourly) employees and full-time, regular teaching faculty members appointed for 12 months of duty per fiscal year earn paid vacation according to the number of years of completed service determined by their hire date at the rates indicated below:

Yrs. Svc.	Hours/Days
0 - 4	100 hrs./12.5 days
5 - 9	120 hrs./15 days
10 - 14	140-hrs./17.5 days
15 - 19	160 hrs./20 days
20 - 24	180 hrs ./22.5 days
25 - 29	200 hrs./ 25 days
30+	220 hrs./27.5 days

Part-time, regular, exempt (salaried), and non-exempt (hourly) employees scheduled to work at least 20 hours per week for 12 months per year and will earn vacation based on the ratio of their weekly work schedule to a 40-hour per week, full-time work schedule.

Employees on Family and Medical Leave (FMLA), short term disability or workers compensation may not accrue vacation time.

Requesting Vacation Leave: All requests for leave must be approved by the employee’s immediate supervisor.

Borrowing Vacation Leave: An employee may borrow from unearned vacation in the current fiscal year up to a maximum of six days, with the approval of the immediate supervisor.

Holiday Pay While on Vacation Leave: When a holiday to which the employee is entitled occurs

during an approved vacation, the holiday will not be considered a day of vacation.

Pay for Vacation Leave Accruals at the End of Employment: Employees leaving the employment of the institution will be paid for all accrued, unused vacation leave.

Vacation for Employees Working Terms: Continuing employees may carry forward unused vacation time earned in a fiscal year to the following fiscal year. However, the maximum amount of unused vacation time that is permitted to carry forward is one and one-half (1.5) times the employee’s annual rate of vacation-time earnings.

HOLIDAYS

Holidays: The following holidays are observed by Berry College:

HOLIDAY	NO. OF DAYS TAKEN
Thanksgiving	3
Christmas Day	2
New Year’s Day	2
Martin Luther King Jr. Day	1
Good Friday	1
Memorial Day	1
Independence Day	1
Labor Day	1

Full-time, regular staff employees and part time employees working at least 20 hours per week receive the above listed holidays. Employees of Berry College who do not receive benefits are not entitled to receive pay for the referenced holidays.

Part-time, regular employees scheduled to work at least 1,040 hours per year receive holiday pay based on the ratio of their work schedule to a full-time work schedule.

Holiday Pay: Full-time and eligible part-time, regular, non-exempt (hourly) employees will be paid at rates equal

to two (2) times their regular straight time hourly rates for the first eight (8) hours they may be required to work on any actual holiday designated under the above policy or on Easter Sunday. An exempt (salaried) employee who is required to work on a holiday to which he or she is entitled may take off another regular workday in lieu of the holiday. The other regular workday to be taken off, however, must be arranged in advance with the immediate supervisor to whom the employee is responsible.

Employees out on extended leave for FMLA, short term disability or workers compensation do not receive holiday pay.

Leave Request not Required for Holiday Pay: To be paid for holiday leave or for working a holiday, employees should indicate holidays taken or worked on their time cards submitted to payroll for non-exempt (hourly) employees and/or leave-and-absence record cards for exempt (salaried) employees.

INCLEMENT WEATHER PROCEDURES

If classes are cancelled, the college is officially closed and, unless otherwise notified, faculty and non-emergency personnel should **not** report to work.

Emergency Personnel: Due to the nature of their jobs, some staff members are designated as “emergency personnel” during times of inclement weather and/or other emergencies. Such designations are determined by the vice presidents responsible for each work force, and the names of such staff members will be listed with Campus Safety. In some cases, certain staff members will be listed as “emergency personnel” for periods only when classes are in session.

Pay for College Closings: If the college is officially closed, non-emergency personnel will be paid their regular rate of pay for time spent not at work or “college-closing pay”.

Inclement Weather Pay for Emergency Personnel: Emergency personnel required to report to work will be compensated above their normal wages. Full-time and eligible part-time, regular, non-exempt (hourly) employees will be paid at rates equal to two (2) times their regular hourly rates for the first 40 hours during closings and will receive two and one-half (2.5) times their regular pay for hours worked beyond 40 hours weekly. Exempt (salaried) emergency personnel will receive time off equivalent to the time they work during a college closing. The regular workday to be taken off, however, must be arranged in advance with the immediate supervisor to whom the employee is responsible.

Temporary Closings: Employees should be aware that some closings could be temporary and that work could resume within a few hours; therefore, consulting weather announcements is recommended during inclement weather conditions. Lack of information about late openings and/or college closings will not entitle the employee to be paid college-closing pay; therefore, employees are responsible for staying informed regarding late openings or changes in college closings. Some of the methods of communication the college uses during closings are listed below:

- campus wide voice-mail message- (706)238 -7800; enter extension and password;
- campus-wide e-mail message;
- a brief message posted on the college’s website;
- local radio stations (97.7 FM, 107.1 FM, 710 AM, 1410 AM, and 1470 AM); and
- Berry’s public-announcement telephone line (706) 238-7830.

Classes: If the college is closed, classes are not held. For temporary closings, only the affected classes are not held.

LEAVE OF ABSENCE

Requests for all types of leave from work must be made in writing and approved by the immediate supervisor and/or the department head or administrative official. Requests

should be made as soon as possible to the employee's supervisor (email is acceptable) before taking leave. In emergency situations, verbal notice given by the employee, a family member or a supervising physician may be accepted prior to completion of the written leave request.

If the request for leave is medical in nature, Human Resources will forward a response to the supervisor and the employee, requesting medical certification within three working days of receipt.

Record Keeping for Leaves of Absence: Heads of departments are responsible for maintaining, or causing to be maintained, a record of leave time accrued and used for each exempt (salaried) employee who earns vacation. Distributed by payroll, individual leave-and-absence record cards are designed to:

- Reflect paid vacation earned and used by employees, and to reflect the cumulative unused balance of vacation available;
- Serve as a record of other absences from work.

The leave-and-absence record card of each exempt (salaried) employee will be initialed at the end of each month by the employee and the employee's department head to indicate agreement. Immediately after July 1, following the close of the fiscal year, the cards of exempt (salaried) employees will be sent through administrative officials to the payroll office for audit against payroll records and for permanent filing.

Upon separation from employment at Berry, the exempt (salaried) employee's leave-and-absence record card will be forwarded to the payroll office (with the termination notice) for auditing and permanent filing.

Similar leave-time records are maintained in the payroll office for each non-exempt (hourly) employee who earns vacation and sick leave.

SICK LEAVE

Paid sick leave is provided for all full and part-time, regular employees by the college in the case of absence from work which is required for personal illness, medical condition or injury, including related medical or dental examinations and/or treatments (e.g., pregnancy, childbirth, heart surgery, appendicitis, pneumonia, or as outlined in the FMLA section of this policy under "serious health condition"); or to care for the illness, medical condition or injury of an immediate family member.

Evidence of illness, in the form of a physician's statement or other supporting documentation may be requested by the immediate supervisor at any time. If supporting documentation is not promptly received, sick pay benefits may not be paid. Any employee who is absent more than three (3) consecutive days must contact Human Resources for FMLA. Employees on Family and Medical Leave (FMLA), short term disability or workers compensation may not accrue sick time. Any questions may be directed to the Human Resources department.

Sick Leave Accruals for Full-time Non-exempt (Hourly) Employees: Full-time, regular, non-exempt (hourly) employees earn sick leave during any fiscal year at the rate of one day (eight hours) of sick leave for each complete month they work during that fiscal year, and may accumulate up to 45 days of unused sick leave.

Sick Leave Accruals for Part-time, Regular, Non-exempt (Hourly) Employees: Part-time, regular, non-exempt (hourly) employees earn sick leave based on the ratio of their work schedule to a full-time work schedule. Information about sick leave accruals may be found in the payroll office.

Sick Leave Accruals for Exempt (Salaried) Employees: Full-time, regular, exempt (salaried) employees do not accrue sick leave; however, they may take paid leave as required due to the reasons listed previously in this section up to (60) days per fiscal year.

Temporary Employees and Sick Leave: Temporary employees are not entitled to sick leave.

Request for Sick Leave: Requests for all types of leave from work in excess of eight (8) hours for non-exempt

(hourly) and three (3) working days for exempt (salaried) employees must be made in writing (email is acceptable) to the employee's immediate supervisor. Requests should be submitted as soon as possible before taking leave. In the event of an emergency situation, a verbal notice given by the employee, a family member or a supervising physician may be accepted prior to completion of the written leave request.

Sick Leave Accruals at the End of Employment:

Employees will not be paid for any accumulated unused sick leave upon termination.

Bereavement Leave

In the event of a death related occurrence employees may take up to five (5) paid days away from work to make arrangements, attend funeral and/or other related responsibilities for the death of a spouse, child(ren), parent, brother, sister, grandparent, mother in law, father in law or for a person for which the employee serves as a legal guardian. Bereavement leave days will not required to be used consecutively. In the event more time is needed, sick or vacation time may be used with the approval of the employee's immediate supervisor.

DISABILITY INCOME PROTECTION

- **Short-term Disability Insurance** is provided for all full and part-time, regular staff employees and faculty by the college after a faculty or staff member has been employed at Berry for 90 days. If approved by the college's short term disability carrier, the benefit amount is 100% of salary for a maximum of 180 days of disability as needed.
- **Long-term Disability Insurance** is provided for all full and part-time, regular employees. After 180 days of short term disability have been exhausted, employment status may be reviewed. Long term disability will be applied at 66 2/3% of

salary to commence after the 180 day elimination period if long term disability is approved. If approved, the benefit will begin on the first day of the seventh month of disability (or conclusion of the short term disability benefit).

Eligibility: All regular employees are eligible to apply for compensation protection through the disability programs for certified medical leave in the event of personal, non-work related injury or illness.

Temporary staff members are not eligible for disability income protection.

Use of Short-term Disability: Examples of what short-term disability can be applied for include:

1. Personal illness or injury not covered under Worker's Compensation;
2. Recuperation from surgery; and
3. Recuperation from birth of a child (pregnancy).

Requesting Disability Income Protection: As soon as possible before taking leave due to a medically certified disability, an employee must complete Berry's official *Leave Request Form* (available in Human Resources) and provide it to the employee's immediate supervisor. The supervisor must obtain appropriate approvals and forward the original to the human resources manager for processing. In emergency situations, verbal notice given by the employee, a family member or a supervising physician may be accepted prior to completion of the written leave request.

Certification: To qualify for short or long-term disability income protection, employees must provide medical certification. The application is available by contacting the human resources manager.

FAMILY AND MEDICAL LEAVE ACT "FMLA"

The Family and Medical Leave Act (FMLA) of 1993, provides that eligible employees may take up to 12 work

weeks of **unpaid** leave within a prescribed 12-month period for the family and medical events listed below.

Leave is considered FMLA leave for the following reasons:

- The birth of a son or daughter, and to care for the newborn child;
- The placement (with the employee) of a child for adoption or foster care;
- Care for an immediate family member (spouse, child, or parent - but not a parent "in-law") with a serious health condition; or
- The employee's serious health condition, which makes the employee unable to perform the functions of the employee's job.

Pay While on FMLA Leave: Although the federal law dictates FMLA as unpaid leave, the following strategies may be administered to help an employee maintain compensation while on FMLA leave.

- **The Employee's Serious Health Condition:** If the FMLA leave is requested for *an employee's serious medical condition* (work related or not), the employee should submit the appropriate paperwork and medical certification to obtain FMLA leave.
 - If the employee's serious medical condition is work-related, see "worker's compensation".
 - If the employee's serious medical condition is non-work related, short-term disability pay for the period of leave-time required determined by the physician, will be paid (not to exceed six months when long-term disability begins to pay if approved necessary).

- **A Family Member's Serious Health Condition:** If the need for leave is related to one of the reasons listed under "Serious Health Condition Definition" below, other than the employee's serious medical condition, once approval to take FMLA leave is given:
 - Each exempt (salaried) staff employee and faculty, upon receipt of the required documentation, will be paid by Berry;
 - Non-exempt (hourly) employees, upon receipt of the required documentation, may take accrued unused sick and vacation leave as needed.

Serious Health Condition Definition: A "Serious Health Condition" means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care - Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment - (a) A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

- (a) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
- (b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the

supervision of the health care provider.

3. Pregnancy - Any period of incapacity due to pregnancy, or for prenatal care.

4. Chronic Conditions Requiring Treatments - A chronic condition which:

- (a) requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- (c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Medical Supervision - A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions) - Any period of absence to receive multiple treatments (including any period of recovery there from) by a health

care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

Employee Eligibility: To be considered eligible for FMLA leave, the employee must have:

- Been employed by the College for at least twelve (12) months;
- Worked at least 1,250 hours during the previous twelve (12) months; and
- Worked at a location with 50 or more employees within 75 miles.

Requesting FMLA Leave: All requests for FMLA leave must be made in writing and approved by the employee's immediate supervisor. The request must be made on Berry's official *Leave Request Form* (available in Human Resources). A copy of the form should be kept for the employee while the supervisor forwards the original form to the human resources manager. Human Resources will respond to the supervisor and the employee within three working days of receipt of the request. The human resources manager will process the request... In emergency situations, verbal notice given by the employee, a family member or a supervising physician may be accepted prior to completion of the written leave request.

Notice and Medical Certification: When seeking FMLA leave, Berry requires employees to provide:

1. When the need is foreseeable, 30 days advance written notice of the need for FMLA leave, or, if not, to give notice as soon as practical; and
2. Medical certification from a health-care provider that supports the need for leave based upon the employee's, or the immediate family member's, serious health condition at least 15 days prior to the

beginning of the FMLA leave. If an employee fails to provide certification, Berry may delay the start of the employee's FMLA leave or may withdraw the designation of the leave as FMLA-qualifying. Berry may also require second and third opinions at Berry's expense, and/or periodic re-certifications for the serious health condition at the employee's expense.

Duration of FMLA Leave: Twelve (12) work weeks of FMLA leave may be taken in any "rolling" 12-month period measured backward from the use of any FMLA leave by each employee. FMLA leave for the birth, care for a newborn, or placement of a child, must be taken within one year of the event

An employee may take FMLA leave for the employee's, or an immediate family member's, serious health condition intermittently (in blocks of time), or, by reducing the employee's weekly, or daily, work-schedule when such leave is medically necessary. Employees who need intermittent or reduced work-schedule leave must try to schedule their leave so as not to disrupt the college's operations. The college may require employees taking such leave to temporarily transfer to another job in which intermittent leave taken would be less disruptive to operations.

Health Care Benefits While on FMLA: Employees on FMLA leave may continue to receive health-care benefits at the same level and under the same conditions as applied prior to the leave. The college will continue to pay its share of the employee's benefits. Employees must submit payments to the college for their portion of the health coverage on a timely basis (generally within 30 days). Under certain circumstances, if the employee fails to return from leave, the college may recover premiums paid during the leave period. If an employee does not receive a salary and they have a dependent(s), the employee will be responsible for paying for all premiums for coverage for the dependent(s) during the FMLA period.

On-the-Job Injuries/Worker's Compensation and FMLA: Berry's worker's compensation program pays for medical claims and leave-of-absences from work stemming from injuries incurred while on-the-job. Employees requiring leave-time in reaction to a worker's compensation issue are also covered by FMLA and, therefore, are required to complete *Berry's Leave Request Form* for such leave-time requirements as well.

Return to Job or Substantially Equivalent Position: Employees who return to work from FMLA leave within or on the business day following the expiration of the twelve (12) work weeks of FMLA leave will be returned to their former position or to a substantially equivalent position.

In the situation where a faculty member's FMLA term expires during the semester, it may not be practical for the employee to resume regular teaching duties. In this event, the faculty member is expected to return to work and carry out administrative functions as defined by the provost, dean, department chair or a combination of any of the above.

Record of Service While on FMLA: An employee's record of continuous service is not broken while on FMLA leave, provided the employee returns to work on the day after the FMLA leave is exhausted. An employee must remain on the job at least 30 days in order to be considered as having "returned" to work.

Returning to Work from FMLA Leave and Fitness for Duty: An employee returning to work from FMLA due to a personal medical condition must provide medical certification to the human resources manager indicating that he/she is **fit to return to work**. Supervisors should ensure employees have approval to return to work by contacting the human resources manager if notification of the employee's fitness for duty is not received from Human Resources prior to the return. Employees who do not provide notification of fitness for duty will not be allowed to return to work.

Failure to Return to Work from FMLA Leave: Any employee may be subject to termination of employment if he/she:

- Is fit to return to work and fails to do so as scheduled without submitting medical certification to his/her supervisor and the human resources manager in Human Resources indicating a need to extend his/her leave; and/or
- Exceeds the 12-week FMLA entitlement.

Limited Nature of Policy: This policy is intended to provide only those leave benefits and protections required by the FMLA.

Additional Information: A more detailed explanation of the FMLA of 1993 is available upon request in Human Resources.