



Propel Schools FMLA & Military Leave Policy

All employees who have been employed for at least 12 months by Propel and have worked at least 1,250 hours for Propel over the 12-month period prior to the date the leave is scheduled to begin are eligible for Family and Medical Leave Act (“FMLA”) leave.

The following definitions apply to this Policy:

A serious health condition (non-military) means an illness, injury, impairment or physical or mental condition that involves

1. Inpatient care in a hospital, hospice or residential medical care facility; OR
2. Continuing treatment by a health care provider.

A serious health condition (military) means an injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of the servicemember’s office, grade, rank, or rating.

A son or daughter or child is a biological, adopted, or foster child, a stepchild, or a legal ward, or a child of a person standing in *loco parentis*, who is under 18 or is over 18 but is incapable of self-care because of a physical or mental disability.

A spouse means a husband or wife as recognized under state law, including a common law husband or wife.

Pursuant to the Family and Medical Leave Act of 1993, as amended by the National Defense Authorization Act for Fiscal Year 2008, all eligible employees will be entitled to twelve (12) work weeks of unpaid leave of absence during a 12-month period (as defined below) for one or more of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;

3. In order to care for the spouse, or a son, daughter or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition (as defined below);
4. Because of a serious health condition (as defined below) that makes the employee unable to perform the functions of his/her position; or
5. Because of any qualifying exigency arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

A total of 26 workweeks of leave during a single 12-month period is available to an eligible employee (spouse, son, daughter, parent or next of kin of a service member) to care for a covered service member who

1. is undergoing medical treatment;
2. is undergoing recuperation or therapy;
3. is otherwise in outpatient status; or
4. is otherwise on the temporary disability retired list

for a serious injury or illness related to active duty.

The entitlement to leave for the birth or placement of a child expires at the end of the 12-month period beginning at the date of birth or placement of the child.

An employee who, in a single 12-month period, qualifies to take leave for the birth or placement of a child AND qualifies to take leave for care of a covered servicemember is entitled to a combined total of 26 workweeks of leave in that single 12-month period.

If a husband and wife are employed by Propel and are entitled to take leave for

- (a) birth of a child;
- (b) placement of a child; or
- (c) care for a sick parent,

then the aggregate (combined) number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period.

If a husband and wife are employed by Propel and are entitled to servicemember family leave (or a combination of servicemember family leave and leave due to the birth or placement of a child or leave to care for a sick parent) then the aggregate (combined) number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during the single 12-month period. Additionally, if the leave request is a combination of servicemember family leave and leave due to the birth or placement of a child or leave to care for a sick parent, then the portion of leave to which both may be entitled related to the birth or placement of a child or leave to care for a sick parent may be limited to an aggregate (combined) total of 12 workweeks during any 12-month period.

In general

- A. An employee must complete a Request for Leave or Approved Absence Form and provide specific and sufficient information about the reasons for any absence that may qualify as FMLA leave.
- B. An employee must provide at least 30 days' notice before the date the leave is to begin. If due to the circumstances of the situation the employee is unable to provide 30 days' notice, then the employee must provide as much notice as is practicable given the circumstances. "Practicable" ordinarily means at least within one (1) or two (2) business days of when the employee learns of the need for the leave.
- C. An employee may be required to provide information from his or her health care provider to allow Propel to determine if the requested leave qualifies as FMLA leave. If the employee fails to provide such information, the leave may be denied.
- D. If the leave was foreseeable and the employee fails to give timely advance notice, Propel may delay the designation of leave as FMLA leave until 30 days after the date the employee gives notice. Leave taken during that 30 day waiting period may be designated by Propel as non-FMLA leave.
- E. The 12-month period listed to calculate leave entitlement is calculated on a rolling basis by counting backwards from the date an employee requests a leave.
- F. FMLA leave begins on the first day off (if there has been a qualifying FMLA event). An employee's time off of work, however, will not be measured for purposes of pro rating benefits, such as payment of health insurance premiums, seniority, or earned time off, until the employee has been off of work for three (3) or more weeks. After the employee has been off work for three (3) weeks, Propel will send the employee a formal Change of Status Form regarding the employee's leave and regarding the treatment of the employee's benefits during his/her FMLA leave. Although change of status occurs three weeks after the first day off, FMLA leave will be counted and measured from the first day off for a qualifying FMLA event.
- G. All days in which the employee would be regularly scheduled to work will count towards the FMLA leave. Any day in which the school closes due to snow or other emergency will continue to count towards the employee's FMLA leave unless the employee is on intermittent leave or on a reduced schedule.
- H. If an employee requires leave due to active duty (or due to notification of impending call or order to active duty in support of a contingency operation) of a family member, the employee shall provide reasonable and practicable notice to Propel.
- I. If FMLA leave is requested, Propel will provide the employee a Notice of Eligibility and Rights & Responsibilities Form.

When planning medical treatments, an employee must consult with the Human Resources Department of Propel and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of Propel.

The employee also shall provide Propel with not less than 30 days' notice before the date the leave is to begin. If planned medical treatment must begin in less than 30 days, then the employee shall provide such notice as is practicable.

Propel requires initial certification by the health care provider before granting FMLA leave. A sample Certification of Health Care Provider for Employee's Serious Health Condition and a

sample Certification of Health Care Provider for Family Member's Serious Health Condition are included at the end of this policy.

Propel requires that a request for leave related to active or call to active duty be supported by a certification from the employee. A sample Certification of Qualifying Exigency for Military Family Leave is included at the end of this policy.

Propel requires that a request for leave related to the serious injury or illness of a covered service member be supported by a certification from the employee and from the United States Department of Defense. A sample Certification for Serious Injury or Illness of Covered Servicemember -- for Military Family Leave is included at the end of this policy.

Propel, after receiving permission from the employee, may have its health care provider contact the employee's health care provider for clarification or authentication of any medical certification submitted by the employee.

Propel, at its expense, may require the opinion of a second health care provider selected by Propel to determine the validity of any initial health care provider certification provided by an employee. If the second opinion differs from the original certification, Propel may require a third opinion, again at its expense, from a health care provider who is approved jointly by Propel and by the employee. If a third certification is obtained, it will be deemed final and binding on Propel and on the employee.

Propel may also require (on a reasonable basis) recertifications of the need for leave.

Failure by the employee to submit the proper certification within fifteen (15) calendar days after the request is made by Propel may delay or revoke an employee's entitlement to continued leave.

Intermittent or reduced leave is not available for the birth of a child, to care for a child after birth or due to the placement of a child with the employee for adoption or foster care, unless the employee is given express written permission by Propel.

Leave may be taken intermittently or on a reduced leave schedule (a decrease in the number of hours per work week or hours per workday of an employee) only when medically necessary, in relation to a serious health condition of the employee or the employee's spouse, child or parent. Intermittent/reduced schedule leave is also available when medically necessary to care for a covered servicemember who has a serious injury or illness. If appropriate, intermittent leave/reduced schedule leave may be approved in situations involving active duty or call to active duty.

When intermittent or reduced leave is granted based upon foreseeable planned medical treatment Propel has the right to transfer the employee temporarily to an available alternative position with equivalent pay and benefits that better accommodates recurring periods of leave than the regular position of the employee. In the alternative, Propel may alter the employee's job during the period that the intermittent or reduced schedule leave is needed.

For employees principally employed in an instructional capacity, if the need for leave is foreseeable based upon planned medical treatment (of a serious health condition of the employee, his/her spouse, child or parent; of a covered servicemember; or, if appropriate, related to active duty or call to active duty) and the employee would be on leave for more than 20 percent of the total number of working days in the period during which the leave would extend, then Propel may require that the employee elect either to

- a. take leave for periods of a particular duration (but no longer than the duration of the planned medical treatment); OR
- b. transfer temporarily to an available alternative position offered by Propel for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment of the employee.

Intermittent or reduced schedule leave must be taken in increments of at least four (4) hours.

When the employee is ready to return to full-time employment, the employee will be returned to the same job he/she left or to an equivalent job.

Propel may request that the employee on leave report on a periodic basis on the status and intention of the employee to return to work.

Employees may elect to use earned sick time, PTO, or Vacation time during any part of their leave.

Employees who are employed principally in an instructional capacity and begin leave more than five (5) weeks before the end of the academic term may be required to take leave until the end of the academic term if the leave is at least three (3) weeks and the employee's return to employment would occur during the last three (3) weeks before the end of the academic term.

Employees who are employed principally in an instructional capacity, take leave due to the birth or placement of a child, to care for a spouse, child or parent or based on servicemember family status and begin leave during the five (5) week period before the end of the academic term may be required to take leave until the end of the academic term if the leave is more than two (2) weeks and the employee's return to employment would occur during the last two (2) weeks before the end of the academic term.

Employees who are employed principally in an instructional capacity, take leave due to the birth or placement of a child, to care for a spouse, child or parent or based on servicemember family status and begin leave during the three (3) week period before the end of the academic term may be required to take leave until the end of the academic term if the leave is more than five (5) working days.

Employees do not accrue any additional benefits, seniority, or earned time off during periods of unpaid FMLA leave. With respect to pension and/or other retirement plans, any period of FMLA leave shall not be treated as or counted toward a break in service for purposes of vesting and eligibility to participate.

During FMLA leave, Propel will maintain an employee's group health plan coverage on the same terms and conditions as if the employee continued to work. This means that Propel will continue to pay its normal portion of premiums for the employee on FMLA leave at the same level and the same conditions as if the employee were actively employed during leave. Likewise, any share of the group health plan premiums that had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave. During substituted paid leave, the employee's premiums will be paid in the usual way, by a payroll deduction. During unpaid FMLA leave, the employee will be required to make payments of his/her share of the premium to Propel on the first day of each month. If any co-payment is more than thirty (30) days past due, the employee's health care coverage will be terminated for the duration of the leave period, after fifteen (15) days notice to the employee of default.

During periods of unpaid FMLA leave any other voluntary insurance or other programs (for example, voluntary disability or life insurance) that had been paid by authorized deductions from the employee's paycheck must be paid by the employee directly to the insurer. Failure to submit the required payments may jeopardize this coverage.

Upon timely return from FMLA leave, the employee will be returned to his/her prior position or an equivalent position with equivalent benefits, pay and other terms and conditions of employment subject to the conditions below:

- a. Before returning to work the employee who has taken leave for his/her own serious health condition is required to submit a certification from his/her health care provider certifying that the employee is able to resume his/her position and that the serious health condition that was the reason for the FMLA leave does not prevent the employee from performing the essential functions of the position. Propel, with the employee's permission, may have its health care provider contact the employee's health care provider for clarification or authentication of the medical certification submitted to establish the employee's fitness to return to work.
- b. Propel is not obligated to reinstate an employee to his/her position or an equivalent position, if the employee's position is eliminated during his/her leave of absence.
- c. Restoration to an equivalent employment position will be made on the basis of established Propel policies and practices.

An employee may be denied restoration to his/her job or a similar job if

1. The employee is a "key" employee, defined as a salaried employee who is among the highest paid 10% of the employees employed by Propel;
2. The denial is necessary to prevent substantial and grievous economic injury to the operations of Propel;
3. Propel, at the time that it determines that restoration would result in substantial and grievous economic injury, notifies the key employee of its intent to deny the key employee restoration to his/her position; AND

4. If the key employee has already begun leave, the employee elects not to return to employment after receiving Propel's notice.

FMLA leave is for a maximum of 12 or 26 weeks as outlined above. If an employee on FMLA leave for his/her serious health condition is unable to return after having exhausted his/her 12 week FMLA, Propel may grant an extension under the following conditions:

1. The leave will be medical leave, not FMLA leave.
2. Leave may be extended only by the approval of the Human Resources Department.
3. No more than three (3) additional twelve (12) week periods of leave will be granted.
4. Employees seeking a leave extension must follow the procedures for requesting leave outlined above.
5. Employees will also be required to obtain certification for any extension requested. A sample certification is included at the end of this policy.

The first extension of up to twelve (12) weeks will be non-FMLA leave and will be without pay and without any rights to reemployment. However, Propel will continue the employee on the group medical plan through these twelve (12) weeks. Propel will continue to pay its normal portion of premiums for the employee during this period. The employee is required to make payments of his/her share of the premium to Propel on the first day of each month. If any payment is more than thirty (3) days past due, the employee's health care coverage will be terminated for the duration of the leave period, after fifteen (15) days notice to the employee of default.

Any extension granted beyond the first extension of up to twelve (12) weeks will be non-FMLA leave and will be without pay, without benefits, and without any rights to reemployment. After the final approved extension has expired, if the employee is unable to return to work, his/her employment will be terminated, although the employee will first be given the opportunity to resign.

Except as provided above, all approved non-FMLA extensions of leaves are without accrual of group health insurance benefits. All employees will be notified in writing prior to the termination of the group health insurance plan. At that time, the employee will have the option to continue the plan, at the group rate, at his or her own expense.

If an employee fails to return after the expiration of FMLA leave, Propel has no obligation to continue paying health benefits premiums on behalf of the employee and has no obligation to restore the employee to his/her job or an equivalent position. Such failure to return to work shall be considered as a voluntary resignation, unless the employee requests and receives an extension as outlined above.

Propel may recover the health insurance premiums that it paid on behalf of the employee during the leave if the employee fails to return after FMLA leave, unless the employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member, which would otherwise have qualified for FMLA leave, or where the employee is unable to return to work for other limited reasons beyond his/her control. Propel will require any employee who claims the continuation, recurrence or onset of a

serious health condition to provide certification of by a health care provider within thirty (30) days of request by Propel.

The employee is solely responsible to ensure that all leave requests, certifications, recertifications and other required forms are submitted to the Human Resources Department in a timely manner. Failure to do so may result in disciplinary action, up to and including discharge.

E.2. Other Medical Leave

Employees who do not qualify for FMLA leave because they have less than one year of employment with Propel are entitled to six (6) weeks of unpaid sick leave. Employees requesting such leave must submit certification containing the same information as the CERTIFICATION OF HEALTHCARE PROVIDER FOR EMPLOYEE'S SERIOUS HEALTH CONDITION – EXTENSION OF LEAVE (AFTER EXPIRATION OF FMLA LEAVE).

If the employee does not return after six (6) weeks, benefits cease. Propel, at its discretion, may terminate the employee's employment if he/she is unable to return at the conclusion of medical leave.

F. Military Service

Annual training. Employees who are members of the military reserves or the National Guard and are called to two weeks of annual training during the school year will be paid the difference (if any) between their military pay and their regular pay, if their military pay is less. All benefits will continue during the annual training period.

The Uniformed Services Employment and Reemployment Rights Act (USERRA). National Guard members and reservists who are called into active or inactive duty while holding an employment position in Propel are entitled to employment protection and job reinstatement. Commissioned Corps of the Public Health Service and any other category of persons designated by the President in time of war or national emergency are also entitled to employment protection and job reinstatement.

Eligible for employees must meet the following five year eligibility requirements:

- the employee must have held a civilian job prior to service in the uniformed services
- the period of uniformed service must not exceed a cumulative total of five years during employment (unless special circumstances apply)
- the employee must not be released from uniformed service under dishonorable or other punitive conditions.

Employees are required to provide advanced notice of military service to the Human Resources Department unless military necessity prevents such notice or makes such notice is otherwise impossible or unreasonable. Written notice is preferred, but not required. Where possible, please submit a copy of your military orders, training notice or order to active duty.

“Military service” is defined as

- Active duty
- Active duty for training
- Initial active duty for training
- Inactive duty training
- Full-time National Guard duty
- Funeral honors duty performed by National Guard or Reserve members
- Submitting to an examination to determine fitness for any of these services
- Service as an intermittent disaster response appointee of the National Disaster Medical System when activated under federal authority or attending authorized training in support of a federal mission.

Military service leave (except for annual training) is unpaid. Employees, however, may use any or all of their accrued but unused vacation or other paid time off during their military service leave.

Employees will retain their health insurance coverage for the first 31 days of uniformed service. Employees out on military leaves of absence that extend beyond the 31 days will be eligible for COBRA benefits for up to 24 months. Upon return of leave, employees are eligible for immediate reinstatement of benefits. If health care coverage is discontinued by the employee during his or her military service, employees are entitled to immediate reinstatement of coverage upon re-employment with no waiting period or exclusion for pre-existing conditions.

Paid time off benefits will continue to accrue during a military leave of absence. Employees will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Employees must apply for re-employment after return from uniformed services as follows: Employees must report to work within eight hours of returning from duty following service of less than 31 days. For service between 32 days and 180 days, employees must report to work within 14 days following service. Employees must report to work within 90 days following return after service of more than 181 days. Time limits may be extended when an employee suffers service-related injuries that prevent him or her from applying for re-employment or when circumstances beyond his or her control make reporting within the time limits impossible or unreasonable. Employees who believe that they are entitled to a time limit extension must notify the human resource department as soon as reasonable to request a time limit extension.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed, or they will be placed in a comparable position, depending on the length of military service in accordance with USERRA.

Propel prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's membership in or obligation to perform service for any branch of the US military. Specifically, no one will be denied employment, reemployment, promotion or any other benefit of employment or be subjected to any adverse employment action based on that person's membership in or service for any branch of the US military. In addition, no one will be

disciplined, intimidated or otherwise retaliated against because that person exercised rights under this policy or applicable law.

Propel is committed to enforcing this policy against discrimination and retaliation. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately.

Questions regarding USERRA coverage should be directed to the accounting office.

Approved By	Date
Dr. Tina Chekan	6/12/23
Board of Trustees	6/12/23