

**ABSENCE FROM WORK**

**SECTION (5)**

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## HOLIDAYS

## SECTION 5.1

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### Purpose of this Section:

The AACS provides its employees holidays commensurate with local prevailing standards. Holiday paid time must be documented on time sheet. Holiday paid time applies to all full-time employees and exempt employees. Holiday paid time is based on employee's normal scheduled work day. Employee must normally be scheduled to work on noted Holiday. *Refer to section 2.10 of the Personnel Policies and Procedures Manual. [Revised June 2009]*

### Procedure:

(1) HOLIDAYS. (FOR NON-HEAD START FIELD-BASED EMPLOYEES)

The AACS celebrates and observes the following holidays:

New Year's Day (January 1)

The Day After New Year's Day (This day may assigned during the Christmas holidays at the Executive Director's discretion.)

Martin Luther King's Birthday (Observed the third Monday in January)

Good Friday (1/2 Day in the Afternoon)

Memorial Day (Last Monday in May)

Independence Day (July 4)

Labor Day (First Monday in September)

Veteran's Day (November 11)

Thanksgiving Day (Fourth Thursday in November)

The Friday after Thanksgiving

Christmas Day (December 25)

The Day after Christmas

- (a) Holidays occurring on Saturday are observed on the preceding Friday. Holidays occurring on Sunday are celebrated on the following Monday.
  - (b) Holiday time takes precedence for employees on Vacation, Health Care, and any Exempt Staff Administrative, or other leave. That is, employees are not charged for accrued leave when a holiday applies. *[Revised April, 1994]*
  - (c) Employees taking religious or any other days not itemized above are charged for accrued leave or leave without pay.
- (2) Holidays for Head Start "Agreement Employees": Holidays for Agreement employees will be published by the AACS, Inc. Head Start administrative staff for each respective school system and non-school-based Head Start centers.

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- “Agreement” employees working in school system center at least 190 days annually shall observe holidays designated in that school system’s (district) calendar. [Revised February 2008]
  - “Agreement” employees working more than 190 days, but less than 210 days shall observe a maximum of six (6) holidays. [Revised February 2008]
  - “Agreement” employees working 210 days to 240 days shall observe eight (8) holidays
  - Migrant “Agreement” and non-school system “Agreement” employees working 185 days annually shall observe a maximum of five (5) holidays annually. [Revised August 2004]
  - Holidays for “Agreement” employees will be designated on each employee’s schedule, reported on their timesheet and subject to supervisory approval. [Rewritten December 2003]
- (a) Holidays occurring on Saturday are observed on the preceding Friday. Holidays occurring on Sunday are celebrated on the following Monday.
  - (b) Holiday time takes precedence for employees on Vacation, Health Care, and any Exempt Staff Administrative, or other leave. That is, employees are not charged for accrued leave when a holiday applies. [Revised April 1994]
  - (c) Employees taking religious or any other days not itemized above are charged for accrued leave or leave without pay.
- (3) HOLIDAYS FOR HEAD START FIELD-BASED EMPLOYEES. Head Start Center-based employees shall adhere to the school calendar and holiday schedule of the school district for the jurisdiction in which their center is located. The Head Start administrative staff shall publish the calendar for each respective school district and the holidays which each school district observes.
  - (4) HOLIDAYS FOR PART TIME HEAD START EMPLOYEES. All Head Start part time employees will receive Holiday paid time based on employee’s normal scheduled work hours per day. (Added October 2009)

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- (5) HOLIDAYS FOR GRITS HOURLY EMPLOYEES. The Holidays that are observed by GRITS are regulated by the HSTD guidelines (603 KAR 7:080).  
*[Added April 2008]*

- (a) The current observed holidays are:

New Years Day  
Memorial Day  
Fourth of July  
Labor Day  
Thanksgiving Day  
Christmas Day

- (a) Holiday Work-Incentive Pay for GRITS Staff. GRITS drivers required to work on a scheduled grantor observed holiday or other declared “emergency”-leave days will receive one and one-half times their normal rate of pay.  
*[Added February 2005]*

**Purpose of this Section:**

The AACS understands that there are times of family distress when employees may need to be excused from work for an extended period of time without having to worry about job security or benefits. (*Added October 2003*) The Family and Medical Leave Act (FMLA) of 1993 (effective August 5, 1993) sets the national standard for providing such leave.

**Procedure:**

- (1) **Family Leave.** This leave is provided for qualified employees. An *unpaid* Family Leave is available for a maximum (up to, but not an automatic) limit of twelve (12) weeks for an employee's own illness or in order for an employee to provide *needed* care for an immediate family member with *serious illnesses*, a newborn, newly-adopted child or foster child. (Couples employed at the agency are restricted to a total of twelve (12) weeks Family Leave for serious illnesses involving themselves and other immediate family members.) [*Revised December, 1993*]
  - (a) Family Leave (under FMLA) is granted without pay to employees who have no accrued leave time. Any accrued leave on record the date the Family Leave begins must be applied toward the Family Leave. Employees on family medical leave who have such accrued leave time will continue *with* pay, and their Time and Attendance Sheet shall be noted accordingly with Vacation or Medical leave applied until both are exhausted. When accrued leave time is exhausted, the remainder of the leave will be without pay. Single health insurance benefits will continue to the extent they are currently paid by the Agency. All other benefits remain intact during FMLA. (*Added October 2003*)
  - (b) **Twelve work weeks (continuous or intermitted leave)** (*Added December 1999*) of Family Medical Leave is allowed one time during a "rolling" twelve-month period (year) measured backward from the date an employee uses an FMLA. [*This change in the provision regarding the defined twelve-month year shall be effective as of March 1, 1994, so as to permit the sixty-day notification period required under the FMLA for material changes in an employer's policy relating to the FMLA.*] Verification of the basis for such leave shall be provided by the employee. The rule of "medically necessary" shall apply; the granting of Family Leave is *not* otherwise required or appropriate. [*Revised December, 1993*]
  - (c) The maximum allowable leave under this FMLA/Family Leave provision is twelve weeks, as provided by law. [*Added December, 1993*] *Outside employment by the employee while on Family Leave is strictly prohibited and will result in termination of employment.* [*Added April 1996*]

- (d) The agency assures the employee the opportunity to return to an equivalent (comparable) job (generally meaning equivalent pay), but does not guarantee the employee will return to the same job.
- (2) (a) Employees may qualify if they have completed at least one year of service and 1,250 hours during the twelve-month period to the agency and they work at least twenty-five (25) hours per week during their regularly scheduled working time.
- (b) Qualified employees shall apply for FMLA Family Leave when their own personal illness/medical absence reaches seven (7) consecutive calendar days (one week). Any Medical Leave or Vacation Leave previously used during that illness may be restored when — or if — the FMLA request is processed and granted. Generally, the same provision will apply when an employee must provide needed care for a covered "immediate family member." The twelve-week FMLA limitation will begin with the first day the FMLA Family Leave approval is effective.
- (3) Unless impossible to do so, the employee should must give thirty (30) day's notice of the requested Family Leave. [Revised December, 1993]
- 4) The agency shall require that an employee use any available paid leave he/she may have accrued prior to entering a non-paid leave status. In any event, the combination of accrued leave taken and the unpaid Family Leave shall not exceed the twelve-week maximum.
- (5) In determining an employee's eligibility for a FMLA Family Leave, the agency reserves the right to demand the employee produce the certification of need provided for in the FMLA. And in all cases the agency reserves the right to seek a "second opinion" from another qualified physician other than the employee's.
- (6) The employee must at the time an FMLA is requested complete the following: *Request for Family and Medical Leave of Absence; Reason for Leave; and an Insurance Premium Recovery Authorization/Reimbursement Agreement (if applicable) and Certification of Health Care Provider (Added June 1996)* before a FMLA leave will be approved. [Added April, 1994]
- (7) Notwithstanding the definition of *immediate family* stated elsewhere in this manual, the agency shall employ the FMLA standard definition of "family member" for the purpose of considering and granting family medical leave under the provisions of the FMLA law. That definition is as follows:

Leave required to care for oneself or to attend to the serious health needs of a child, parent or spouse. The birth of a child of an employee, the adoption and placement of a child (as in the case of a state-approved foster care placement) with an employee is also covered under the FMLA.

"Child" means a biological, adopted or foster child, stepchild, or legal ward who is either under eighteen years of age or a legally dependent adult. "Parent" means a biological, adoptive or foster parent, stepparent or legal guardian. *[Subsection 7 Added December, 1993]*

- (8) A doctor's statement is required when an employee is returning from a medical leave involving his/her own illness lasting one week or longer and for which a FMLA Family Leave was requested and approved. *[Added December, 1993]*

**Purpose of this Section:**

The agency provides reasonable, legally required support for its staff who actively serve in the nation's military.

**Procedure:**

**MILITARY LEAVE.** AACS employees who are members of the United States Armed Forces, Kentucky National Guard, and/or active military reservists may be granted up to two weeks paid time at their usual rate for annual military service. Military Leave exceeding two weeks requires the use of Vacation Leave or Leave of Absence without pay.

- (a) Employees ordered for a military physical may be paid for time away from work but not to exceed two weeks.
- (b) Military Leave benefit payments shall be recorded on the Time and Attendance Report. Required copies of Orders must be presented with the employee's request.
- (c) Military Leave must be requested by the employee and approved by the Executive Director prior to enactment.
- (d) Paid Military Leave shall not be due to an employee if his/her military service should occur during any non-pay status.

**Purpose of this Section:**

To provide guidelines for the agency's reasonable and/or legally-required support for its staff members who are required to serve as jurors or witnesses in courts of law or other court-related actions.

**Procedure:**

**JURY LEAVE.** Benefited, full-time employees are granted paid time off for jury duty. Procedures and conditions include: *[Revised August 2004]*

- (a) The employee must present the summons or court document to their supervisor as soon as practicable after receipt.
- (b) If released from jury duty during the course of the day, employee is expected to work the remainder of their scheduled work day. *[Revised June 2009]*
- (c) Jury Duty should not exceed thirty (30) calendar days; jury duty exceeding thirty (30) calendar days requires prior approval of the Executive Director
- (d) Other provisions include the following:
  - An employee shall receive continued compensation, and Sick and Annual Leave shall continue to accumulate during jury duty leave.
  - Employees shall record jury duty leave time on the employee's Time and Attendance Report.
  - Paid Jury Duty shall not be due an employee if his/her leave time should occur during any non-pay status.
  - Compensation received by an employee for jury duty service shall be retained by the employee.

**WITNESS LEAVE/OTHER COURT-RELATED ACTIONS.** Employees who are subject to a subpoena, or otherwise compelled as a witness, for AACS-related business must notify their supervisors, and immediately notify the Personnel Director.

- (a) The guidelines stated above for jury duty leave applies to witness duty leave.
- (b) AACS reserves the right to operate according to the best interests of the agency with respect to other issues that may arise as a result of an AACS employee being required to serve as a witness in court or a court-related action with regard to agency business, in particular, with respect to its duty to maintain confidentiality

**JURY AND WITNESS LEAVE**  
*(Revised April 2002)*

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Employees called to testify in court or another court-related action for reasons not related to their capacity, as an AACS employee must utilize personal leave time for such non-business related court actions and/or appearances. In these cases, immediate notification of an employee's supervisor is still required.

## EXCUSED ABSENCE

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### Purpose of this Section:

There may be reasons of inclement weather, unsafe driving or working conditions, or other reasons deemed appropriate by the Executive Director.

### Procedure:

**Excused Absence.** The Executive Director or his/her designee(s) may excuse employees they supervise for reasons such as:

- Unsafe working conditions
- Hazardous road conditions
- The purpose of blood donation.

(a) An excused absence will normally not exceed two to four hours and will not be charged to Vacation Leave.

(b) The Executive Director must be consulted and must approve excused absences for employees for the reason cited or for any other as he/she may deem reasonable.

**Purpose of this Section:**

It is the policy of AACS to grant employees reasonable bereavement time without loss of pay when a death occurs in their immediate family.

**Procedure:**

**FAMILY BEREAVEMENT LEAVE.** AACS full-time and part-time employees scheduled to work at least 20 hours per week may be granted *up to* three consecutive calendar days for a death in their immediate family. "Immediate Family" is defined as a spouse, parent, child (natural or adopted), brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent, grandchild, step-parent, step-children, a person who is legally acting in one of the above capacities, or another relative living in the employee's residence.

- (a) Employees shall notify their supervisors of the bereavement and shall indicate Family Bereavement Leave on their Time and Attendance Reports.
- (b) Employees exceeding the granted bereavement time shall communicate their absence and reason to their supervisor, and any additional time will be charged to Vacation Leave, if available, or Leave Without Pay
- (c) Bereavement time extended beyond the three-day limit requires the Executive Director's prior approval and the use of other accrued leave
- (d) To qualify for this leave benefit, AACS may require the employee to provide confirmation of the bereavement.
- (e) The policy only confers *up to* three days leave for bereavement in the immediate family. Each case is decided according to its own circumstances, and three days time off are *not* assured in any instance.
- (f) As a general rule employees are expected to return to work the day following the family member's funeral/burial, regardless of an abbreviated length of time the employee may have taken off for the bereavement.

## **TIME OFF TO VOTE**

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### **Purpose of this Section:**

The agency encourages and supports its employees in the free exercise of their civic duty to vote.

### **Procedure:**

#### **TIME OFF TO VOTE**

- (a) Time-Off-To-Vote is not posted on Time and Attendance Reports. In order to assure adequate agency staffing at all times, AACS supervisors may schedule *up to* two hours leave during a morning or afternoon shift for AACS employees to vote.
- (b) Employees not registered to vote are ineligible for "Voting Leave."
- (c) Employees who choose to vote before or after AACS work hours are not entitled to receive additional time off under the "Voting Leave" provision.
- (d) No employee is assured a full two hours leave for voting: supervisors shall take into consideration what is reasonable and may grant employees less than two hours leave to vote.

**Purpose of this Section:**

Occasions are likely to arise which do not fit any of the foregoing classes of leave or those subsequent to an employee's depletion of accrued leave. Except in cases of work related injury or a Family Medical Leave, leave without pay may only be granted once an employee has exhausted all other leave time. Worker's Comp period unpaid leave shall be three (3) months plus vacation balance plus sick leave balance, even though no paid leave time is accessible during periods compensable through Worker's Comp. Unpaid leave *may* be offered on a limited basis. *[Added June 1996]*

**Procedure:**

**LEAVE OF ABSENCE.** Leave of Absence requests may be granted to regular full-time employees. Leave shall not exceed ninety (90) calendar days. Reasons may include, but not be limited to, family, personal, maternity, family or individual illness, and/or educational needs. Procedures and conditions include:

- (a) The employee must *submit in writing to the Executive Director and his/her supervisor a request for a Leave of Absence* and provide a full explanation of need for the leave *[Added June 1996]*
- (b) The supervisor and the Executive Director both must concur in approving the request
- (c) **Other provisions include:**
  - Benefits do not accrue during a Leave of Absence, (unless leave is protected by the Family Medical Leave Act), which by definition is *unpaid* leave. *(Revised October 2003)*
  - The employee's position *or comparable position* will remain available for the employee's return to duty only if his/her return is not later than the approved date specified in leave approval *[Added June 1996]*
  - Any extension of a Leave of Absence shall require the Executive Director's and Personnel Committee's review and prior approval
  - The AACS may temporarily fill the position of an employee while he/she is on an approved Leave of Absence
  - Leave of Absence extension requests may include educational opportunities enhancing employees' value to agency, extended, Medical or Maternity Leave, lengthened Military Leave requirements beyond the employee's control, or other circumstances not mentioned All types of leave, paid and unpaid, added together shall not exceed an employee's cumulative absence from work of more than *90 calendar* days, unless the Executive Director grants a waiver of this limitation for the employee. In the absence of such waiver being granted, the employee's employment with the AACS would be terminated. *[Revised June 2008]*

**UNPAID LEAVE OF ABSENCE FOR PART-TIME EMPLOYEES.** An unpaid leave of absence *may* be granted on a limited basis to part-time employees whose work schedule includes no fewer than twenty (20) hours per week and have worked one (1) year for AACS. Employees working fewer than twenty (20) hours shall not automatically qualify for this unpaid leave, but shall be evaluated and *may* be approved on a case by case basis at the discretion of the Executive Director. All leaves (personal and medical) shall not exceed 60 work days in a “rolling” twelve month period as used for the Family Medical Leave. Reason may include but not limited to vacation or employee/family’s serious illness. Unpaid leave *may* be offered on a limited basis.

Procedures and conditions include:

- (a) Part-time employees must submit a request in writing, if foreseeable, thirty (30) days in advance to the Executive Director for an approved leave for any absence that would exceed two (2) weeks. Failure to submit such request may result in termination.
- (b) The supervisor and the Executive Director both must concur in approving the request.
- (c) Failure to request leave in writing will result in discharge from the Agency.
- (d) The employee’s position *or comparable position* will remain available for the employee’s return to duty.
- (e) A Return to Work Release from the employee’s physician (if leave is for employee’s personal illness) *must* be given to the supervisor before employee can return to work. The Return to Work Release *must* then be forwarded to the personnel office for placement in the employee’s confidential file.
- (f) All types of leave, vacation, personal or medical, must not exceed 60 work days.
- (g) Failure to return to work on the date the approved leave expires will result in termination from the Agency.

**Purpose and Procedure:**

Emergencies such as severe weather, fires, earthquakes, epidemics, power failures, and other dire occurrences may disrupt agency work environments or schedules. These circumstances may require the AACS to close and thus cancel operations for a specified period.

If such emergencies should occur during non-working hours, supervisors will communicate directly to staff the agency's plans and procedures. When appropriate, local media will be asked to broadcast pertinent information on AACS closings or amended schedule of operations.

On emergency closings, Head Start will adhere to local school closing directives/provisions.

***Non-Paid Days***

Head Start field-based employees under contract agreement shall adhere to the calendar of the school district in which their center is located. Days designated in the school calendar which are not child days, professional days, and holidays designated (i.e., non-school days) shall be considered non-paid days. Employees shall not be eligible for use of sick or personal leave days on such non-paid days.