

## VIII. ABSENCES

### A. POLICY

AURA recognizes that time away from work may be required from time to time and, in many cases, is vital to ensuring that staff have opportunities to take a break from working. AURA provides a variety of paid and unpaid absences. Please see the Center Human Resources Office for questions concerning interpretation of this policy or its provisions.

Each Center shall adopt such leave notification, approval and documentation procedures as required to assure appropriate implementation of this policy.

The AURA President, Center Directors, or their designees may make exceptions to this policy. Unpaid leave may be extended at the discretion of the Center Director for an employee who has used all accrued sick leave and vacation leave (subject to 6 month limitation listed in Sections G and H, herein).

Leave with pay which has been previously approved will not be changed to another category of leave unless there is an insufficient balance to cover the leave type. Generally, computation of leave accrual for all leave will be based upon the same date of eligibility, except in instances of a change in status from one employee classification to another.

**It is the employee's responsibility to make sure s/he has an adequate balance for any leave requested.**

Each Center is expected to comply with any and all applicable Federal and State regulations regarding leave. In the event that an applicable Federal or State regulation differs from this policy, the regulatory requirement will supersede the provisions of this policy.

### B. VACATION

1. Regular, full-time, exempt employees accrue vacation leave at the rate of 16 hours/month – 7.3846 hours/bi-weekly pay period worked.
2. Regular full-time, non-exempt employees accrue the following vacation leave per bi-weekly pay period and based on continuous years of service. Previous periods of employment will be credited only if the last termination was to enter the U.S. Armed Forces, or if termination was due to a Center's involuntary reduction in force and the employee is rehired within one (1) year of the reduction in force.

Less than two years' service	8 hrs/mo - 3.6923 hrs/bi-weekly pay period
Two through five years' service	12 hrs/mo - 5.5385 hrs/ bi-weekly pay period
Over five years' service	16 hrs/mo - 7.3846 hrs/ bi-weekly pay period

3. Part-time staff, working at least half the full-time work hours, accrue a proportionate amount of vacation leave based on scheduled work hours. With the approval of the Center Director, a Center may base vacation leave accrual for these part-time employees on actual time worked.
4. Except for emergency situations, vacation leave generally must be requested and approved in advance. Approval of vacation is at the discretion of Center management and may be denied because of working conditions.
5. The maximum vacation accrual which may be carried forward to a new calendar year, is 384 hours. This limitation does not apply to Center Directors.
6. Vacation accrues on a per pay period worked basis, during all time the employees is in a paid status, including a leave with pay status.
7. Vacation leave may not be used before it is earned.
8. Pay will not be granted in lieu of vacation except that which is paid upon termination. The maximum vacation leave payable at termination is 384 hours.
9. Temporary employees do not accrue vacation leave.

**C. SICK LEAVE**

1. Personal Use of Sick leave, with pay, is granted to all regular and temporary full-time and part-time (regularly scheduled to work at least half time -- 20+ hours per week) staff employees in the event of their own personal illness. Regular part-time and temporary employees who work at least half the full-time work hours receive proportionate sick leave credit based on scheduled work hours. With the approval of the Center Director, a Center may base sick leave accrual for these part-time and temporary employees on actual time worked.

2. Sick leave accrues on a bi-weekly pay period basis as follows:

First year	8.0 hrs/mo – 3.6923 hrs / bi-weekly pay period
Second & Third year	13.5 hrs/mo – 6.2308 hrs/ bi-weekly pay period
More than Three years	20.0 hrs/mo – 9.2308 hrs/ bi-weekly pay period

3. The maximum sick leave accrual which may be carried forward to a new calendar year, is 1,440 hours.
4. Written substantiation may be required, at any time, for an absence charged to sick leave.

5. Sick leave will not be used during absence due to work-related illness or injury. See Section G.1 of this policy.
6. Up to 40 hours of an employee's personal sick leave in a 12-month period may be used:
  - a. to provide care for the illness or medical care of a spouse (including domestic partner) or dependent child; or
  - b. to provide care in the event of a life-threatening illness of parents/parents-in-law, independent children/children-in-law, grandparents/grandparents-in-law, siblings/siblings-in-law, and grandchildren. Life-threatening illness is generally defined as a medical condition, treatment or procedure that puts, or could put, the individual's life in imminent risk; or
  - c. to provide care for the qualified illness of a family member as defined under the Family and Medical Leave Act or applicable state law.

Limits on use of this leave are at the discretion of the Center Director, or designee. Leave qualifying under the Family and Medical Leave Act (FMLA) is covered in Section VIII.H.

6. Accrued, unused sick leave will not be paid upon termination.

## **D. HOLIDAYS**

### **1. Holidays for Regular, Full-Time Employees**

AURA recognizes 10 paid holidays. The following 6 designated holidays shall be observed as paid non-work days for full-time staff at all AURA Centers: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

- a. In addition to holidays listed above, four holidays shall be observed as determined by the Center Director or a designee. If the Center Director does not designate specific holidays, they may be taken as elected by the employees as discretionary holidays.
- b. Holidays falling on Saturday will be observed the Friday preceding. Holidays falling on Sunday will be observed the Monday following.
- c. The Center Director designates holidays for the Centers' Chilean operations, providing they do not circumvent Chilean labor laws.
- d. In recognition of local tradition and culture, some AURA sites may observe holidays in addition to the ones enumerated above. To accommodate such situations the Center Director may request as many as four additional holidays.

- e. Granting of additional holidays, to a maximum total of 14 days, will be at the discretion and approval of the AURA President.

## 2. Holidays for Regular, Part-time, Employees

Regular, part-time employees, who are scheduled to work 20+ hours per week, receive the same holidays as do full-time employees and are paid a pro rata share of holiday leave based on scheduled work hours. With the approval of the Center Director, holiday leave for these employees may be based on worked hours.

## 3. Pay for Holidays on Non-Scheduled Work Days

Employees eligible for holiday will receive pay for the holiday even if the day falls on a non-scheduled work day.

## 4. Holidays During Authorized Absences

Holidays occurring during vacation or sick leave will be paid and not charged to vacation or sick leave. This does not apply if the vacation is granted in conjunction with retirement or termination.

## 5. Work Performed on a Scheduled Holiday

If a non-exempt employee is **required** (subject to approval of management) to work on a scheduled holiday, time worked will be paid at one and one-half times the hourly rate, in addition to, up to eight hours of holiday pay.

## **E. BEREAVEMENT LEAVE**

Regular, full-time employees may be granted up to 5 working days in a calendar year as paid bereavement leave in the event of the death of an immediate family member. Regular, part-time employees who regularly work 20+ hours per week may receive a pro-rata share of leave. Pay for part-time employees will be computed on the same pro rata basis as for holidays. A request for additional time requires the approval of the Center Director, or designee.

Immediate family is defined as spouse, domestic partner, children/children-in-law; parents/parents-in-law; grandparents/grandparents-in-law; grandchildren; siblings/siblings-in-law and/or an individual in like standing, by law or relationship, as well as a member of the employee's established household.

## **F. MISCELLANEOUS LEAVES WITH PAY**

## 1. Court Leave

Employees called for jury duty or required to testify or participate in a court case not involving themselves will be allowed the necessary time off without loss of pay. Pay for part-time employees will be computed on the same pro rata basis as for holidays. Employees may retain any reimbursement for court or jury duty.

Employees released early from jury duty are expected to report for work to complete the normal workday. Shift employees will report for work at the normal starting time, or upon release from court or jury duty.

## 2. Voting

An employee may be allowed up to three hours away from regular duties, and without loss of pay, in order to vote in a general, primary, or local election, provided his/her duty station location is such as to make it a hardship to vote within the times the polls are open. Each Center shall determine eligibility for use of this leave, the process for requesting the exercise of this privilege as well as the maximum amount of voting leave appropriate to an employee's duty station.

## 3. Military Leave

Up to 10 paid working days in any fiscal year may be granted to a full-time employee who is ordered to active duty as a member of The U.S. Armed Forces and produces confirmatory evidence. Regular, part-time employees, employed at least half-time, may be granted leave on a similar basis, with pay equivalent to their regular scheduled hours. Time off with pay is allowed for pre-induction physical examinations.

## 4. Hazardous Conditions

The AURA President, Center Directors, or their designees, may authorize absence with pay due to the development of unique conditions, which are hazardous or potentially hazardous to the well being of employees. Such absence will be charged to administrative leave. Administrative leave is paid leave granted by the appropriate Center Director, or designee, under extraordinary conditions (e.g. dangerous weather conditions, failure in heating/cooling or electrical systems, and/or other situations where health and safety of the staff are of concern). In some instances, Center's may designate liberal leave conditions which allow employees to utilize leave benefits without requiring prior approval for the time off.

## **G. ABSENCE DUE TO WORK RELATED ILLNESS OR INJURY**

### 1. Regular Staff and Temporary Staff

- a. Full-time and part-time staff absent due to work-related causes will receive full pay based on standard scheduled hours until they return to work or the expiration of six months' absence, whichever comes first. To qualify for this status, all income benefits received by the employee from Worker's Compensation must be returned to AURA. Sick leave will not be used for work-related absences provided the claim is accepted by the workers compensation insurance carrier.
- b. If qualified, the employee may apply for benefits under AURA's Long Term Disability (LTD) Insurance Plan. Eligibility for long-term disability will be determined by the Center's LTD insurance carrier.
- c. Prior to the end of six month's absence, the case will be reviewed to determine the employee's future status. Generally, according to AURA policy, if an employee is unable to return to work after a six month absence, employment will cease. Benefits for which the employee would be eligible (e.g. disability benefits) may continue.

## **H. FAMILY AND MEDICAL LEAVE (FMLA)**

Separate from the paid Sick Leave for Family Use described above in the section on Sick Leave, AURA seeks to assure employees of the availability of leave with job protection under certain circumstances and events critical to the life of their families.

1. AURA employees who have been employed at least 12 months and have worked at least 1,250 hours during the 12 months preceding the requested leave are eligible for leave required for medical or family reasons as set forth in the Family and Medical Leave Act (FMLA).
2. Eligible employees may receive up to 12 weeks of unpaid leave (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during any consecutive 12-month period, (based on a rolling forward 12-month calendar).
3. Employees are entitled to this leave for the following reasons:
  - a. For incapacity due to pregnancy, prenatal medical care or child birth;
  - b. To care for the employee's child after birth, placement for adoption or placement for foster care (this leave must be taken during the first twelve (12) months of the birth or placement),
  - c. To care for the employee's spouse, child or parent who has a serious health condition;

- d. For a serious health condition that makes the employee unable to perform the employee's job;
  - e. Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation,
  - f. Military caregiver leave to care for an ill or injured service member (See Military Family Leave Entitlements below).
4. This benefit is provided in accordance with the Family and Medical Leave Act of 1993 and subsequent amendments. When the leave is foreseeable, to the extent possible, a written request for the leave should be made to the Center's Human Resources department at least 30 days in advance. If not foreseeable, notification of the employee's absence should be made to the Center's Human Resources department **no later than the third consecutive day** of the employee's absence. Determination of FMLA eligibility is at the discretion of Center Human Resources. Eligible employees must submit, in a timely fashion, all applications and medical certification(s) as may be required under the provisions of the Act. Failure to provide the required applications and medical certification(s) can result in denial of protections under FMLA.
5. FMLA protects an employee's employment status during the leave. Income during this period may be received from the utilization of accrued vacation, discretionary holiday (if applicable) and/or sick leave benefits. Employees are required to use all accrued vacation leave, discretionary holidays, or, in the event of the employee's health condition, accrued sick leave for all or any part of the 12 weeks before using unpaid leave (except where state law may restrict this requirement). If the condition qualifies for short-term disability coverage and such coverage is available at the Center, the employee is required to comply with the filing of all necessary forms and provide the required documentation to receive short term disability benefits.
6. During the unpaid leave, AURA will provide the same health care coverage under the same conditions as during active employment. Should the employee not return to work at the expiration of unpaid leave, or does not return for more than six months, employment will cease and the employee may be required to reimburse AURA for its share of insurance premiums paid during the leave. AURA reserves the right to take any such steps, as necessary, to recover these premium amounts.
7. Upon return from an authorized leave under FMLA, employees will be restored to their original, or an equivalent position, with equivalent pay, benefits, and other employment terms.
8. Military Family Leave Entitlements:



- a. Eligible employees with a spouse, child or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
  - b. FMLA also includes a special leave entitlement that permits the spouse, child, parent or next of kin of a Covered Service Member to take up to 26 weeks of leave to care for the Covered Service Member. A Covered Service Member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment; recuperation; or therapy; or is in outpatient status; or is on the temporary disability retired list.
9. Spouses employed by the same employer are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a Covered Service Member with a serious injury or illness is also used). Leave for birth or placement of a child, must conclude within 12 months of the birth or placement.
10. It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding related to FMLA.

## **I. OTHER LEAVES OF ABSENCE (LOA)**

1. A Leave Of Absence (LOA), for good and sufficient reasons, may be granted in addition to the other leave(s) offered in this absence policy. A LOA for a term of one (1) year or less may be granted by the Center Director. Leave of more than one year requires approval by the AURA Board of Directors. Employees are entitled to restoration of their original or equivalent positions with equivalent pay, benefits, and other employment terms only if such LOA is granted for a period of 90 days or less.
2. An employee approved for a LOA is required to exhaust all accrued vacation, sick, and/or discretionary holiday (if applicable) leave prior to using unpaid time, also referred to as Leave Without Pay (LWOP)



3. Once the employee has been in a LWOP status for 31-calendar days, insurance coverage is canceled. Medical, dental, and life insurance may then be continued, subject to approval of insurance carriers, with the employee paying 100 percent of the premiums and, in certain instances, an administrative service fee.
4. If the employee fails to return as scheduled, AURA will assume that s/he has voluntarily terminated and will act accordingly. For these reasons, LOA should be fully discussed, documented and planned with the Center's Human Resources Manager.
5. Contributions to the retirement plan, which are based on paid salary, cease once the employee is in LWOP status. Vacation and sick leave do not accrue while in LWOP status. LWOP status does not affect seniority dates used for computing accruals.

#### **J. PAID PARENTAL (Maternity/Paternity) LEAVE - Effective January 1, 2011**

1. Regular full-time and part-time (regularly scheduled to work at least 20 hours per week) staff employees who have been employed at least 12 months and have completed at least **1,250** hours within that 12 month period are eligible to receive, up to six (6) weeks of paid parental leave for the birth and/or adoption of the employee's own child. This leave is applicable for the birth parent(s), adoptive parent(s) and/or domestic partner.
2. This paid leave is available for use in a single consecutive six-week block of time, either continuously or intermittently, usually commencing upon the birth/adoption of the child and usually ending six weeks from the date of birth/adoption but in no case later than twelve weeks from the birth/adoption of a child.
3. Paid Parental Leave will run concurrently with FMLA (if eligible)
4. Paid Parent Leave is limited to a total of six (6) weeks per individual, nine (9) weeks per family (in the case where both parents are employed by AURA), per birth/adoption per twelve (12) month period. The number of children does not increase the length of Paid Parental Leave.
5. Paid Parental Leave will coordinate benefits with any group disability income replacement benefit policy (e.g. short-term disability insurance), up to 100 percent of the recipient's salary.
6. In some instances, Paid Parental Leave may occur prior to the event when deemed medically necessary or when requisite to fulfill the legal requirements for

an adoption. In this instance, the commencement of eligibility for Paid Parental Leave will be the first day the employee(s) is scheduled to be out.

7. In instances where the employee is in a medical status where s/he is eligible to use sick leave, sick leave may be used prior to using Paid Parental Leave. Paid Parental Leave will not reduce an employee's balance of accrued time under any paid leave program (vacation, sick, discretionary holiday). Paid Parental Leave must be exhausted prior to the use of vacation, discretionary holiday or unpaid leave.
8. During the leave, AURA will provide the same benefit coverage under the same conditions as during active employment. Should the employee not return to work at the expiration of the leave, or does not return for more than six months, the employee will be required to reimburse AURA for its share of insurance premiums paid during the leave. AURA reserves the right to take any such steps, as necessary, to recover these premium amounts.
9. Paid Parental Leave must be requested, in writing, at least thirty (30) days in advance, unless significant medical and/or adoptive issues make this impossible. The employee must notify Center Human Resources within three (3) work days if s/he is absent from work pursuant to issues related to childbirth or the adoption of a child.
10. Paid Parental Leave may be used in cases of stillbirth. In such an event, a maximum of two weeks of Paid Parental Leave may be used. This form of Paid Parental Leave is used in place of AURA's Bereavement Leave provisions set forth in this policy.