



# General Employee Guidelines and Procedures

2018-2019

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## INTRODUCTION

Dear TA Employee,

We are so glad that you are an employee of TA! Founded in 1917, Yeshivas Chofetz Chaim / Talmudical Academy of Baltimore ("TA") is one of the most venerable institutions of Jewish learning in the United States. Over these many years, TA has succeeded in producing young men of stature Torah learning, in secular scholarship, and in communal leadership.

The objectives of TA's educational program are to assist its student in achieving their highest potential in Torah and General Studies. Based upon the principles of Torah and Halacha, and by emphasizing the "total person," TA aims to develop the general character of the student as he prepares to become a responsible member of the Jewish community.

This Employee Handbook provides a summary of employee benefits and guidelines with respect to your employment at TA. It does not cover all aspects of your employment, and additional guidelines may be provided to you by your supervisor and/or the head of your division. You are responsible to read and understand this Employee Handbook. If you have any questions, please discuss them with your supervisor.

The policies in the handbook replace any earlier policies. This Handbook may be revised from time to time, as needed, without prior notice as business, employment, legislative and/or economic conditions dictate. Any such revisions apply to existing as well as future employees. Revisions will be made as they are approved, and distributed as needed.

TA's administration takes pride in our employees, and expects a standard of excellence in job performance by all. TA's success depends on the full and effective use of the abilities of all of its employees.

We look forward to continuing to work together to provide the very best for our students, our staff and our community.

Sincerely,



Peretz Wertenteil  
*Chairman*



Rabbi Yehuda Lefkovitz  
*President*



Rabbi Yaacov Cohen  
*Executive Director*

## **WORKPLACE STANDARDS**

### **At-Will Employment**

Unless expressly agreed to in writing by an authorized designee of TA, all employees of TA are at-will employees. As such, an employee may resign at any time and for any reason with or without advance notice. Likewise, TA has the right to terminate its employment relationship with an employee at any time and for any reason with or without advance notice. When applicable, TA strictly adheres to guidelines set forth in the Torah Umesorah Code of Practice for schools.

### **Equal Employment Opportunity**

TA is an equal opportunity employer. Equal employment opportunity has and will continue to be a fundamental principle at TA. This policy applies to all terms and conditions of employment, including but not limited to recruiting, hiring, placement, promotion, pay and benefits, terminations, transfer, leaves of absence, compensation, training, and all other terms of employment. TA bases employment on personal capabilities and qualifications. We do not discriminate on the basis of race, color, religion, sex, age, national origin, disability, veteran or disabled veteran status, pregnancy, marital status, sexual orientation, alienage or citizenship status, creed, genetic disposition or carrier status, or any other legally protected status. TA acknowledges all legally protected classes and will apply the same fair and just standards to employees in these categories. In addition, TA will provide reasonable accommodations to a qualified disabled employee who has made TA aware of his or her condition. The accommodation must not impose an undue hardship on TA. If you are disabled and believe you need an accommodation to perform the essential functions of your job, please contact the school administration. The Administration has overall responsibility for this policy and maintains reporting and monitoring procedures. For information regarding the type of conduct that may constitute harassment and TA's internal procedures for addressing complaints of harassment or discrimination, employees should refer to the Policy against Harassment and Discrimination in this handbook.

### **Anti-Harassment and Nondiscrimination Policy**

TA strives to provide a work environment that is pleasant, professional, and free from intimidation, hostility or inappropriate behavior which might interfere with work performance. Harassment or discrimination of any sort - whether verbal, physical, or visual based upon race, color, religion, gender, age, sexual orientation, gender identity, national origin or ancestry, disability, veteran status, or other protected status defined by law, will not be tolerated. Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, e-mail jokes or statements, pranks, intimidation, physical assaults or contact, or violence. Harassment is not necessarily sexual in nature. It may also take the form of other vocal activities. Other prohibited conduct includes written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and retaliatory action against an employee for discussing or making a harassment complaint.

Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature when such conduct creates an offensive, hostile and intimidating working environment and prevents employees from effectively performing the duties of their position. It also encompasses such conduct when it is made a term or condition of employment or compensation, either implicitly or explicitly and when an employment decision is based on an individual's acceptance or rejection of such conduct. It is important to note that sexual harassment crosses age and gender

boundaries and cannot be stereotyped. In some situations, sexual harassment may even involve two women or two men. If you have any questions as to what may constitute harassment, please speak to your supervisor.

## **Reporting Harassment or Discrimination**

All TA employees, and particularly managers, have a responsibility for keeping our work environment free of harassment and discrimination. Any employee, who becomes aware of an incident of harassment or discrimination, whether by witnessing the incident or being told of it, must report it to their immediate supervisor at TA. When the TA becomes aware of the existence of harassment or discrimination, it is obligated by law to take prompt and appropriate action, whether or not the victim wants TA to do so.

Individuals who believe they have been subject to harassment or discrimination, should immediately notify their supervisor at TA. Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his/her rights in pursuing legal action. Also, please note, federal, state, and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, TA strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The Yeshiva will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his/her behavior is unwelcome and requesting that it be discontinued.

All complaints will be investigated promptly and as discreetly and confidentially as is reasonably possible. If harassment or discrimination by an employee is established, TA will take appropriate disciplinary action against the offender. Disciplinary action can range from verbal warnings to discharge, depending on the circumstances. TA will also take any additional action necessary to appropriately remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken for any employee making a good faith report of alleged harassment. TA accepts no liability for harassment or discrimination of one employee by another employee. The individual who makes unwelcome advances, threatens or in any way harasses or discriminates against another employee is personally liable for their actions and the consequences.

TA prohibits any employee from retaliating in any way against anyone who has raised any concern about harassment or discrimination against another individual.

More information on definitions and reporting harassment and discrimination can be found in TA's "School Conduct Policy," which is available in any TA office, and downloadable on TA's website.

## **Reasonable Accommodation of Individuals with Disabilities**

TA makes reasonable accommodations to qualified employees with disabilities for the performance of essential job functions without undue hardship to TA. Accommodations are reviewed case by case in accordance with the Americans with Disabilities Act and any state or local laws that prohibit disability discrimination. All information and documentation received for a reasonable accommodation will be kept confidential to the extent practical and/or required by law.

## **Drug Free Workplace**

TA has adopted a Drug Free Workplace Policy. The unlawful possession, dispensing, distribution, manufacture, sale or use of controlled substances and alcohol in the workplace by a TA employee is prohibited on school premises or as part of any TA activity. Being under the influence of controlled substances and/or alcohol by an employee is prohibited in the workplace, on the school premises or any part of TA activity. Employees are required to notify their supervisor within three (3) days if they are charged with a criminal controlled-drug statute violation. Failure by an employee to report such a conviction may be grounds for disciplinary action. Supervisors who become aware of a conviction of an employee for a criminal controlled-drug statute violation occurring in the workplace should immediately notify the Human Resources Department. Violation of this policy will result in disciplinary action, up to and including discharge, and referral to law enforcement. TA reserves the right to search and inspect for the maintenance of a safe drug-free workplace.

## **Violence in the Workplace**

TA prohibits violence in the workplace. Acts or threats of physical violence, including intimidation, harassment and/or coercion which involve or affect TA or its employees or which occur on TA property will not be tolerated. This applies to all persons involved in TA's operation, including personnel, contract and temporary employees and anyone else on TA property. Any act or threat of violence will result in disciplinary action, up to and including discharge, and referral to law enforcement.

Examples of workplace violence include, but are not limited to:

- a. All threats or acts of violence occurring on TA property, regardless of the relationship between TA and the parties involved.
- b. All threats or acts of violence occurring off TA property involving someone who is acting as a representative of TA.
- c. Grabbing, hitting or shoving an individual.
- d. Threatening an individual or his/her family, friends, associates or property with harm.
- e. Intentional destruction of or threats to destroy TA property.
- f. Making harassing or threatening phone calls.
- g. Harassing surveillance or stalking.
- h. Unauthorized possession or inappropriate use of firearms or weapons.
- i. Intimidating or harassing students, staff or parents.

## **Weapons**

TA prohibits all persons who enter school property from carrying a handgun, firearm, knife or other weapon of any kind regardless of whether the person is licensed to do so. TA also prohibits all employees from having a handgun, firearm, knife or other weapon of any kind in their personal vehicle when that vehicle is being used on TA business. The only exceptions to this policy are police officers, security guards or other persons who have been given consent by TA's Executive Board or administration to carry a weapon on the property or in their vehicle.

## **Smoking**

Use of tobacco, tobacco products, E-cigarettes (electronic) and E-cigarette products at TA is prohibited.

## **Open Communication Standards**

TA encourages you to discuss any issue you may have with a co-worker directly with that person. If a resolution is not reached, please arrange a meeting with your supervisor to discuss any concern, problem or issue that arises during the course of your employment. Retaliation against any employee for the appropriate use of communication channels is unacceptable and will not be tolerated.

## **WORKING AT TA**

### **Employee Information**

TA relies upon the accuracy of information contained in applications and questionnaires as well as the accuracy of other data presented throughout employment. All employees are required to notify promptly of any change of name, address, telephone number, marital status, dependents, or dependent status. Falsification of information on the application for employment is grounds for immediate dismissal.

### **Customer and Community Relations**

The success of TA depends upon the quality of the relationships between TA, our employees, customers and community. Our customers' impressions of TA and their interest and willingness to send their children to our school are greatly influenced by the people who serve them. You are an ambassador of TA. The more good will you promote, the more our customers will respect and appreciate you, TA and the programs we offer to students.

### **Confidentiality Commitment**

As an employee of TA, you may encounter a variety of confidential matters regarding other employees, faculty, staff, students, families, donors, and research. When doing so, it is your responsibility to maintain the highest level of privacy and protection of confidential information for your fellow employees and other members of the TA community. Breach of confidentiality can result in disciplinary action including termination. Nothing herein shall be deemed to limit an individual's right under the law including, without limitation, an individual's right to discuss the terms and conditions of his or her employment with colleagues or management or to provide information to any government agency in accordance with law.

### **Personnel Records and Privacy**

The school administration maintains a personnel record for all employees. This record contains all documentation related to your association with us – i.e., your employment application, resume, payroll information, performance evaluations, letters of commendations, disciplinary actions, if applicable, etc. These records are the property of TA. They are *confidential and can be viewed only* by members of the administration or other authorized management staff and appropriate outside agencies. You may review your record at TA's discretion, by submitting a written request to the administration. Nothing can be removed from your file.

## **Outside Employment**

You may not accept outside employment if it may potentially interfere with your employment at TA or affect your job performance. In addition, the activity or the outside position must not subject TA to criticism, unfavorable publicity, or conflict of interest. All outside employment must be disclosed to your supervisor, who has a right to prohibit such employment.

## **Background and Credit Checks**

Prior to employment, or in the case of promotion to a position of substantial responsibility, all applicants will be subject to a background check and fingerprinting. Background checks will include, but not be limited to, a review of criminal history, verification of employment and education as well as validation of a Social Security number. Candidates applying for positions having contact with finances and/or handling money may also be subject to a credit background check. A copy of the background and credit check will be made available to the applicant and/or candidate as provided by law. This background information is collected as a means of making TA a safe work environment. Any employee of TA who is charged with any state or federal crime (other than minor traffic offenses) has an obligation to inform his or her supervisor within three (3) days of being charged.

## **Meeting Performance Standards**

All employees are expected to meet TA's standards of work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency, and general compliance with TA's policies and procedures. If you fail to meet these standards, TA may, under appropriate circumstances, take corrective action.

The intent of this process is to document performance issues while providing a reasonable time within which to improve performance. The process is designed to encourage development by providing guidance in areas that need improvement, such as poor work performance, attendance problems, personal conduct, general compliance with TA's policies and procedures, and/or other disciplinary problems. TA may give you the opportunity to improve your performance. However, since your employment is at-will, TA reserves the right to dismiss you at any time.

## **Attendance and Lateness**

Attendance at work on each and every scheduled workday is required unless prior permission to be absent has been given by your supervisor. Employees are expected to arrive at work on time and be ready to begin work immediately. Employees must inform their supervisor of impending absences as early as possible and assist in arranging for adequate coverage as needed. When an employee is unable to report to work on time, such employee must call in and notify the office promptly. Continual lateness will result in appropriate time being deducted from the employee's salary or personal days if available. If there are no available days, proportionate monetary deductions will be taken from salary. Failure to meet this requirement may result in disciplinary action up to and including termination.

## **Standards of Conduct**

Whenever people gather together to achieve goals, some rules of conduct are needed to help everyone work together efficiently, effectively, and congenially. By accepting employment with us, you have a responsibility to TA and to your fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict your rights, but rather to be certain that you understand what conduct is expected and necessary. TA employees serve as positive role models for students and

ambassadors to the greater TA community. TA expects each employee to maintain the highest standards of conduct and act in a mature and responsible manner at all times. Employees must not engage in activities which violate federal, state or local laws or which, in any way, diminish the integrity, efficiency or discipline of TA.

## **Behavioral Standards**

TA is committed to providing a safe and appropriate environment for all students, staff and employees. Parents entrust their children to our school. TA strives to establish a safe environment for every child's physical, emotional and spiritual wellbeing.

Deviations from the following guidelines are incompatible with the Yeshiva's goals and standards and are always prohibited:

- Teachers/staff may not be alone with students in any area that cannot be seen or observed by other faculty members or adults.
- Teachers/staff may not be in a locked classroom alone with a student
- No student may be taken off premises without express permission from parent/guardian.
- Doors equipped with windows to permit viewing of the classroom must remain unobstructed at all times.
- Physical force may never be used other than to safeguard against immediate physical danger.
- There must never be unwelcome physical contact, such as patting, pinching, punching, pushing and physical assault or inappropriate touching.
- Teachers/staff must avoid all physical contact with students that could be perceived as sexually motivated or physically abusive.
- Teachers/staff must refrain from denigrating students publicly or privately or from attempts to control or manipulate students through psychological means.
- Teachers/staff may never forbid students to share any conversations or information with parents or administration, nor instruct students to "keep secrets" from their parents.
- Teachers/staff must refrain from sexual attention towards others in the form of remarks, jokes or innuendo about a person's body or clothing including threats of such behavior.
- Teachers/staff shall not distribute or display demeaning, suggestive, or pornographic material.
- There can be no direct or explicit invitations to engage in inappropriate or suggestive activities that may or may not include a promise of reward for complying or a threat of reprisal for not complying.

As with harassment and discrimination, any violation of standards of conduct will not be tolerated. In keeping with its commitment to maintain a safe environment, the school will conduct a thorough investigation, report such violations when legally mandated to appropriate authorities and take necessary measures to counsel or remove individuals who violate these principles.

Any allegations of abuse, harassment or violation of behavioral standards should be reported promptly to the Dean and/or Supervisor. More information on these standards and the reporting procedure can be found in TA's "School Conduct Policy." This guide is available in any TA office, and downloadable on TA's website.

## **Dress Code**

Although the exterior appearance of a person does not necessarily reflect on the individual's internal philosophies and ideologies, nonetheless, a proper tone is set with proper attire. TA's standards for dress

should reflect a professional image, and should be consistent with the culture of our students and parent body.

Women faculty members are expected to wear clothing with sleeves covering the elbow (not sleeveless) and dresses or skirts of at least knee length. We encourage all staff to wear shoes (not sandals) with socks or stockings. The neckline is meant to be just that i.e. near the neck – collar bone. Low necklines are absolutely unacceptable. Since obviously all contingencies cannot be spelled out, faculty members are urged to ask when in doubt, and to dress in a manner befitting a yeshiva.

While it is felt that most staff members generally exercise good judgment, these guidelines are meant to serve as reminder and clarification, of an issue that is of the utmost importance to us.

Each TA division may have more specific guidelines than what is listed in this handbook.

## **Internet and E-Mail Policy**

TA provides access to the Internet to office staff and administration to help you do your work. This Internet E-Mail policy is designed to help you understand TA's expectations and to help you use these resources wisely.

The Internet is a business tool for TA. This means we expect you to use your Internet access for business-related purposes. TA insists that you conduct yourself honestly and appropriately on the Internet, and respect the copyrights, software licensing rules, property rights, privacy and prerogatives of others, just as you would in any other business dealings. Unnecessary or unauthorized Internet usage takes away from work time and ties up systems. Unlawful Internet usage may also garner negative publicity for TA and expose TA to significant legal liabilities.

The following guidelines should be adhered to:

- E-mail, even when deleted, often leaves a permanent copy on the network and/or a hard drive, which might be retrieved later. Therefore, you should assume that every e-mail you send will always be available in any future litigation. Accordingly, never send anything by e-mail that you would not put in a written letter in the files.
- TA's Internet facilities may not be used for personal purposes during business hours.
- Employees may not use e-mail or TA's Internet facilities to infringe the copyright or other intellectual property rights of third parties, to distribute defamatory, fraudulent, or harassing messages, or otherwise to engage in any wrongful or inappropriate conduct.
- Your computer and e-mail messages are Yeshiva property. TA reserves the right to inspect any and all files stored in private areas of our network or on a PC or laptop in order to assure compliance with this policy and/or any suspected fraud.
- TA may have software and systems in place that can monitor all Internet usage. TA wants you to be aware that security systems may be implemented to keep track of each user's World Wide Web site visits or e-mail messages and TA reserves the right to do so at any time. No employee should have any expectation of privacy as to his or her e-mail or Internet usage. TA may review Internet activity and analyze usage patterns to assure that Yeshiva Internet resources are only used consistently with TA's objectives and policy.
- Any software or files downloaded via the Internet become the property of TA. Files and software may be downloaded only for direct business uses, which are consistent with their licenses or copyrights.

- No employee may use the Internet to download or use entertainment software or games.
- No employee may use Yeshiva facilities knowingly to download or distribute pirated software or data.
- Do not download software upgrades or patches to TA's existing software without prior approval.
- TA has installed programs and other security systems to assure the safety and security of TA's networks. No employee should attempt to disable, defeat, or circumvent any Yeshiva security facility.
- Violation of this Internet/e-mail policy may subject employees to immediate dismissal.

## **COMPENSATION AND BENEFITS**

### **Compensation Schedule**

Paychecks are distributed on the 5<sup>th</sup> and 20<sup>th</sup> of every month. Occasionally payroll may be pushed off up to 2 days if the 5<sup>th</sup> or 20<sup>th</sup> of the month occurs over a weekend. 10-month employees will receive 20 checks over a 10 month period. 12-month employees will receive 24 checks over a 12 month period.

### **Pension Benefit Plan**

All staff may choose to enroll in the Yeshiva's 403B Pension Plan. You may elect to contribute a percentage of your salary to this plan. After 6 months of employment, TA will match up to 1.5% of taxable pay. 403B contributions will be deducted off of each paycheck and paid to the company on a monthly basis.

### **Cafeteria Plan - Flex Spending**

TA maintains a section 125 cafeteria flex-spending plan that allows pre-tax withholdings for certain qualified medical and dependent expenses. More information can be obtained from TA's Human Resources office.

### **Disability Plan**

All full time staff will automatically be enrolled in our private disability plan. This plan would cover long term disability if the need should arise. If you should become disabled, you would receive a percentage of your salary for this time.

### **Sick / Personal Days**

TA recognizes that at times there are legitimate reasons for an employee to be absent from work, and paid sick days off are provided for in your benefit package. During an employee's first year of employment at TA, all sick days are accrued at the rate of one day per month (up to maximum). After the first year of employment, all sick days are available on the first day of the school year.

Paid sick days are benefits given by TA in recognition that illness, etc., is not controllable. They are not meant to be gifts to be used regardless of health. Sick days may be used to care for one's self, or any immediate family member. In addition, for some employees, a limited number (details below) of paid

sick days may be used as personal days, meaning, an employee does not have to be sick in order to use these paid days off. Remaining paid sick days may not be used as personal days, and doing so constitutes theft from TA. Any sick days taken over and above the allowable days will necessitate a deduction from salary.

**Ten (10) hour or less / week employees:** Employees working less than an average of ten (10) hours a week will receive sick days only, equal to the amount of hours that they work per week. For example, an employee who works 9 hours a week (average), will receive 9 hours of sick time per year. Sick time may not be used as personal days.

**More than ten (10) hour / week employees:** The following benefits apply to employees who work an average of more than 10 hours per week:

- 4-day/week employees receive 8 sick days, 3 of which may be used as personal days.
- 5-day/week employees receive 10 sick days, 4 of which may be used as personal days.
- 6-day/week employees (Rabbeim who teach on Sunday) receive 12 sick days, 5 of which may be used as personal days.

All unused days rollover to the next school year as sick days only. There is no monetary value for unused sick days and employees will not receive any pay for unused sick days upon his or her departure from TA.

For every 10 years of employment at TA, employees are allowed to use 1 extra sick day as a personal day. (Example: A 5-day/week teacher who has worked at TA for 20 years will receive 10 sick days, 6 of which can be used as personal days.)

## Time Off For Marriage

An employee is eligible to paid time off for marriage, provided this time is taken during the Sheva Brochos week as required by *Halacha* (Jewish Law).

## Simcha Allowance

In the event of a wedding, birth, or bar mitzvah of an **immediate family member or a grandchild**, one additional paid personal day off may be taken in celebration of the simcha. This day can be taken off above and beyond the regular employee personal days, and the "Simcha Allowance" will apply to each individual simcha occurrence. This allowance does not apply to simchos of children of siblings. (Example: The allowance would apply for a sibling's wedding, but would not apply to a sibling's child's wedding.)

## Bereavement

An employee is entitled to paid leave upon the death of a close family member (parent, spouse, sibling, child). The number of days off is limited to the days required by *Halacha* (Jewish Law).

## **Jury Duty**

Maryland law prohibits an employer from discharging or penalizing an employee due to time lost from work as a result of performing jury duty. In addition, all benefits remain in effect. Depending on the length of the jury duty and the time off of work, TA does reserve the right to adjust compensation accordingly.

## **Maternity Policy**

Employees may take off time for maternity leave per the FMLA (see below) without penalty. For every working day an employee is out the appropriate monetary deduction will be deducted less remaining sick days.

## **Professional Development**

Time away from work spent on professional development or training will be paid as if you are at work, with prior approval from your supervisor.

## **Family and Medical Leave Act ("FMLA"):**

Federal law provides employees with job-protected leave under certain circumstances.

Eligible employees of TA are entitled to take a job-protected unpaid Family and Medical Leave Act (FMLA) leave during any rolling 12-month period for one or more of the following reasons:

1. The employee's own serious health condition;
2. To care for a child, spouse, or parent who has a serious health condition;
3. The birth of a child or placement of a child for foster care or adoption

For purposes of this policy, phrases such as "serious health condition", "next of kin", and "serious injury or illness" are terms defined by governmental regulations. If you have any questions as to what these terms mean and/or whether they apply in your circumstances, please contact the administration.

TA employees are eligible for FMLA leave if they meet the following two requirements:

1. They have been employed by TA for at least 12 months; and
2. They have completed 1,250 hours of service during the 12-month period prior to the commencement of a leave.

An employee's FMLA entitlement runs concurrently with all other applicable unpaid leaves including, but not limited to, short-term and long-term disability and Workers' Compensation. An employee must use available paid sick leave where an FMLA leave is taken for his or her own serious health condition (including childbirth). Employees will not be required to use accrued vacation or personal leave unless such leave otherwise would be forfeited under TA's personnel policies or the applicable labor agreement. However, an employee may elect to substitute earned vacation or personal time for otherwise unpaid FMLA leave, if he or she does so prior to taking FMLA leave. An employee who elects to take paid leave must follow all applicable Yeshiva policies with respect to the use of that leave. Once such accrued benefits are exhausted, the balance of the FMLA leave will be without pay, unless the employee is eligible for short-term disability benefits in accordance with applicable state law.

During FMLA leave that runs *concurrently* with paid leave, all of an employee's benefits will continue as elected prior to the commencement of the leave. During FMLA leave that is unpaid, all benefits that

operate on an accrual basis, such as sick, personal, and vacation days, will cease to accrue. Employees may take intermittent or reduced schedule Family or Medical leave for their own serious health condition, to care for a child, spouse, or parent who has a serious health condition or where such leave is medically necessary for planned or unanticipated medical treatment of a serious health condition or for recovery from treatment or recovery from a serious health condition. Leave taken for qualifying exigencies may also be taken on an intermittent basis. When an employee takes intermittent or reduced schedule leave, TA may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates a reduced-schedule or intermittent leave schedule. Intermittent or reduced-schedule leave should be scheduled to the extent possible to minimally disrupt school operations.

Where reasonable and practicable, the employee must give at least thirty (30) days' advance notice prior to the commencement of a FMLA leave. If proper notice is not given, leave may be denied unless there is a reasonable excuse for the delay. Except in cases of extreme medical emergencies, employees are expected to advise their supervisor as soon as they know the need for and expected duration of the leave, and generally within two business days of the time they know of the need for leave. Notice may be given by telephone, e-mail, fax, or other similar methods. The employee, where practicable, must make a reasonable effort to schedule his/her leave so as not to interrupt TA operations unduly. TA will notify the employee requesting leave whether he/she is eligible for FMLA. If the employee is eligible, the notice will indicate any additional information required and describe the employee's rights and responsibilities. If the employee is not eligible, TA will provide a reason for the ineligibility.

The employee must provide medical certification from a health care provider to confirm that the employee or employee's child, spouse, or parent has a serious health condition. For the purposes of a FMLA leave, a serious health condition is an illness, injury, impairment, or a physical or mental condition that involves:

1. any period of incapacity or treatment in connection with, or following, inpatient care in a hospital, hospice, or residential medical care facility;
2. any period of incapacity requiring absence from work, school, or other regular daily activities for more than three calendar days that also involves continuing treatment by a health care provider; or
3. continuing treatment by, or under the supervision of, a health care provider for prenatal care, or for a chronic or long-term health condition that is so serious that if not treated would likely result in a period of incapacity for more than three calendar days.

Note that all employees are required to submit documentation substantiating sick leave absences (including those not covered by the FMLA).

An employee requesting leave for a qualifying exigency should provide documentation pertaining to the exigency, including a copy of his or her family member's military orders, except in circumstances make it impossible or unreasonable to do so. Medical certification by a health care provider or certification of a qualifying exigency must be provided within 15 days of the leave request unless it is not possible to do so. Failure to provide the required certification on time may impact the employee's ability to take the leave as requested.

TA may seek clarification or authentication of information provided on a medical certification form, and may require an opinion from a second health care provider to verify any information in the medical certification.

TA requires that the serious medical condition be recertified every 30 days except for leave related to pregnancy or childbirth or where the minimum duration of the serious health condition at issue is more than 30 days. For employees requesting intermittent or reduced leave for periods in excess of six months, TA requires recertification every six months. In addition, employees are required to report periodically on their status and intent to return to work. If the circumstances of an employee's leave change and the employee is able to return to work earlier than originally indicated, the employee should notify the Yeshiva at least two days prior to the date that he/she intends to return to work.

An employee returning from FMLA leave taken for his/her own serious health condition must provide certification from a health care provider that he/she is medically able to resume work. An employee failing to complete the return-to-work medical certification form will not be permitted to resume work until the completed form is provided.

Eligible employees taking leave under this policy will be reinstated to their former position or to an equivalent position with equivalent benefits and other terms and conditions of employment. However, no employee is entitled under this policy to any right, benefit, or position other than that to which the employee would have been entitled had he/she not taken leave. Thus, for example, if a layoff or some other extenuating circumstance or business condition arises that affects the employee's position, reinstatement may not be possible. An employee who does not return to work after exhausting available FMLA leave will not be reinstated to employment, except as provided by an applicable collective bargaining agreement.

TA reserves the right to deny reinstatement to certain key employees, where such denial is necessary to prevent substantial and grievous economic injury to TA's operations. Key employees will be notified of TA's intention in this regard as soon as a determination is made that such injury would occur. In the event such notice is given to a key employee already on leave, the employee will be offered the opportunity to terminate his or her leave and immediately return to work.

The taking of another job while on FMLA leave may lead to disciplinary action, up to and including discharge.