Southwest Open School Annual Leave Policy

Adopted: April 11, 2016
Revised: September 29, 2022

Southwest Open School (SWOS) understands the significance of having employees who are leaders in their field and endeavors to encourage innovation and creativity in our employees to ensure that SWOS remains a leader in providing alternative educational opportunities in our community. It is important that SWOS employees who are responsible for facilitating the educational experience are provided with adequate annual leave to care for themselves and to focus their creative endeavors both personally and professionally so that new ideas can continue to be generated.

Purpose

It is the policy of SWOS to allow eligible employees to take annual leave in the case of sickness, family emergencies and to provide for self care. Employees eligible for annual leave will be held accountable for the activities or materials they choose to conduct or create during this leave. The purpose of annual leave is to support the needs of the staff member.

PART 1 -- DEFINITIONS

For purposes of this policy the following terms have the meaning ascribed to them.

1. "Full time employee" means an employee who is regularly scheduled to work more than 30 hours per week.

2. "Part-time employee" means an employee who is regularly scheduled to work fewer than 30 hours per week.

3. "Year" means the 12-month period beginning on July 1 of each calendar year and ending on June 30 of the next succeeding calendar year.

4. "HFWA" means the Healthy Families and Workplaces Act, C.R.S. §§ 8-13.3-401, *et seq*.

5. "Substitute hourly rate" means the then current substitute daily rate divided by eight.

PART 2 – LEAVE POLICY

Annual Leave for Full Time Employees

Effective on July 1 of each year, each full-time employee shall be allotted the following leave in advance for that year: Sixteen (16) hours of personal/emergency leave and eighty (80) hours of discretionary leave. If employment begins after July 1, the annual leave will be allocated on a prorated basis. **For example, an employee who begins work six months after July 1 will be allocated one-half of the annual leave set forth above.**

Use of Personal/Emergency Leave

Personal leave may be taken with prior written notification to the Director with a minimum of five days' written notice. Prior approval is not required for an emergency leave, please contact the Director for direction and approval upon return.

Use of Discretionary Leave

Employees may use accrued Discretionary Leave for illness, medical appointments, and other medical issues that impact the employee, their household family members, their children, their siblings or their parents.

SWOS urges employees to use professional judgment in taking discretionary leave for reasons other than illness, medical appointments or family emergencies. Annual leave days are not vacation days and employees should not view them as such. Discretionary leave days are in place in case of illness, emergency, or personal needs. Use of annual leave for reasons other than illness, medical appointment or family emergency must be approved by the Director one week in advance. Exceptions to this five-day period may be given by the Director.

Discretionary Leave (with the exception of a verifiable illness or emergency) may not be used in conjunction with a scheduled school holiday or within two weeks of the beginning or end of the school year. Any exception requires approval of the Director.

If an employee uses more leave than they have accumulated, such excess leave shall be unpaid. In the case of unpaid leave, the amount of unpaid leave shall be calculated based on a pro-ration calculated by dividing the employee's annual salary by the number of work days scheduled for the year to arrive at a daily rate. The hourly rate shall be the daily rate divided by eight.

Accrual of Annual Leave

Personal/Emergency Leave. If during a year, a full-time employee does not use the entire amount of personal/emergency leave allocated to them at the beginning of that year, the **accrued** but unused personal/emergency shall be paid out at the substitute rate ($90 per day) in the employee's next paycheck after the end of the year. Personal/Emergency Leave does not carry forward from year to year.

Discretionary Leave. If during a year, a full-time employee does not use the entire amount of Discretionary leave allocated to them at the beginning of that year, the accrued but unused Discretionary leave will be carried forward up to a maximum of 560 hours. Any carryforward leave may be used as sick leave only. Accrued but unused leave will be paid to an employee upon retirement at the current substitute hourly rate at the time of retirement. No compensation for unused leave will be paid to any employee upon separation for any reason other than PERA qualified retirement. Employees who wish to

receive payment for accrued leave upon retirement must notify their administrator about their intent to retire one year in advance.

Paid Sick Leave for Part-Time Employees

Each part-time employee shall accrue paid sick leave at the rate of one hour for every hour worked up to a maximum of 48 hours of paid sick leave per year. A part-time employee may carry forward a maximum of 48 hours per year. Part-time employees shall not be entitled to receive a payment for accrued but unused paid sick leave upon separation of employment.

FMLA

If an employee takes leave under the Family Medical Leave Act, the employee must take paid leave up to the amount of any accrued but unused paid leave. After all accrued leave is exhausted, FMLA leave shall be unpaid.

Application of HFWA

Employers, regardless of size, are required to provide up to 80 hours of paid leave related to a public health emergency (PHE).

CO HFWA General Paid Sick Leave (PSL): Employers with 16+ employees are required to provide up to 48 hours of sick pay per year (this is unrelated to the pandemic).

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