SCITECH ACADEMY

FAMILY AND MEDICAL LEAVE ACT

I.   PURPOSE

The purpose of this policy is to describe the rights and obligations of Scitech Academy and the employees pursuant to the Family and Medical Leave Act.

II.   POLICY STATEMENT

Scitech Academy fully complies with all federal law regarding family and medical leave.   This policy is intended to define Scitech Academy's compliance with those laws.

III.   FAMILY AND MEDICAL LEAVE ACT

A. General Provisions. It is the policy of Scitech Academy to grant up to 12 weeks (or 26 weeks if leave is taken to provide care for qualifying family member(s) injured during active military service) of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act ("FMLA"). (*See* 29 U.S.C. 2601, *et seq.*)

B. Eligibility. In order to qualify to take family and medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for Scitech Academy at least 12 months (these 12 months need not have been consecutive);

2. The employee must have worked at least 1250 hours during the 12-month period immediately before the date when the leave would begin (this calculation includes only actual hours worked, and will not include any holiday, personal time off, or other forms of paid

leave that may occur during the relevant 12-month review period, regardless of whether such time is counted as hours worked for over time purposes).

C. Married Partners. Married partners who both work for Scitech Academy are limited to a combined total of 12 weeks of leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent with a serious health condition. Similarly, married partners who both work for Scitech Academy are limited to a combined total of 26 weeks of leave to care for a covered member of the military who is injured in the line of duty.

D. Reason for Leave. In order to qualify as FMLA leave under this policy, the employee must be taking the leave for one of the reasons listed below:

1. The birth of a child;

2. The adoption of a child, or the placement of a child with the employee for foster care;

3. The employee's own serious health condition (a "serious health condition" is an illness, injury, impairment or physical or mental condition that requires either an overnight stay at a hospital, hospice, or residential medical care facility, or a condition that requires continuing care by a licensed health care provider as defined in applicable Department of Labor regulations, and in the case of an employee, makes the employee unable to perform the functions of the employee's position);

4. To care for a spouse, child or parent with a serious health condition; or

5. Due to a "qualifying exigency" for the spouse, children, or parents of individuals who are on, or are about to be on, "covered active duty";

   a. A "qualifying exigency" includes attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings as defined in applicable Department of Labor regulations.

b. "Covered active duty" means members of either the regular or reserve components of the Armed Forces who have been deployed to a foreign country.

6. To provide care for a "covered service member" with a serious injury or illness incurred or exacerbated in the line of duty while on active duty (employees eligible to take military caregiver leave include the spouse, children, parents and next of kin of military personnel).

7. Employees with questions about whether their leave needs may be covered under the FMLA policy are encouraged to consult with the Executive Director.

E. Duration of Leave.

1. For all FMLA covered leaves other than leave taken to provide care for wounded military personnel, eligible employees can take up to 12 weeks of leave under this policy during any 12-month period. Scitech Academy will use a rolling 12 month period measured backward from the date an employee uses any leave under this policy to determine whether an employee has exhausted his or her 12 weeks of leave. Each time an employee takes leave, Scitech Academy will compute the amount of leave the employee has taken under this policy for any form of FMLA leave in the last 12 months and subtract that amount from the employee's 12 weeks of available leave; the balance remaining is the amount the employee is entitled to take at that time.

2. For all FMLA covered leaves taken to provide care for wounded military personnel, eligible employees can take up to 26 weeks of leave under this policy during any single 12-month period. This single 12-month period begins on the first day the employee takes FMLA leave to provide care for wounded military personnel. Any FMLA time taken for any other reason listed in paragraph C, during this single 12-month period shall count against the 26 weeks of leave available to care for wounded military personnel. Similarly, any FMLA time taken to care for wounded military personnel shall count against the 12 weeks of leave applicable to the employee for any other reason under paragraph C.

F. Employee Benefits during Leave.

1. While an employee is on leave, Scitech Academy will continue the employee's medical, dental, vision, and life insurance benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on a paid leave, Scitech Academy will continue to make payroll deductions as normal to collect the employee's share of the premium.

2. While on unpaid leave, employees will continue to be responsible for their share of the insurance premiums either by prepaying their share of health premiums before the leave starts (either by payroll deduction or lump sum payment) or making monthly payments while out on leave. The payment must be received in the Scitech Academy accounting Department by the 1st day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

3. If the employee chooses not to return to work, for reasons other than a continued serious health condition, Scitech Academy may require the employee to reimburse Scitech Academy the amount it paid for the employee's health insurance premium during the leave period.

G. Use and Accrual of Paid and Unpaid Leave.

1. FMLA leave is unpaid. However, Scitech Academy requires that employees use all Paid Time Off during any FMLA leave. Leave that qualifies for workers' compensation, short-term disability, or other wage replacement benefits may still be covered by the FMLA (even though the leave is paid), and will count against the employee's overall FMLA balance.

2. Benefit accruals, such as Paid Time Off, will be suspended during the leave, and will resume upon return to active employment.

H. Intermittent Leave or a Reduced Work Schedule.

1. In addition to taking leave in consecutive blocks of time, eligible employees may be allowed to take time off intermittently (i.e. reduced work weeks or reduced workdays) if needing leave for one of the following reasons:

a. The employee's serious health condition;

b. The serious health condition of a spouse, parent, or child;

c. To provide care for a "covered service member" with a serious injury or illness incurred or exacerbated in the line of duty while on active duty; or

d. Due to a "qualifying exigency" for the spouses, children, or parents of individuals who are on, or about to be on, covered active duty.

2. To qualify for intermittent leave, the employee must show that the intermittent leave is medically necessary or, in the case of d. above, related to a "qualifying exigency". If leave is taken on an intermittent or reduced leave schedule due to the foreseeable leave needs (other than qualifying exigencies), Scitech Academy may temporarily transfer an employee to an alternative position with equivalent pay and benefits if a position is available.

I. Certification of the Need for Leave.

1. Scitech Academy may ask for certification to verify the need for leave for the reason requested by the employee. The employee must respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of the leave. Scitech Academy may also require recertification during the leave to verify the status of the need for leave.

2. Scitech Academy may directly contact the health care provider or other third-party to verify and clarify information contained in the certification. Employees are responsible for signing or obtaining any authorization necessary to permit the health care provider or other third party to provide Scitech Academy with the required information.

3. Scitech Academy has the right to ask for a second opinion of a certification of a serious health condition. Should the school choose to do so, the school will pay for the employee to get a certification from a second health care provider, which will be selected by the school. If it is necessary to resolve a conflict between the original certification and the second opinion, the school will

require the opinion of a third health care provider. Scitech Academy and the employee will jointly select the third doctor, and the school will pay for the opinion. This third opinion will be considered final.

J. Returning From Leave.

1. If feasible, employees taking leave under this policy may be returned to the same jobs they held when their leaves began. If this is not feasible, employees will be returned to a position that entails substantially equivalent skill, effort, responsibility and authority as the position they previously held. The only exceptions to this rule will be in circumstances of layoffs or reorganizations, where the employees' positions would have been eliminated even if they had not been on leave. Employees returning from a leave of absence for their own serious health condition may be required to provide a fitness for duty assessment.

K. Procedure for Requesting Leave.

1. When an employee plans to take leave under this policy, the employee must give Scitech Academy 30 days notice. If it is not possible to give 30 days notice, the employee must give as much notice as is practical. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to Scitech Academy's operations. If an employee fails to provide 30 days' notice of foreseeable leave, the leave request may be denied until at least 30 days from the date Scitech Academy received notice.

2. All employees requesting leave under this policy must submit the request in writing to their immediate supervisor. Where the need for leave is not foreseeable, employees must verbally notify their supervisor of the need for leave as soon possible, and follow Scitech Academy's normal call-in procedures for unexpected absences. Failure to follow normal call-in procedures under such circumstances will be treated like any other violation of the school's call-in procedures, and may result in discipline or termination, even though the leave itself may be covered by the FMLA. Employees may be required to confirm their need for FMLA in writing after giving verbal notice.

3. While on leave, employees may be required to periodically report to Skyline Math and Science Academy regarding the status of their intent to return to work.

L. Rights, Remedies, and Additional Information.

1. Scitech Academy fully complies with the provisions of the FMLA. Accordingly, any employee who has questions regarding this policy is encouraged to contact the Executive Director. Further information on employee rights and remedies under the FMLA can be located on Scitech Academy's FMLA poster (which can be found in the school office) or online at the Department of Labor's website at: http://www.dol.gov/esa/whd/fmla/.

Legal Reference: 29 U.S.C. §2601, *et seq.* (Family and Medical Leave Act)