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**FAMILY AND MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT POLICY**

Pathways Academy Adult Education (“PAAE” or the “Charter School”) complies with the federal Family and Medical Leave Act (“FMLA”) and the California Family Rights Act (“CFRA”), both of which require PAAE to permit each eligible employee to take up to twelve (12) workweeks, or twenty-six (26) workweeks where indicated, of FMLA and/or CFRA leave in any twelve (12) month period for the purposes enumerated below.

**EMPLOYEE ELIGIBILITY CRITERIA**

To be eligible for FMLA/CFRA leave, the employee must have been employed by PAAE for at least twelve (12) months, worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of FMLA/CFRA leave, and work at a location where PAAE has at least fifty (50) employees within a seventy-five (75) mile radius, except for purposes of CFRA where the threshold is five (5) employees.

**EVENTS THAT MAY ENTITLE AN EMPLOYEE TO FMLA/CFRA LEAVE**

Any leave taken (with or without pay) by the employee for any of the following reasons:

1. To bond with the employee’s newborn child or a child placed with the employee for adoption or foster care within one (1) year of the birth, adoption, or placement of a child under age eighteen (18) with the employee. Under FMLA, if both parents are employed by PAAE, the leave is shared between the parents and will be granted in the order requested. Under CFRA, if both parents are employed by PAAE, each parent of the child will be granted up to 12 weeks of leave.
2. Due to the employee’s own serious health condition causing the employee to be unable to perform one or more of the essential functions of their job. This excludes a disability caused by pregnancy, childbirth, or related medical conditions, as they are covered by the PAAE’s pregnancy disability policy.
  - a. A “serious health condition” is an illness, injury (including those occurring in the workplace), impairment, or physical or mental condition of the employee or a child, parent, or spouse of the employee that involves either inpatient care or continuing treatment, including, but not limited to, treatment for substance abuse.
  - b. “Inpatient care” means a stay in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity. A person is considered “inpatient” when a health care facility formally admits them to the facility with the expectation that they will remain at least overnight and occupy a bed, even if it later develops that such

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- person can be discharged or transferred to another facility and does not actually remain overnight.
- c. “Incapacity” means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.
  - d. “Continuing treatment” means ongoing medical treatment or supervision by a health care provider.
3. To care for a qualifying family member
    - a. FMLA: Includes a spouse, child under the age of 18, or parent with a serious health condition or military service-related injury.
    - b. CFRA: Includes a spouse or domestic partner, child, parent, parent-in-law, grandparent, grandchild, or sibling. As well as a “designated person” defined as any individual related by blood or whose association with the employee is equivalent to a family relationship. The employee may identify the designated person at the time they request paid sick leave. Employees are limited to one designated person in a 12-month period.
  4. For any “qualifying exigency” because the employee is the spouse, child, or parent of an individual on active military duty, or an individual notified of an impending call or order to active duty in the Armed Forces.

**AMOUNT OF FMLA/CFRA LEAVE WHICH MAY BE TAKEN**

1. FMLA/CFRA leave can be taken in one (1) or more periods, but may not exceed twelve (12) workweeks total for any purpose in any twelve (12) month period, as described below, for any one, or combination of, the above-described situations. “Twelve workweeks” means the equivalent of twelve (12) of the employee’s normally scheduled workweeks. For a full-time employee who works five (5) eight-hour days per week, “twelve workweeks” means sixty (60) working days, and/or paid, eight (8) hour days.
2. In addition to the twelve (12) workweeks of FMLA/CFRA leave that may be taken, an employee who is the spouse, child, parent, or next of kin of a covered Armed Forces service member shall also be entitled to a total of twenty-six (26) workweeks of FMLA leave during a twelve (12) month period to care for the service member.
3. The “twelve month period” in which twelve (12) weeks of FMLA/CFRA leave may be taken is the twelve (12) month period immediately preceding the commencement of any FMLA/CFRA leave. 4. If a holiday falls within a week taken as FMLA/CFRA leave, the week is nevertheless counted as a week of FMLA/CFRA leave. If, however, PAAE’s business activity has temporarily ceased for some reason and employees are generally not

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expected to report to work for one or more weeks, such as the Winter Break, Spring Break, or Summer Vacation, the days the Charter School's activities have ceased do not count against the employee's FMLA/CFRA leave entitlement. Similarly, if an employee uses FMLA/CFRA leave in increments of less than one (1) week, the fact that a holiday may occur within a week in which an employee partially takes leave does not count against the employee's leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday.

4. Intermittent FMLA/CFRA Leave may be taken when the leave is for the serious health condition of the employee or the employee's immediate family member as defined in this policy. Intermittent leave for the birth of a child or placement of a child for adoption or foster care must be pre-approved by the supervisor and or designee. Intermittent leave may be taken in no less than thirty (30) minute increments.

**PAY DURING FMLA/CFRA LEAVE**

1. An employee on FMLA/CFRA leave must use all accrued paid sick leave at the beginning of any otherwise unpaid FMLA/CFRA leave period. If an employee is receiving a partial wage replacement benefit during the FMLA/CFRA leave, PAAE and the employee may agree to have PAAE-provided paid leave, such as vacation or sick time, supplement the partial wage replacement benefit unless otherwise prohibited by law.
2. An employee on FMLA leave for child care, or to care for a spouse, domestic partner, parent, or child with a serious health condition, may use any or all accrued sick leave at the beginning of any otherwise unpaid FMLA leave.
3. If an employee has exhausted their sick leave, leave taken under FMLA/CFRA shall be unpaid leave.
4. The receipt of sick leave pay or State Disability Insurance benefits will not extend the length of the FMLA/CFRA leave. Sick pay will accrue during any period of unpaid FMLA/CFRA leave only until the end of the pay period in which unpaid leave began.

**HEALTH BENEFITS**

The provisions of PAAE's various employee benefit plans govern continuing eligibility during FMLA/CFRA leave and these provisions may change from time to time. The health benefits of employees on FMLA/CFRA leave will be paid by PAAE during the leave at the same level and under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period. When a request for FMLA/CFRA leave is

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granted, PAAE will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period. If an employee is required to pay premiums for any part of their group health coverage, PAAE will provide the employee with advance written notice of the terms and conditions under which premium payments must be made. PAAE may recover the health benefit costs paid on behalf of an employee during their FMLA/CFRA leave if:

1. The employee fails to return from leave after the period of leave to which the employee is entitled has expired. An employee is deemed to have “failed to return from leave” if they work less than thirty (30) days after returning from FMLA/CFRA leave; and
2. The employee’s failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to FMLA/CFRA leave, or other circumstances beyond the control of the employee.

**SENIORITY**

An employee on FMLA/CFRA leave remains an employee and the leave will not constitute a break in service. An employee who returns from FMLA/CFRA leave will return to their original job or an equivalent job with equivalent pay, benefits, and other employment terms and conditions as when the leave commenced.

**MEDICAL CERTIFICATIONS**

1. An employee requesting FMLA/CFRA leave because of their own, or a qualifying family member’s serious health condition must provide medical certification from the appropriate health care provider on a form supplied by PAAE. Absent extenuating circumstances, failure to provide the required certification in a timely manner (within fifteen [15] days of PAAE’s request for certification) may result in denial of the leave request until such certification is provided.
2. PAAE will notify the employee in writing if the certification is incomplete or insufficient and will advise the employee what additional information is necessary in order to make the certification complete and sufficient. PAAE may contact the employee’s health care provider to authenticate a certification, as needed.
3. PAAE may request a second opinion by a health care provider of its choice (paid for by PAAE). If the second opinion differs from the first one, PAAE will pay for a third, mutually agreeable health care provider to provide a final and binding opinion.

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4. Recertifications are required if leave is sought after expiration of the time estimated by the health care provider. Failure to submit required recertifications can result in termination of the leave.

**PROCEDURES FOR REQUESTING AND SCHEDULING FMLA/CFRA LEAVE**

1. An employee should request FMLA/CFRA leave by completing a Request for Leave form and submitting it to their immediate supervisor . An employee asking for a Request for Leave form will be given a copy of PAAE's then-current FMLA/CFRA leave policy.
2. Employees should provide not less than thirty (30) days' notice for foreseeable childbirth, placement, or any planned medical treatment for the employee or eligible family member. Failure to provide such notice is grounds for denial of a leave request, except if the need for FMLA/CFRA leave was an emergency or was otherwise unforeseeable.
3. Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt PAAE's operations.
4. If FMLA/CFRA leave is taken because of the employee's own serious health condition or the serious health condition of an eligible family member, the leave may be taken intermittently or on a reduced leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition and based on FMLA/CFRA leave eligibility.
5. If FMLA/CFRA leave is taken because of the birth of the employee's child or the placement of a child with the employee for adoption or foster care, the minimum duration of leave is two (2) weeks, except that PAAE will grant a request for FMLA/CFRA leave for this purpose of at least one day but less than two (2) weeks' duration on any two (2) occasions.
6. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a eligible family member, the employee may be transferred temporarily to an available alternative position, for which they are qualified, that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position.
7. PAAE will respond to an FMLA/CFRA leave request no later than five (5) business days of receiving the request. If an FMLA/CFRA leave request is granted, PAAE will notify the employee in writing that the leave will be counted against the employee's FMLA/CFRA leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

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**FAMILY AND MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT POLICY****RETURN TO WORK**

1. Upon timely return at the expiration of the FMLA/CFRA leave period, an employee (other than a “key” employee whose reinstatement would cause serious and grievous injury to PAAE’s operations, if under FMLA leave only) is entitled to the same or a comparable position with the same or similar duties and virtually identical pay, benefits, and other terms and conditions of employment, unless the same position and any comparable position(s) have ceased to exist because of legitimate business reasons unrelated to the employee’s FMLA/CFRA leave.
2. When a request for FMLA/CFRA leave is granted to an employee (other than a “key” employee under FMLA leave), PAAE will give the employee a written guarantee of reinstatement at the termination of the leave (with the limitations explained above).
3. Before an employee will be permitted to return from FMLA/CFRA leave taken because of their own serious health condition, the employee must obtain a certification from their health care provider that they are able to resume work.
4. If an employee can return to work with limitations, PAAE will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, the employee will be medically separated from PAAE.

**LIMITATIONS ON REINSTATEMENT UNDER FMLA LEAVE ONLY**

1. PAAE may refuse to reinstate a “key” employee if the refusal is necessary to prevent substantial and grievous injury to PAAE’s operations. A “key” employee is an exempt salaried employee who is among the highest paid 10% of PAAE’s employees.
2. A “key” employee will be advised in writing at the time of a request for or, if earlier, at the time of commencement of, FMLA leave, that they qualify as a “key” employee and the potential consequences, with respect to reinstatement and maintenance of health benefits, if PAAE determines that substantial and grievous injury to PAAE’s operations will result if the employee is reinstated from FMLA leave. At the time it determines that refusal is necessary, PAAE will notify the “key” employee in writing (by certified mail) of its intent to refuse reinstatement and will explain the basis for finding that the employee’s reinstatement would cause PAAE to suffer substantial and grievous injury. If PAAE realizes after the leave has commenced that refusal of reinstatement is necessary, it will give the employee at least ten (10) days to return to work following the notice of its intent to refuse reinstatement.

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**EMPLOYMENT DURING LEAVE**

No employee, including employees on FMLA/CFRA leave, may accept employment with any other employer without PAAE's written permission. An employee who accepts such employment without PAAE's written permission will be deemed to have resigned from employment at PAAE.