**Catapult recommends the following leave policies based on your company size:**

1. **Small companies (under 15):** One policy combining all types of leave is sufficient since your organization is not required to follow ADA reasonable accommodation requirements nor comply with the FMLA – sample below. Make sure to review benefits continuation concerns with your broker. (Your company can deny leave for any legitimate business reason as long as the reasons are non-discriminatory/non-retaliatory and in line with your past practices).

The best practice is to provide the same level of leave benefits for employees with similar circumstances. Good documentation should be maintained whenever you are more flexible with an employee due to their specific circumstances. This process requires managers to have been documenting performance issues clearly and discussing them with employees.

**NOTE:** Make sure you review any state policies if you have employees working remotely or from offices in other states to ensure you comply with state leave requirements.

**Personal and Medical Leave Policy (under 15 employees)**

The company will make every effort to support employees who need leave for a variety of reasons, such as family illnesses, school requirements or personal medical needs. This leave may be used once per rolling 12-month year (measured forward from the first date of leave) and is only available to employees who have completed \_\_\_\_\_\_\_ months/days of employment. (NOTE: you could require a 1 month or 3 month waiting period in alignment with any introductory period that you would normally apply.)

The total amount of leave available will be capped at \_\_\_\_ days. The amount of leave granted at the time of the leave request will be determined on a case-by-case basis depending upon:

* the amount of leave that is needed (doctor’s notes or other evidence of the time period required should be provided if possible)
* whether granting such leave would be difficult to accommodate based on business needs
* the employee’s length of service and service record (poor performers with active disciplinary actions generally will not be authorized to take leave)

A leave of absence should be requested in writing to your supervisor with a copy to the Human Resources Manager no later than 15 days prior to the effective date of your leave (unless this is impossible due to an emergency, in which case you submit the request as far in advance of the leave as possible and provide evidence of being unable to provide sufficient notice).

The Company may not be able to continue your group health coverage during leave under the same conditions and at the same level as if you were actively employed. This will depend upon the length of the leave. (NOTE: Research this with your broker before putting your policy in place so that you can clearly communicate guidelines to your employees related to health and other benefits.) If the Company is not able to continue the benefits, you will be given the opportunity to elect COBRA or state continuation coverage as applicable.  You will not accrue employment benefits such as vacation pay, sick pay, pension, etc. while on leave.

If you are granted a leave, you must use all accumulated vacation time and paid sick days as part of the leave.  Once accumulated paid leave is exhausted, the remainder of leave will be without pay if permitted in accordance with deduction laws.

If you do not return to work at the end of your leave of absence or if you accept other employment during your leave, you will be separated from employment.

The Company cannot guarantee reinstatement to your former position when you return from your leave of absence (regardless of length). However, every effort given staffing needs and general business needs at the time of your leave will be made to place you in your former job or in whatever job that is available for which you are qualified.

Those taking personal medical leave will be required to submit a notice that they are able to return to work safely and are able to accomplish the job, if your doctor did not provide a return to work date on the initial medical paperwork at the time of your leave request.

1. **Small companies (under 50, but with 15 or more employees)**: These employers should have a personal leave policy (which specifically excludes personal medical leave, as it will fall under the ADA) and an ADA policy. Employers with under 50 employees are not required to have an FMLA policy. Small companies may remove any reference to FMLA in the policy below (these are in red font).

**Since there is no medical leave other than under the ADA, it is important that for minor medical concerns, your attendance policy is written in a manner that allows you to use good judgment and retain valued employees**.

Any medical need that might be covered under the ADA should be reviewed under an ADA policy (listed separately in our policy templates). Those that do not fall under ADA leave should be dealt with under regular attendance policies.

For this type of personal leave program to work effectively, attendance policies need to be flexible and humane allowing for individual circumstances, past attendance issues and past performance to be taken into account when denying time off or counting it against the employee.

Employers should implement the personal leave program consistently for similarly situated employees to help prevent claims of illegal discrimination, harassment, and/or retaliation. As a result, good documentation should be maintained whenever you are more flexible with one employee due to their specific circumstances. This process requires managers to have been documenting performance issues clearly and discussing them with employees.

**NOTE:** Make sure you review any state policies if you have employees working remotely or for offices in other states to ensure you comply with state leave requirements.

**NOTE 2:** If you permit employees to take leave apart from ADA or FMLA for temporary disabilities such as a sprain, you should do the same for others with temporarily disabling conditions requiring them to be out of work.

1. **Larger companies (50 or more employees)** – The policy below is appropriate with the addition of the RED text. The company should follow all guidelines as for 15-50 employee companies (see above) and should also have an FMLA policy in addition to the ADA policy to be used in combination with the policy below.

**Personal Leave Policy (15 -50 employees AND 50+ employees (with additions in RED))**

The company will make every effort to support employees who need leave for a variety of reasons, such as family illnesses or school requirements. This leave policy does not cover personal medical leave. This policy also does not cover any conditions that are covered under the FMLA otherwise (unless an employee is not eligible for FMLA due to length of service or service hours). If you are taking leave for an FMLA qualifying reason, you should contact Human Resources FIRST in order that the leave may be evaluated as FMLA. If you have a need to take time off from work due to a personal medical condition which might qualify as a disabling condition under the Americans with Disabilities Act (ADA) or ADA as Amended (ADAAA) and are not eligible for or have exhausted FMLA, you should immediately contact Human Resources.

Personal Leave may be used once per rolling 12-month year (measured forward from the first date of leave) and is only available to employees who have completed \_\_\_\_\_\_\_ months/days of employment. (NOTE: you could require a 1 month or 3 month waiting period in alignment with any introductory period that you would normally apply.)

The total amount of leave available will be capped at \_\_\_\_ days. The amount of leave granted at the time of the leave request will be determined on a case-by-case basis depending upon:

* the amount of leave that is needed (doctor’s notes if related to a family member’s medical condition or other evidence of the time period required should be provided if possible)
* whether granting such leave would be difficult to accommodate based on business needs
* the employee’s length of service and service record (poor performers with active disciplinary actions generally will not be authorized to take leave)

A leave of absence should be requested in writing to your supervisor with a copy to the Human Resources Manager no later than 15 days (align with FMLA policy) prior to the effective date of your leave (unless this is impossible due to an emergency, in which case you submit the request as far in advance of the leave as possible and provide evidence of being unable to provide sufficient notice).

Under this policy, the Company may not be able to continue your group health coverage during leave under the same conditions and at the same level as if you were actively employed.  This will depend upon the length of the leave.  (NOTE: Research this with your broker before putting your policy in place so that you can clearly communicate guidelines to your employees related to health and other benefits.) If the Company is not able to continue the benefits, you will be given the opportunity to elect COBRA or state continuation coverage as applicable.  You will not accrue employment benefits such as vacation pay, sick pay, pension, etc. while on leave.

If you are granted a leave, you must use all accumulated vacation time and paid sick days as part of the leave.  Once accumulated paid leave is exhausted, the remainder of leave will be without pay if permitted in accordance with deduction laws.

If you do not return to work at the end of your leave of absence or if you accept other employment during your leave, you will be separated from employment.

The Company cannot guarantee reinstatement to your former position when you return from your leave of absence (regardless of length). However, every effort given staffing needs and general business needs at the time of your leave will be made to place you in your former job or in whatever job that is available for which you are qualified.